

At this time the Courthouse is open to the public. Anyone wishing to attend will need to call ahead at 913-684-0417 to reserve a seat as the meeting room has limited capacity. All visitors will be required to wear a mask. We are encouraging everyone to continue to view the meeting live via YouTube.

***Leavenworth County  
Board of County Commissioners***

***Regular Meeting Agenda***  
300 Walnut Street, Suite 225  
Leavenworth, KS 66048  
January 27, 2021  
9:00 a.m.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- III. ROLL CALL
- IV. PUBLIC COMMENT: Public Comment shall be limited to 15 minutes at the beginning of each meeting for agenda items **only** and limited to three minutes per person. Comments at the end of the meeting shall be open to any topic of general interest to the Board of County Commissioners and limited to five minutes per person. There should be no expectation of interaction by the Commission during this time.

Anyone wishing to make comments either on items on the agenda or not are encouraged to provide their comments in writing no later than 8:00 AM the Monday immediately preceding the meeting. These comments will be included in the agenda packet for everyone to access and review. This allows the Commission to have time to fully consider input and request follow up if needed prior to the meeting.

- V. ADMINISTRATIVE BUSINESS:
  - a) Update from Health Officer
  - b) Driveway relocation cost on 178<sup>th</sup> St.

VI. CONSENT AGENDA: The items on the Consent Agenda are considered by staff to be routine business items. Approval of the items may be made by a single motion, seconded, and a majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, it will be removed from the Consent Agenda and considered separately.

- a) Approval of the minutes of January 20, 2020
- b) Approval of the schedule for the week February 1, 2020
- c) Approval of the check register
- d) Approve and sign the OCB's
- e) Approve Case Number DEV-20-124 & 125 Preliminary and Final plat for Ackerland Hill

VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve a grant revision for submission to the State for Council on Aging.
- b) Consider a motion to approve Board Order 2021-1, creating a Board of Building Codes appeals for the purpose of hearing the appeal of persons aggrieved by the staff interpretation and application of building codes.

VIII. PRESENTATIONS AND DISCUSSION ITEMS: presentations are materials of general concern where no action or vote is requested or anticipated.

- a) Executive session to discuss non-elected personnel

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

**WORK SESSION IMMEDIATELY FOLLOWING  
REGULAR MEETING TO DISCUSS TRAFFIC IMPACT  
AND CROSS ACCESS EASEMENT POLICIES**

# LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

## Monday, January 25, 2021

## Tuesday, January 26, 2021

8:00 a.m. Workforce Partnership Board training session via Zoom

12:00 p.m. MARC meeting via GoToMeeting

## Wednesday, January 27, 2021

9:00 a.m. Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

## Thursday, January 28, 2021

## Friday, January 29, 2021

12:00 p.m. Leavenworth-Lansing Chamber of Commerce meeting via Zoom

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

\*\*\*\*\*January 20, 2021 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, January 20, 2021. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Stieben, Commissioner Kaaz, and Commissioner Culbertson are present; Mark Loughry, County Administrator is present by phone; Also present: David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Krystal Voth, Planning and Zoning Director;

Residents: John Matthews

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

A letter of support was presented for the Little Stranger Church for a grant application.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to sign a letter of support for Little Stranger Church grant application.***

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

David Van Parys presented a Board Order to form a Board of Appeals in relation to building codes.

Commissioner Mike Smith suggested to have staff look into the zoning for Cushing Hospital.

Mark Loughry reported there is a two-year window before the zoning diverts back indicating he is working with staff to get it zoned appropriately.

Commissioner Mike Smith expressed his thoughts on working with the cities on retail and commercial development to keep tax dollars in Leavenworth County.

It was the consensus on the Board to schedule a work session to discuss economic development.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the consent agenda for Wednesday, January 20, 2021 as presented.***

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

Mr. Van Parys requested to place the Board Order for building codes on the agenda for next week and grant a moratorium on the enforcement until the end of February.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to delay to implementation of building codes until March 1, 2021.***

***Motion passed, 4-1 Commissioner Culbertson abstained.***

Bill Noll requested approval of a contract extension with Transystems for the Eastern Gateway Concept Study to provide information to Arup.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the extension of the Transystems contract for the Eastern Gateway Bridge concept study of \$61,540.00.***

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

Mr. Noll requested approval of an agreement with KDOT for the spraying of noxious weeds in the state highway right-of-way.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Kaaz to approve the annual County agreement with Kansas Department of Transportation to treat noxious weeds on state highway right-of ways in Leavenworth County.***

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

Mr. Noll presented the 2021 Leavenworth County Noxious Weed program and submit the approved plan to the Kansas Department of Agriculture.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve and sign the Annual Noxious Weed Eradication Progress Report 2021 for submittal to the Kansas Department of Agriculture.***

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

Mr. Noll requested approval and signature on the 2021 Annual Noxious Weed Eradication Progress Report for submittal to the Kansas Department of Agriculture.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve and sign the 2021 Annual Noxious Weed Eradication Progress Report.***

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

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve the 2021 Leavenworth County Noxious Weed Program.***

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

Commissioner Smith received a complaint about a driveway located on the newly chip and sealed 178<sup>th</sup> Street indicating the concern is the driveway is too steep.

Mr. Loughry indicated he felt the County should work with the property owner to amend the issue with the driveway.

Commissioner Stieben requested the health officer give an update on the vaccinations.

Commissioner Doug Smith attended the Basehor City Council meeting last Wednesday and will participate in the upcoming Juvenile Correctional Advisory Board meeting and MARC meetings.

Commissioner Culbertson met with the city of Easton and worked on the drone footage for the Eastern Gateway Bridge project.

Commissioner Kaaz participated in the Adult Advisory board meeting, represented the County in the Martin Luther King Jr. celebration activities, participated in the Leavenworth City Commission meeting and will attend the Workforce Partnership meeting next week via Zoom.

Commissioner Stieben will be speaking about County business at the Elephant Club in Tonganoxie Thursday night. Commissioner Stieben acknowledged the work of the Cornerstone Church in providing new backpacks, blankets, hats and gloves for the homeless.

Commissioner Doug Smith reported Kansas For Life will hold a candlelight vigil Friday at 5:30 p.m. at the Courthouse.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that the Board recess from open session and go into a closed executive session for a preliminary discussion on the acquisition of real property as justified by K.S.A. 75-4319(b)(6) and that this Board resume open session in this meeting room at 10:35 a.m. Present in the executive session will be Commissioners Jeff Culbertson, Vicky Kaaz, Doug Smith, Mike Smith and Mike Stieben. Present also will be County Administrator Mark Loughry by phone and Senior County Counselor David Van Parys.***

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

The Board returned to regular session at 10:35 a.m. No action was taken and no decisions were made.

Commissioner Kaaz requested the non-elected personnel executive session be placed on the agenda for next week so the County Administrator can be present in person.

Commissioner Stieben reiterated his request to have the health officer present at the next meeting to answer questions about vaccines.

Mr. Loughry will reach out to the health officer and state representatives to inquire about their availability.

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

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

The Board adjourned at 10:49 a.m.

# **LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE**

**Monday, February 1, 2021**

**Tuesday, February 2, 2021**

**Wednesday, February 3, 2021**

9:00 a.m.      Leavenworth County Commission meeting  
• Commission Meeting Room, 300 Walnut, Leavenworth KS

**Thursday, February 4, 2021**

**Friday, February 5, 2021**

ALL SUCH OTHER BUSINESS THAT MAY COME BEFORE THE COMMISSION

ALL MEETINGS ARE OPEN TO THE PUBLIC

COMMENTS SHOULD BE OF GENERAL INTEREST OF THE PUBLIC AND SUBJECT TO THE RULES OF DECORUM

START DATE: 01/16/2021 END DATE: 01/23/2021

TYPES OF CHECKS SELECTED: \* ALL TYPES

			P.O.NUMBER	CHECK#					
1054	ALLIANCE A	ALLIANCE AGAINST FAMILY VIOLEN	317896	90995 AP	01/21/2021	1-001-5-29-204	PER 2021 LVCO BUDGET	13,750.00	
6400	BRYANT JOHN	BRYANT LAW OFFICE PA	317900	90999 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00	
36	CAHILL PAT	PATRICK J CAHILL	317901	91000 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00	
362	CASAD BENJAMIN	BENJAMIN CASAD	317902	91001 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00	
24545	CDW GOVERN	CDW GOVERNMENT INC	317903	91002 AP	01/21/2021	1-001-5-07-362	3773122 HARD DRIVE SHF	144.98	
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	317904	91003 AP	01/21/2021	1-001-5-05-215	0317B242442012 GAS SERVICE	162.36	
164	COLGAN LAW FIRM	COLGAN LAW FIRM LLC	317905	91004 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	2,580.00	
164	COLGAN LAW FIRM	COLGAN LAW FIRM LLC	317905	91004 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	487.50	
164	COLGAN LAW FIRM	COLGAN LAW FIRM LLC	317905	91004 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	178.86	
							*** VENDOR		164 TOTAL
									3,246.36
1219	DIST CT CLERK LV	CLERK OF DIST COURT-LEAV	317908	91007 AP	01/21/2021	1-001-5-11-201	JAN COURT COSTS	2,674.56	
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-001-5-05-215	ELEC SRV ADMIN/WIC/HEALTH	733.50	
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-001-5-05-215	ELEC SVC EMS 9101	793.44	
							*** VENDOR		86 TOTAL
									1,526.94
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	1,850.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	500.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	50.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	25.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	25.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	90.00	
5824	FRONTIER	FORENSIC MEDICAL HOLDINGS OF K	317910	91009 AP	01/21/2021	1-001-5-13-271	INV 16819 DECEMBER AUTOPSIES	60.00	
							*** VENDOR		5824 TOTAL
									8,350.00
81	FULLER G	GARY L FULLER ATTY	317911	91010 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00	
83	GRAFIX SHOPPE	M J DONOVAN ENTERPRISES, INC	317912	91011 AP	01/21/2021	1-001-5-07-213	SH VEHICLE GRAPHICS	306.30	
23435	GUIDANCE C	THE GUIDANCE CENTER	317913	91012 AP	01/21/2021	1-001-5-29-201	PER LVCO 2021 BUDGET	72,809.25	
23435	GUIDANCE C	THE GUIDANCE CENTER	317913	91012 AP	01/21/2021	1-001-5-29-201	PER LVCO 2021 BUDGET	72,809.25	
23435	GUIDANCE C	THE GUIDANCE CENTER	317913	91012 AP	01/21/2021	1-001-5-29-201	PER LVCO 2021 BUDGET	72,809.25	
23435	GUIDANCE C	THE GUIDANCE CENTER	317913	91012 AP	01/21/2021	1-001-5-29-201	PER LVCO 2021 BUDGET	72,809.25	
							*** VENDOR		23435 TOTAL
									291,237.00
1941	HALLEY	LAW OFFICE OF E ELAINE HALLEY	317914	91013 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00	
2628	IMAGETREND, INC	IMAGETREND, INC	317915	91014 AP	01/21/2021	1-001-5-05-220	0805 V2 CANCELLATION-DATA PDF	800.00	
236	INTERPRETERS	INTERPRETERS INC	317917	91016 AP	01/21/2021	1-001-5-19-221	DIST CT INTERPRETER 1/6/21 (20	184.96	
8416	IRON MOUNTAIN	IRON MOUNTAIN INC	317918	91017 AP	01/21/2021	1-001-5-11-208	RSVP8 ON SITE SHREDDING - CO A	20.00	
1175	KANS CO APPRAISERS	KANSAS CO APPRAISERS ASSOC	317919	91018 AP	01/21/2021	1-001-5-41-203	10052 BOB WEBER MEMBERSHIP	125.00	
6636	KANSAS GAS	KANSAS GAS SERVICE	317920	91019 AP	01/21/2021	1-001-5-14-220	510614745 1562996 18 GAS TRANS	1,088.88	
26400	KANSAS GAS	KANSAS GAS SERVICE	317921	91020 AP	01/21/2021	1-001-5-14-220	510614745 1628631 73 GAS TRANS	968.13	
26400	KANSAS GAS	KANSAS GAS SERVICE	317921	91020 AP	01/21/2021	1-001-5-32-392	510614745 1628631 73 GAS TRANS	1,570.57	
							*** VENDOR		26400 TOTAL
									2,538.70
30	KOHL FRANK	FRANK E KOHL	317922	91021 AP	01/21/2021	1-001-5-09-231	COURT APPOINTED ATTORNEY	3,000.00	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	317923	91022 AP	01/21/2021	1-001-5-07-219	INMATE MEDICAL BILL	107.12	
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	317923	91022 AP	01/21/2021	1-001-5-07-219	INMATE MEDICAL BILL	64.22	
							*** VENDOR		1629 TOTAL
									171.34
168	LCHS	LEAVENWORTH CO HUMANE SOCIETY	317924	91023 AP	01/21/2021	1-001-5-07-266	1 IMPOUND WITH EUTHENASIA	140.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	317925	91024 AP	01/21/2021	1-001-5-11-301	CO ATTY - SKID OF PAPER	1,400.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	317925	91024 AP	01/21/2021	1-001-5-19-301	DIST CT CLERK OFFICE SUPPLIES	976.00	



TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#							
							*** VENDOR	4755 TOTAL	2,376.00	
9762	LEAV POLIC	LEAVENWORTH POLICE DEPT	317926	91025 AP	01/21/2021	1-001-5-11-503	LAW ENFORCEMENT FEES	100.00		
537	LEAV TIMES	LEAVENWORTH TIMES	317927	91026 AP	01/21/2021	1-001-5-19-217	ACCT 172 LEGAL NOTICES	62.30		
537	LEAV TIMES	LEAVENWORTH TIMES	317927	91026 AP	01/21/2021	1-001-5-19-217	ACCT 172 LEGAL NOTICES	58.70		
537	LEAV TIMES	LEAVENWORTH TIMES	317927	91026 AP	01/21/2021	1-001-5-19-217	ACCT 172 LEGAL NOTICES	62.30		
537	LEAV TIMES	LEAVENWORTH TIMES	317927	91026 AP	01/21/2021	1-001-5-19-217	ACCT 172 LEGAL NOTICES	56.90		
							*** VENDOR	537 TOTAL	240.20	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	317881	90993 AP	01/16/2021	0-001-5-28-217	OPL289_K COPIER USAGE -REISSUE	226.72		
2666	MISC REIMBURSEMENTS	DAVID VAN PARYS	317929	91028 AP	01/21/2021	1-001-5-09-205	REIM MILEAGE - SHERMAN TWP FIR	25.76		
1827	MURRAY TILLOTSON & B	MURRAY TILLOTSON & BURTON	317930	91029 AP	01/21/2021	1-001-5-09-231	JORDAN PEMBLE VARIOUS CINC CAS	1,822.50		
103	RESTITUTIO									
							*** VENDOR	103 TOTAL	848.50	
223	RIVERSIDE	RIVERSIDE RESOURCES	317936	91035 AP	01/21/2021	1-001-5-25-210	PER LVCO 2021 BUDGET	31,640.00		
6550	SCAVUZZO'S INC	SCAVUZZO'S INC	317938	91037 AP	01/21/2021	1-001-5-07-359	7584019 JAIL SUPPLIES	268.70		
49	ST LUKES	ST LUKES HOSPITAL	317939	91038 AP	01/21/2021	1-001-5-07-219	INMATE MEDICAL BILL	42.35		
829	THOMSON REUTERS	THOMSON REUTERS - WEST	317940	91039 AP	01/21/2021	1-001-5-11-210	100590171 WEST INFO CHARGES	752.24		
2144	VAN TUYL JOELLEN	JOELLEN M VAN TUYL	317942	91041 AP	01/21/2021	1-001-5-11-255	CO ATTORNEY TRANSCRIPTS	393.00		
2144	VAN TUYL JOELLEN	JOELLEN M VAN TUYL	317942	91041 AP	01/21/2021	1-001-5-19-251	DIST CT TRANSCRIPTS	610.00		
							*** VENDOR	2144 TOTAL	1,003.00	
2	WATER DEPT	WATER DEPT	317943	91042 AP	01/21/2021	1-001-5-05-215	WATER SERVICES EMS 9103	46.61		
							TOTAL FUND 001		383,859.96	
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7203	NATIONAL PEN COMPANY	CIMPRESS USA INC	317931	91030 AP	01/21/2021	1-104-5-00-212	16713845 MASKS	101.29		
							TOTAL FUND 104		101.29	
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86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-108-5-00-219	ELEC SRV ADMIN/WIC/HEALTH	550.12		
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-108-5-00-606	ELEC SRV ADMIN/WIC/HEALTH	183.38		
							*** VENDOR	86 TOTAL	733.50	
							TOTAL FUND 108		733.50	
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28640	MID-CONTIN	MID-CONTINENT MICROGRAPHICS	317928	91027 AP	01/21/2021	1-119-5-00-252	C2258 ANNUAL STORAGE FEES,CDS,	65.00		
28640	MID-CONTIN	MID-CONTINENT MICROGRAPHICS	317928	91027 AP	01/21/2021	1-119-5-00-252	C2258 ANNUAL STORAGE FEES,CDS,	27.75		
28640	MID-CONTIN	MID-CONTINENT MICROGRAPHICS	317928	91027 AP	01/21/2021	1-119-5-00-252	C2258 ANNUAL STORAGE FEES,CDS,	511.50		
							*** VENDOR	28640 TOTAL	604.25	
							TOTAL FUND 119		604.25	
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2518	BROWN BEAR PRINTING	BROWN BEAR PRINTING	317899	90998 AP	01/21/2021	1-127-5-00-3	FACE MASKS/GAITERS - COMM CORR	62.50		
2518	BROWN BEAR PRINTING	BROWN BEAR PRINTING	317899	90998 AP	01/21/2021	1-127-5-00-3	FACE MASKS/GAITERS - COMM CORR	40.00		
							*** VENDOR	2518 TOTAL	102.50	
							TOTAL FUND 127		102.50	
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2777	ALFRED BENESCH & CO	ALFRED BENESCH & CO	317895	90994 AP	01/21/2021	1-133-5-00-225	1-11 00130705.00 BIENNIEL INSP	5,583.50		
5637	CLEARWATER ENTERPRIS	CLEARWATER ENTERPRISES,LLC	317904	91003 AP	01/21/2021	1-133-5-00-304	1-10 342-5600012012 GAS SERVIC	202.67		
632	RWD 8	RURAL WATER DIST NO 8	317937	91036 AP	01/21/2021	1-133-5-00-214	1-12 WATER METER #2 CO SHOP	15.00		
							TOTAL FUND 133		5,801.17	
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2518	BROWN BEAR PRINTING	BROWN BEAR PRINTING	317899	90998 AP	01/21/2021	1-136-5-00-3	FACE MASKS/GAITERS - COMM CORR	41.00		
2518	BROWN BEAR PRINTING	BROWN BEAR PRINTING	317899	90998 AP	01/21/2021	1-136-5-00-3	FACE MASKS/GAITERS - COMM CORR	62.50		
							*** VENDOR	2518 TOTAL	103.50	
366	INTERPERSONAL PSYCH	INTERPERSONAL PSYCHIATRY LLC	317916	91015 AP	01/21/2021	1-136-5-00-207	1000011795968 PSYCHOTHERAPY (C	34.00		

warrants by vendor

TYPES OF CHECKS SELECTED: \* ALL TYPES

		P.O.NUMBER	CHECK#					TOTAL FUND 136	137.50
2621	BOOKER TERRY	TERRY BOOKER	317898	90997 AP	01/21/2021	1-145-5-00-256	MEALS RESERVED	9,521.70	
2621	BOOKER TERRY	TERRY BOOKER	317898	90997 AP	01/21/2021	1-145-5-00-256	MEALS RESERVED	7,716.30	
								*** VENDOR 2621 TOTAL	17,238.00
3716	GA FOODS	GA FOODS	317945	91043 AP	01/23/2021	0-145-5-00-256	C000923 SHELF STABLE MEALS 5 D	9,452.10	
3716	GA FOODS	GA FOODS	317945	91043 AP	01/23/2021	0-145-5-06-201	C000923 SHELF STABLE MEALS 5 D	3,422.31	
3716	GA FOODS	GA FOODS	317945	91043 AP	01/23/2021	0-145-5-06-221	C000923 SHELF STABLE MEALS 5 D	2,281.54	
3716	GA FOODS	GA FOODS	317945	91043 AP	01/23/2021	0-145-5-07-221	C000923 SHELF STABLE MEALS 5 D	1,140.77	
								*** VENDOR 3716 TOTAL (replacement ck)	16,296.72
2	WATER DEPT	WATER DEPT	317943	91042 AP	01/21/2021	1-145-5-00-246	WATER SVC CO ON AGING	132.18	
								TOTAL FUND 145	33,666.90
2627	BALER SERVICE CO, IN	BALER SERVICE CO, INC	317897	90996 AP	01/21/2021	1-160-5-00-213	LEA002 FUSE ISSUES-COMINGLE CO	496.93	
10703	TIRE TOWN	TIRE TOWN	317941	91040 AP	01/21/2021	1-160-5-00-207	SCRAP TIRE (PERMIT #2000)	400.00	
								TOTAL FUND 160	896.93
2777	ALFRED BENESCH & CO	ALFRED BENESCH & CO	317946	1538 AP	01/21/2021	1-171-5-02-203	1-3 00130523.00 MCINTYRE FINAL	670.51	
719	LINAWEAVER CONSTRUCT	LINAWEAVER CONSTRUCTION	317947	1539 AP	01/21/2021	1-171-5-04-302	1-2 178TH ST 2020.023	20,075.71	
								TOTAL FUND 171	20,746.22
28531	COMMENCO I	COMMENCO INC	317906	91005 AP	01/21/2021	1-174-5-00-210	1264-00 MAINT FOR HEADSETS	324.00	
								TOTAL FUND 174	324.00
26400	KANSAS GAS	KANSAS GAS SERVICE	317921	91020 AP	01/21/2021	1-195-5-00-290	510614745 1628631 73 GAS TRANS	164.31	
2	WATER DEPT	WATER DEPT	317943	91042 AP	01/21/2021	1-195-5-00-290	WATER SVC JDC	304.71	
								TOTAL FUND 195	469.02
1867	REDWOOD TOXICOLOGY	REDWOOD TOXICOLOGY LABORATORY	317932	91031 AP	01/21/2021	1-196-5-00-201	CONFIRMATION TESTS	12.88	
								TOTAL FUND 196	12.88
17551	DIGGER JIM	DIGGER JIM'S	317907	91006 AP	01/21/2021	1-212-5-00-2	SD #2 VACUUM TRUCK	275.00	
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-212-5-00-2	ELEC SVC SEWER DIST #2	211.25	
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-212-5-00-2	ELEC SVC SEWER DIST #2	33.18	
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-212-5-00-2	ELEC SVC SEWER DIST #2	28.05	
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-212-5-00-2	ELEC SVC SEWER DIST #2	55.37	
								*** VENDOR 86 TOTAL	327.85
								TOTAL FUND 212	602.85
86	EVERGY	EVERGY KANSAS CENTRAL INC	317909	91008 AP	01/21/2021	1-218-5-00-2	ELECT SVC SEWER DIST #5	124.71	
								TOTAL FUND 218	124.71
								TOTAL ALL CHECKS	448,183.68

TYPES OF CHECKS SELECTED: \* ALL TYPES

FUND SUMMARY

001	GENERAL	383,859.96
104	DRUG PROSECUTOR'S FUND	101.29
108	COUNTY HEALTH	733.50
119	ROD TECHNOLOGY	604.25
127	COMM CORR ADULT NON GRANT	102.50
133	ROAD & BRIDGE	5,801.17
136	COMM CORR JUVENILE	137.50
145	COUNCIL ON AGING	33,666.90
160	SOLID WASTE MANAGEMENT	896.93
171	S TAX CAP RD PROJ: 2015 SERIES	20,746.22
174	911	324.00
195	JUVENILE DETENTION	469.02
196	DRUG TEST & SUPERVISION FEES	12.88
212	SEWER DISTRICT 2: TIMBERLAKES	602.85
218	SEWER DIST #5	124.71
	TOTAL ALL FUNDS	448,183.68

No ACH transactions pending.

Consent Agenda 1/27/2021  
Checks dated 1/16-1/23

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Leavenworth County  
Request for Board Action  
Case No. DEV-20-124 & 125  
Preliminary & Final Plat Ackerland Hill

Date: February 3, 2021  
To: Board of County Commissioners  
From: Planning & Zoning Staff

Department Head Review: Krystal Voth, Reviewed

Additional Reviews as needed:

Budget Review  Administrator Review x Legal Review x

**Action Requested:** The applicant is requesting a Preliminary and Final Plat for a 2-lot subdivision. Proposed Lot 1 is approximately 10 acres and Lot 2 is approximately 10 acres.

**Analysis:** This is a 2-lot subdivision on 235<sup>th</sup> Street. The proposal is consistent with Zoning and Subdivision Regulations, as well as the comprehensive plan. Both lots are 10 acres and are accessed via 235<sup>th</sup> Street. Both lots meet the standards set forth in the Leavenworth Count Zoning and Subdivision Regulations.

**Recommendation:** The Planning Commission voted 9-0 to recommend approval of Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill subject to conditions.

**Alternatives:**

1. Approve Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill, with Findings of Fact, and with or without conditions; or
2. Deny Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**Budgetary Impact:**

- X Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**

\$0.00

**Additional Attachments:** Staff Report, Plat, Planning Commission Minutes

**\*\*\*Consent Agenda\*\*\***  
**Case No. DEV-20-124 & 125**  
**Ackerland Hill**  
**Preliminary and Final Plat**

**Staff Report – Board of County Commissioners**

**February 3, 2021**

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**GENERAL INFORMATION:**

**Applicant/  
Property Owner:** Craig Lohman  
23012 207<sup>th</sup> Street  
Tonganoxie, KS 66054

**Agent:** Hahn Surveying

**Legal Description:** A tract of land in the North One-half of the Northeast Quarter of Section 1, Township 10 South, Range 20 East of the 6<sup>th</sup> P.M, in Leavenworth County, Kansas.

**Parcel Size:** ± 20 acres

**Zoning/Land Use:** RR-5, Rural Residential 5-acre minimum size parcels

**Comprehensive Plan:** This parcel is within the RR-2.5 land use category.

**Parcel ID No.:** 131-01-0-00-00-001.00

**Planner:** Jared Clements

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**PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission voted 9-0 to recommend approval of Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill, with the following conditions:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. The applicant shall adhere to the following memorandums:
  - a. Mitch Pleak – Olsson Engineering, December 15, 2020
  - b. Wayne Malnicof – County Surveyor, December 18, 2020
4. A waiver for the use of private septic systems within this subdivision is granted with this approval.
5. The applicant shall work with the water district, emergency management, and the fire district regarding the requirements for fire hydrants.
6. After approval of this subdivision by the Board of County Commission, all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Department within 30 days.

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**REPORT:**

**Request**

The applicant is requesting a Preliminary and Final Plat for a 2-lot subdivision.

**Adjacent Land Use**

The surrounding properties are residences and farms on varying sized parcels ranging from 1 acre to over 140 acres in size.

### **Flood Plain**

There are no Special Flood Hazard Areas on this parcel per FEMA Firm Map 20103C0200G July 16, 2015.

### **Utilities/Services**

Sewer: Private septic system  
Fire: Union  
Water: RWD 9  
Electric: Freestate

### **Access/Streets**

The property is accessed by 235<sup>th</sup> Street. This road is a County Arterial with a gravel surface ± 22' wide.

### **Agency Comments**

See attached comments – Memo – Mitch Pleak – Olsson Engineering, December 15, 2020  
See attached comments – Memo – Wayne Malnicof – County Surveyor, December 18, 2020  
See attached comments – Email – David Van Parys – County Counselor, December 8, 2020  
See attached comments – Email – Jon Orndorff – Rural Water District 9, December 8, 2020  
See attached comments – Email – Amanda Tarwater, December 8, 2020

### **Findings**

1. The proposed subdivision is consistent with the zoning district of RR 5; Rural Residential Zoning 5-acre minimum size parcels and meets the lot-depth to lot-width ratio of 3.5:1 or 4:1, have the minimum frontage of 300', Minimum lot size of 5 acres.
2. The property is not within a sewer district boundary nor is it within 660 feet of the incorporated limits of a municipality; therefore, a waiver to the requirement of allowing private septic systems is supported by staff. A private sewage disposal permit may be issued per Leavenworth County Sanitary Code requirements.

Any further subdividing of any lot within this subdivision shall require the installation of public sanitary sewer or connection to an existing public sanitary sewer.

3. The water district currently has adequate infrastructure to supply water to the lots within this subdivision.
4. The proposed subdivision is in accordance with the Comprehensive Plan.

### **Subdivision Classification**

This is classified as a Class "C" Subdivision. According to the Leavenworth County Zoning & Subdivision regulations, a Class "C" Subdivision is any subdivision in which all the lots lie within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision. (See condition 4.)

### **Staff Comments**

This is a 2-lot subdivision on 235<sup>th</sup> Street. The proposal is consistent with Zoning and Subdivision Regulations, as well as the comprehensive plan. Both lots are 10 acres and are accessed via 235<sup>th</sup> Street.

---

### **ACTION OPTIONS:**

1. Approve Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill, with Findings of Fact, and with or without conditions; or
2. Deny Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Case No.DEV-20-124 & 125, Preliminary and Final Plat for Ackerland Hill, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

**From:** [Clements, Jared](#)  
**Sent:** Friday, December 18, 2020 12:45 PM  
**To:** [HahnSurvey@gmail.com](mailto:HahnSurvey@gmail.com)  
**Cc:** [Malnicof, Wayne](#); [mpleak@olsson.com](mailto:mpleak@olsson.com)  
**Subject:** Ackerland Hill Review Packet - Preliminary Plat, Final Plat, & Drainage Report  
**Attachments:** Wayne - ACKERLAND HILL REVIEW.pdf; 20-12-15\_Ackerland Drainage Report 11-23-20\_Reviewed.pdf; 20-12-15\_ACKERLAND-FINAL\_Reviewed.pdf; 20-12-15\_ACKERLAND-PRELIMINARY\_Reviewed.pdf

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Good Afternoon Larry,

Please see the attached reviews from the County Surveyor and Olsson for Ackerland Hill Preliminary & Final Plat. In order for the final revisions of these documents to be included in the Planning Commission staff report, please meet the comments and receive approval of all reviewers (Wayne, Mitch, & PZ Staff) by Monday, January 4, 2021. If staff has not received approval after 5:00 P.M. on that date, the case will be continued to the next Planning Commission Agenda.

Planning & Zoning staff's comments for this review include:

- Correct PID numbers for the parcel being platted and the adjacent parcels on the Preliminary and Final Plat. One of our reviewers had trouble locating the parcel, as there is no site address, and the adjacent PID number is listed as "127-36-6". The zeros in the PID number are a necessary part of the overall sequence.
- Please include accurate adjacent property lines on both the Preliminary & Final Plat.

Thank you,

Jared Clements  
Planner II  
Leavenworth County Planning and Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
(913)684-0465



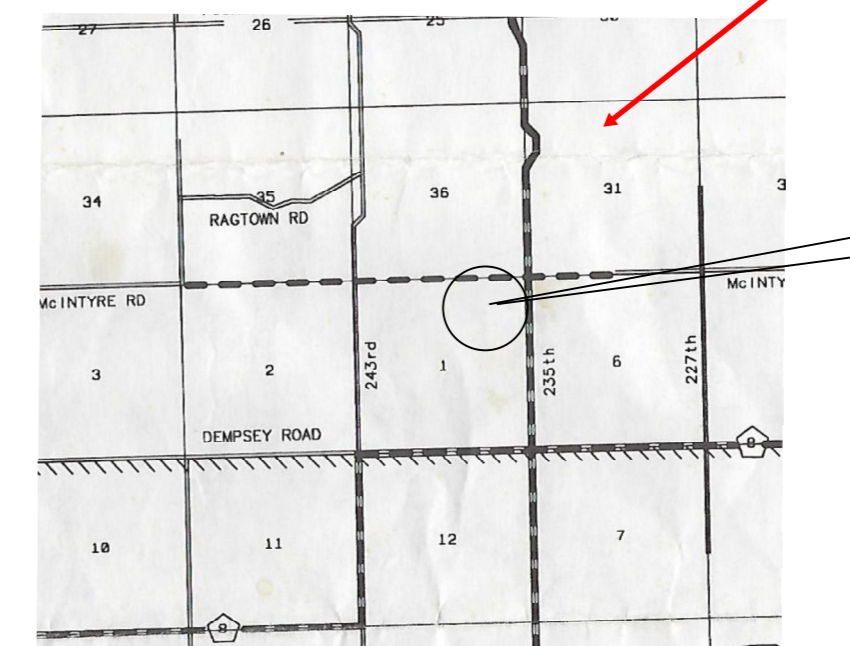
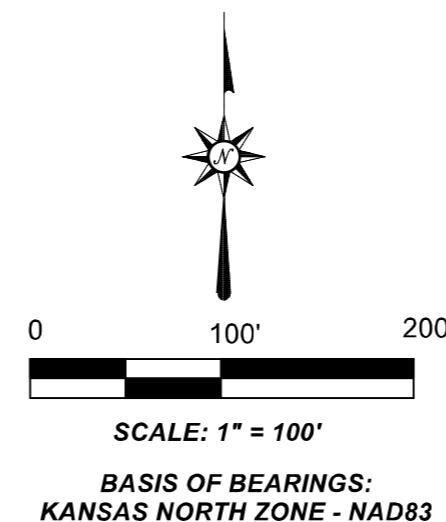
# ACKERLAND HILL

A MINOR 2 LOT SUBDIVISION IN THE EAST HALF OF  
FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

## FINAL PLAT

### LEGEND

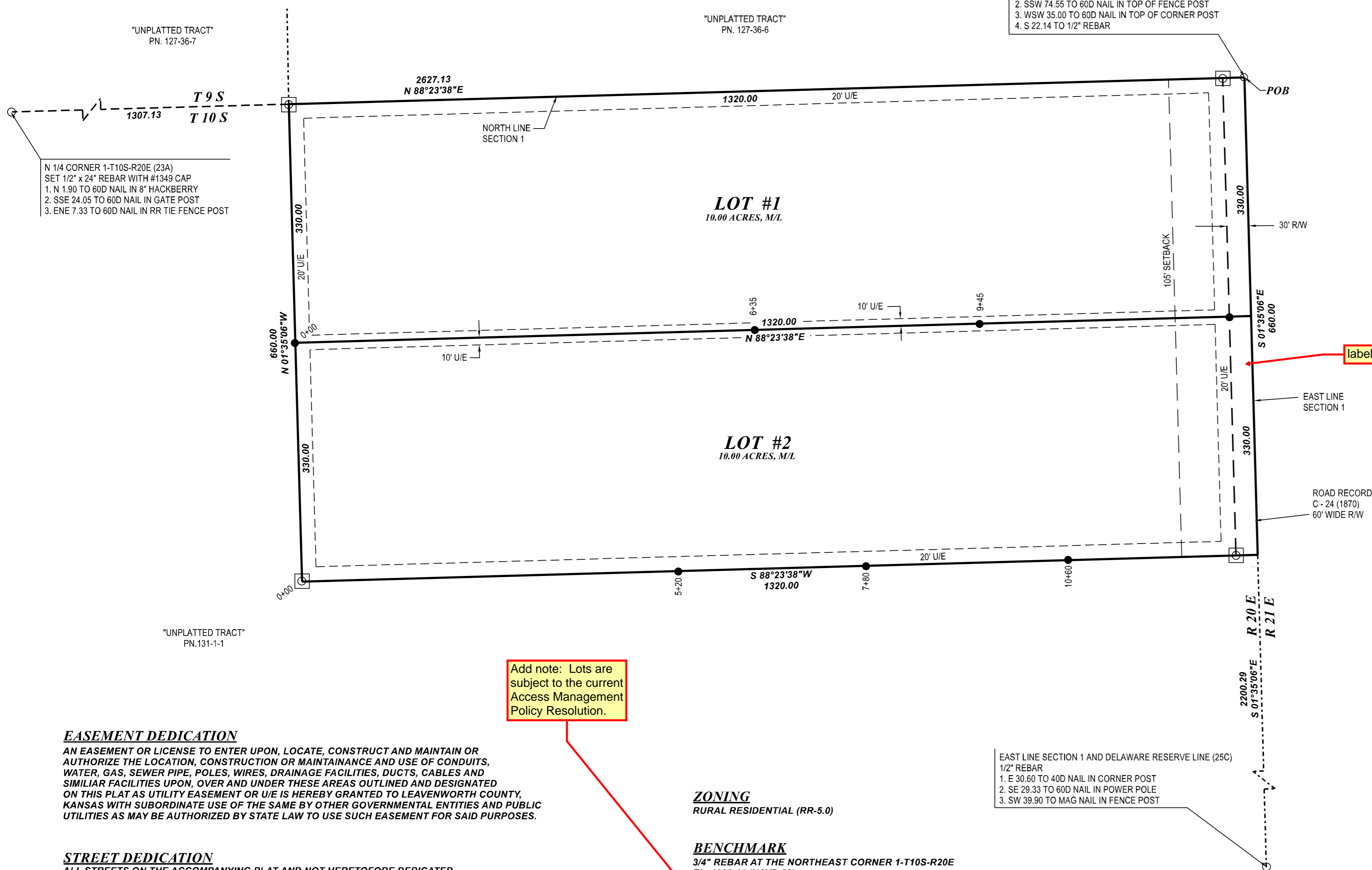
- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- 1/2" REBAR WITH #1349 CAP IN CONCRETE



LOCATION MAP  
NO SCALE

12-15-20  
OLSSON REVIEW

- NE CORNER 1-T10S-R20E (25A)  
3/4" REBAR  
1. SE 25.85 TO MAG NAIL IN CORNER POST  
2. SSW 74.55 TO 60D NAIL IN TOP OF FENCE POST  
3. WSW 35.00 TO 60D NAIL IN TOP OF CORNER POST  
4. S 22.14 TO 1/2" REBAR



- N 1/4 CORNER 1-T10S-R20E (23A)  
SET 1/2" x 24" REBAR WITH #1349 CAP  
1. N 1.90 TO 60D NAIL IN 8" HACKBERRY  
2. SSE 24.05 TO 60D NAIL IN GATE POST  
3. ENE 7.33 TO 60D NAIL IN RR TIE FENCE POST

Add note: Lots are subject to the current Access Management Policy Resolution.

- EAST LINE SECTION 1 AND DELAWARE RESERVE LINE (25C)  
1/2" REBAR  
1. E 30.60 TO 40D NAIL IN CORNER POST  
2. SE 29.33 TO 60D NAIL IN POWER POLE  
3. SW 39.90 TO MAG NAIL IN FENCE POST

### EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

### STREET DEDICATION

ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

### NOTES

- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RESIDENTIAL
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- THIS SURVEY IS NOT IN A SPECIAL FLOOD HAZARD AREA.  
FEMA MAP 20103C0225G, DATED 07/16/2015.

### ZONING

RURAL RESIDENTIAL (RR-5.0)

### BENCHMARK

3/4" REBAR AT THE NORTHEAST CORNER 1-T10S-R20E  
EL. 1007.41 (NAVD 88)

### RESTRICTIONS

- 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
- A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
- RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.

### DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE, S 01°35'06"E, 660.00 FEET ALONG THE EAST LINE OF SAID SECTION 1; THENCE, S 88°23'38"W, 1320.00 FEET; THENCE, N 01°35'06"W, 660.00 FEET TO THE NORTH LINE OF SAID SECTION 1; THENCE, N 88°23'38"E, 1320.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. CONTAINS 20.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.

### IN TESTIMONY WHEREOF

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "ACKERLAND HILL".

WE, THE UNDERSIGNED OWNERS OF "ACKERLAND HILL" HAVE SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHARLES CRAIG LOHMAN

CAROL J. LOHMAN

### STATE OF KANSAS / COUNTY OF LEAVENWORTH

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY AFORESAID CAME CHARLES CRAIG LOHMAN AND CAROL J. LOHMAN TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

### APPROVAL

WE THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "ACKERLAND HILL" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRystal VOTH

THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER

### COUNTY SURVEYOR CERTIFICATION

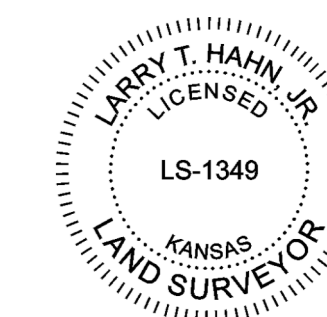
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED BASED ON KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / WAYNE MALNICOF, LS

### STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD IN DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / STACY R. DRISCOLL



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF SEPTEMBER, 2020, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.

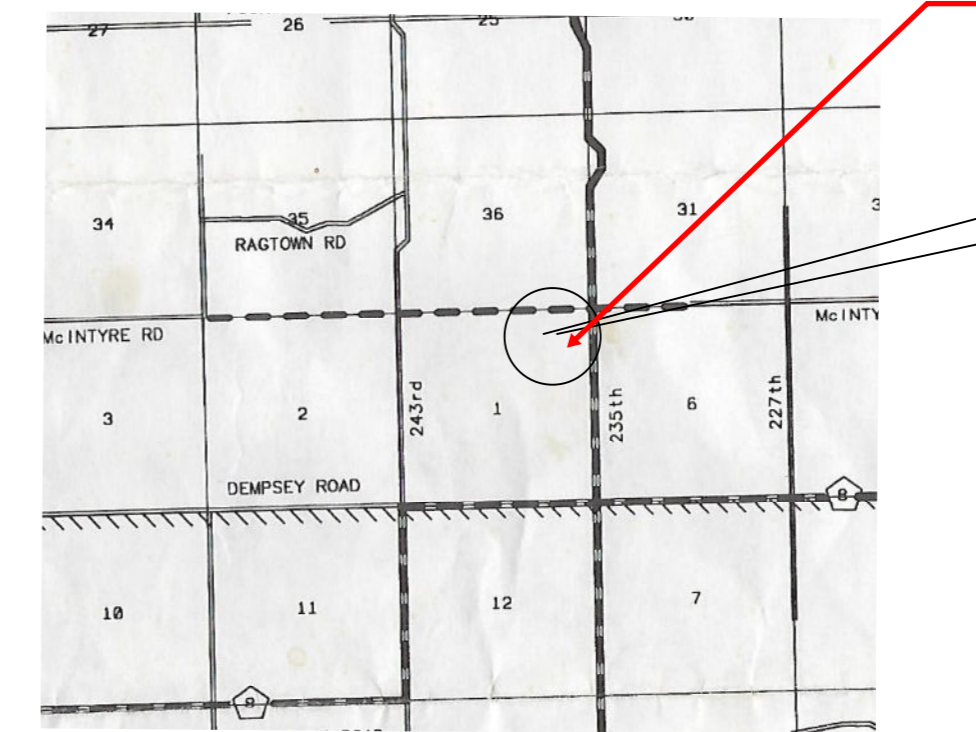
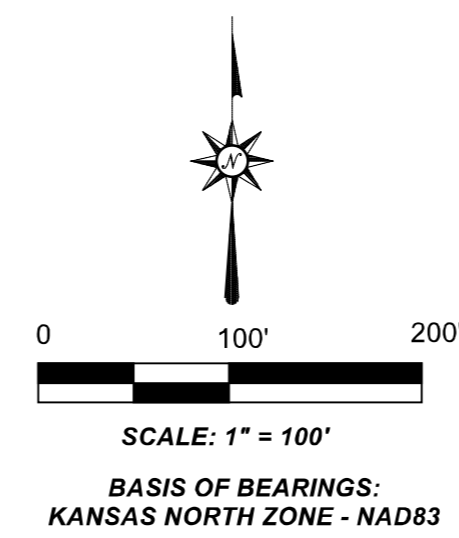
HAHN SURVEYING  
PO BOX 41  
LANING, KANSAS 66043  
(913) 547-3405  
hahnsurvey@gmail.com



# ACKERLAND HILL

A MINOR 2 LOT SUBDIVISION IN THE EAST HALF OF  
FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

## PRELIMINARY PLAT



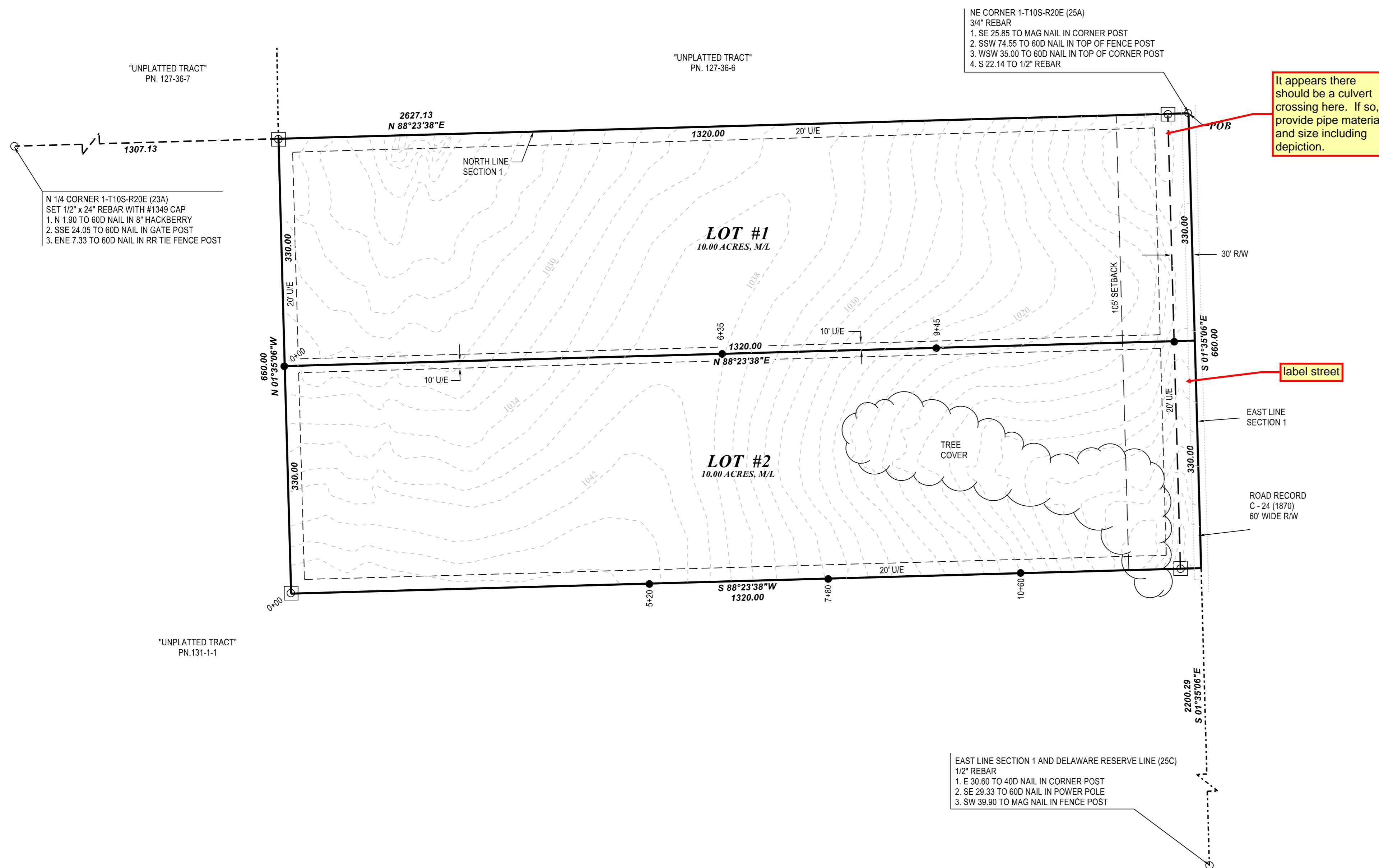
LOCATON MAP  
NO SCALE

Vicinity Map is incomplete.

12-15-20  
OLSSON REVIEW

### LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- 1/2" REBAR WITH #1349 CAP IN CONCRETE



**OWNER / DEVELOPER**  
CHARLES CRAIG & CAROL J. LOHMAN  
23012 207TH STREET  
TONGANOXIE, KANSAS 66086  
(913) 449-9750

**DESCRIPTION**  
A TRACT OF LAND IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 1;  
THENCE, S 01°35'06"E, 660.00 FEET ALONG THE EAST LINE OF SAID SECTION 1;  
THENCE, S 88°23'38"W, 1320.00 FEET;  
THENCE, N 01°35'06"W, 660.00 FEET TO THE NORTH LINE OF SAID SECTION 1;  
THENCE, N 88°23'38"E, 1320.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.  
CONTAINS 20.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.

### NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RESIDENTIAL
3. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
4. THIS SURVEY IS NOT IN A SPECIAL FLOOD HAZARD AREA.  
FEMA MAP 20103C0225G, DATED 07/16/2015.

### RESTRICTIONS

1. 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.

### UTILITIES

ELECTRIC / FREESTATE  
WATER / R.W.D. #9  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM  
TELEPHONE / AT&T

### ZONING

RURAL RESIDENTIAL (RR-5.0)

### ROAD INFORMATION

235TH STREET IS 20 FEET WIDE WITH GRAVEL SURFACE

### BENCHMARK

3/4" REBAR AT THE NORTHEAST CORNER 1-T10S-R20E  
EL. 1007.41 (NAVD 88)

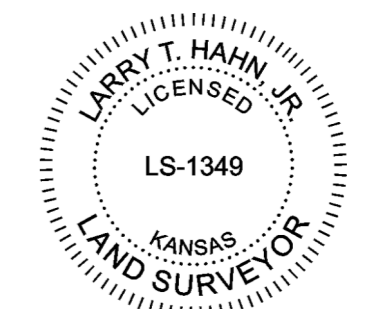
### PUBLIC IMPROVEMENT

NONE

### DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE

Add note: Lots are subject to the current Access Management Policy Resolution.



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF SEPTEMBER, 2020,  
THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT  
SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS"  
FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.



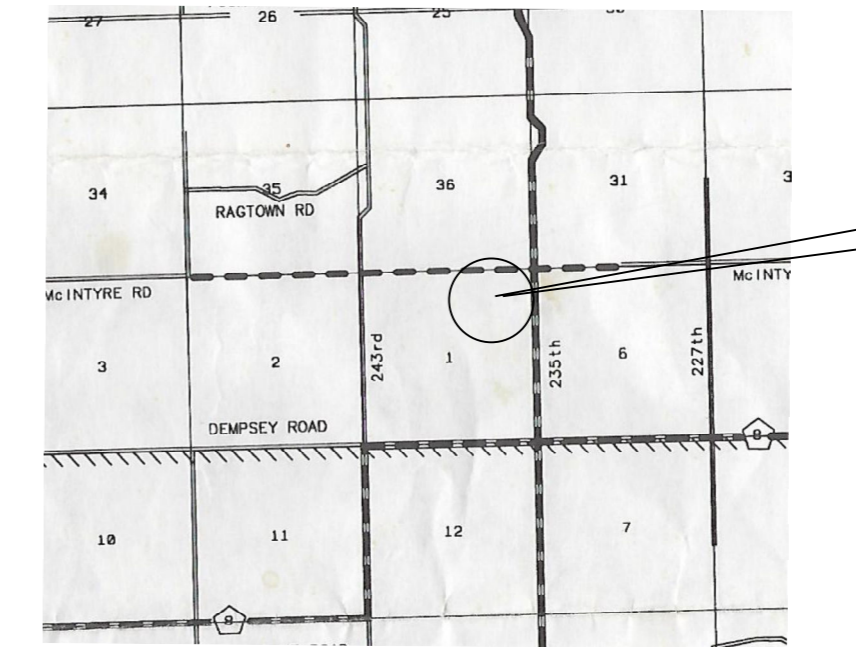
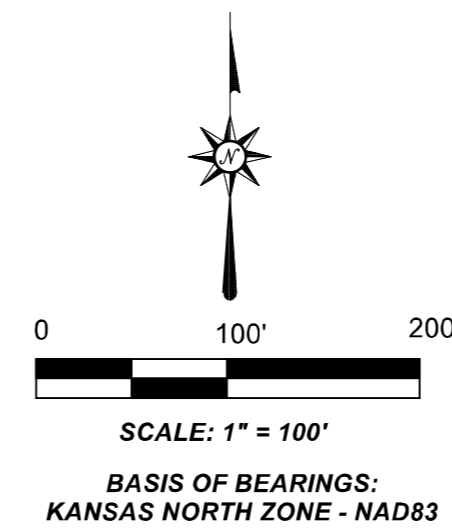
# ACKERLAND HILL

A MINOR 2 LOT SUBDIVISION IN THE EAST HALF OF  
FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

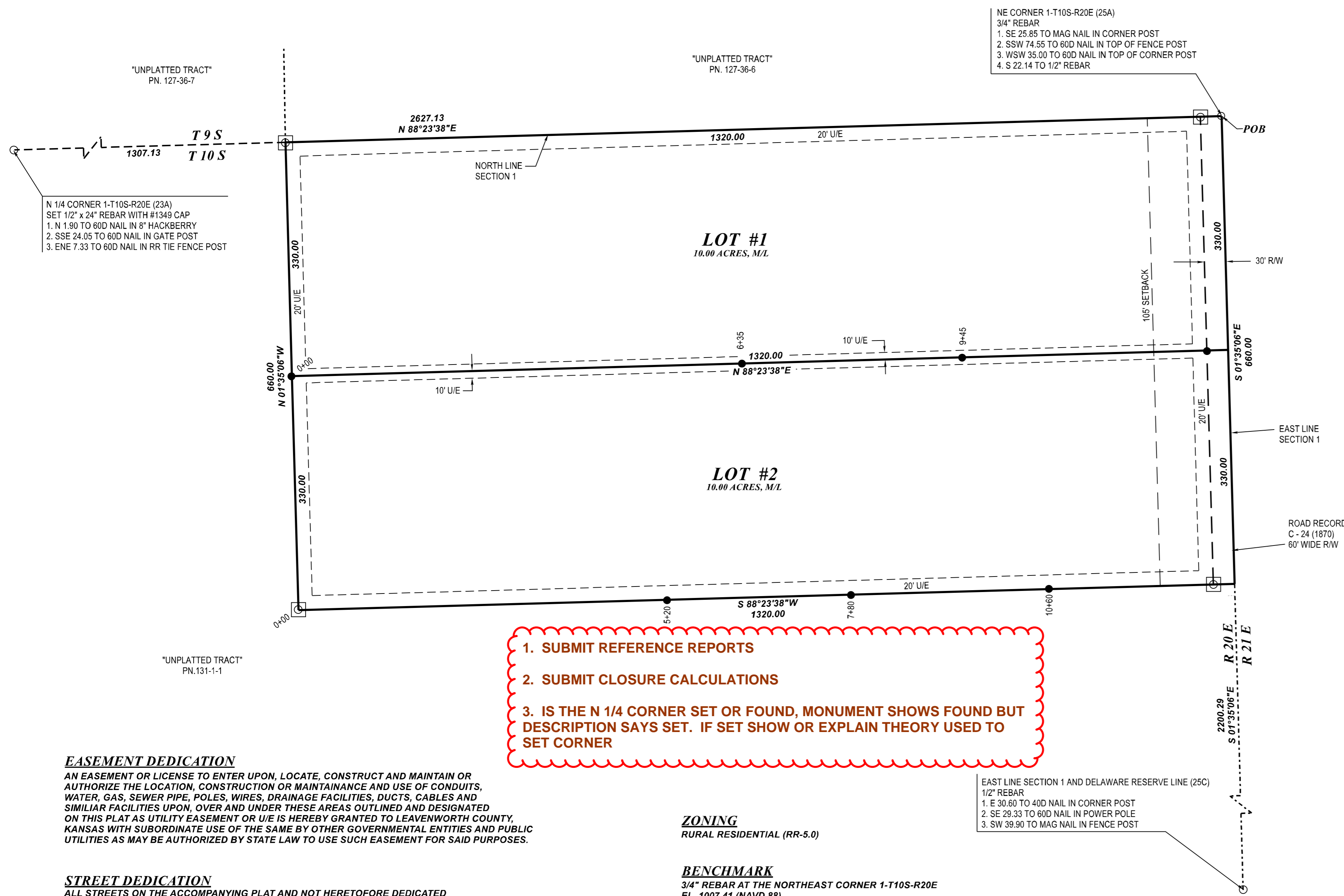
## FINAL PLAT

### LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- 1/2" REBAR WITH #1349 CAP IN CONCRETE



LOCATION MAP  
NO SCALE



1. SUBMIT REFERENCE REPORTS  
2. SUBMIT CLOSURE CALCULATIONS  
3. IS THE N 1/4 CORNER SET OR FOUND, MONUMENT SHOWS FOUND BUT DESCRIPTION SAYS SET. IF SET SHOW OR EXPLAIN THEORY USED TO SET CORNER

- EAST LINE SECTION 1 AND DELAWARE RESERVE LINE (25C)  
1/2" REBAR  
1. E 30.60 TO 40D NAIL IN CORNER POST  
2. SE 29.33 TO 60D NAIL IN POWER POLE  
3. SW 39.90 TO MAG NAIL IN FENCE POST

### EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

### STREET DEDICATION

ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

### NOTES

- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RESIDENTIAL
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- THIS SURVEY IS NOT IN A SPECIAL FLOOD HAZARD AREA.  
FEMA MAP 20103C0225G, DATED 07/16/2015.

### ZONING

RURAL RESIDENTIAL (RR-5.0)

### BENCHMARK

3/4" REBAR AT THE NORTHEAST CORNER 1-T10S-R20E  
E.L. 1007.41 (NAVD 88)

### RESTRICTIONS

- 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
- AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
- EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
- A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
- RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.

### DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE, S 01°35'06"E, 660.00 FEET ALONG THE EAST LINE OF SAID SECTION 1; THENCE, S 88°23'38"W, 1320.00 FEET; THENCE, N 01°35'06"W, 660.00 FEET TO THE NORTH LINE OF SAID SECTION 1; THENCE, N 88°23'38"E, 1320.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. CONTAINS 20.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.

### IN TESTIMONY WHEREOF

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "ACKERLAND HILL".

WE, THE UNDERSIGNED OWNERS OF "ACKERLAND HILL" HAVE SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHARLES CRAIG LOHMAN

CAROL J. LOHMAN

### STATE OF KANSAS / COUNTY OF LEAVENWORTH

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY AFORESAID CAME CHARLES CRAIG LOHMAN AND CAROL J. LOHMAN TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

### APPROVAL

WE THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "ACKERLAND HILL" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRystal VOTH

THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER

### COUNTY SURVEYOR CERTIFICATION

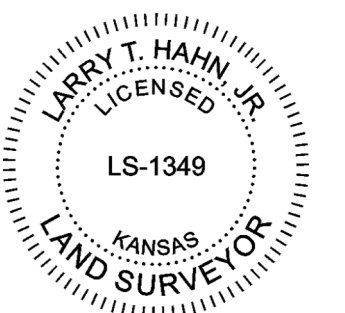
I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED BASED ON KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / WAYNE MALNICOF, LS

### STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD IN DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / STACY R. DRISCOLL



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF SEPTEMBER, 2020, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS" FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.

HAHN SURVEYING  
PO BOX 41  
LANING, KANSAS 66043  
(913) 547-3405  
hahnsurvey@gmail.com

**12-15-20**  
**OLSSON REVIEW**

Ackerland Hill  
Leavenworth County Kansas  
Drainage Report  
Prepared November 23, 2020



Ackerland Hill  
Leavenworth County Kansas  
Drainage Report  
Prepared November 23, 2020

**Parcel Information** - The 19.8-acre (+/-) parcel is located north of Dempsey Road on 235<sup>th</sup> Street in Leavenworth County KS. The parcel is zoned RR 5.0.

**Existing Conditions** – The site can be divided into three drainage areas, see exhibit #1. Drainage Area (DA) #1 is on the west side of the property. This DA flows north onto the adjoining property. Drainage Areas #2 and #3 flow east to the 235<sup>th</sup> Street right-of-way.

A composite c value was calculated for each drainage area as shown in the table below. The composite c value is based on the soil type, slopes, and existing land use, see Exhibits #2 and #3.

		Acres in each Drainage Area		
	c value	DA #1	DA #2	DA #3
Wooded	0.35	0.0	0.0	1.3
Pasture	0.36	0.0	0.0	0.0
Crops	0.60	9.3	2.7	6.5
Grass	0.30	0.0	0.0	0.0
Impervious	0.90	0.0	0.0	0.0
Composite c		0.60	0.60	0.56

Per chart above - 0.35

0.36

0.60

composite c = 
$$\frac{(\text{Wooded Acres} * 0.30 + \text{Pasture Acres} * 0.30 + \text{Crop Acres} * 0.50 + \text{Grass Acres} * 0.30 + \text{Impervious Acres} * 0.90)}{\text{Total Acres}}$$

**Developed Conditions** – The proposed development will create two residential building lots. The developed storm water runoff calculations include 10,000 sq ft of impervious area for each new building lot. This impervious area will account for the driveway, house footprint, and outbuilding. A c value of 0.36 is used for pasture area while a c value of 0.90 is used for the impervious areas. A composite c value for each drainage area was calculated as shown below.

		Acres in each Drainage Area		
	c value	DA #1	DA #2	DA #3
Wooded	0.35	0.0	0.0	1.3
Pasture	0.36	6.8	2.7	6.5
Crops	0.60	0.0	0.0	0.0
Grass	0.30	2.0	0.0	0.0
Impervious	0.90	0.5	0.0	0.0
Composite c		0.37	0.36	0.36

revise formula per comments above

composite c = 
$$\frac{(\text{Wooded Acres} * 0.30 + \text{Pasture Acres} * 0.30 + \text{Crop Acres} * 0.50 + \text{Grass Acres} * 0.30 + \text{Impervious Acres} * 0.90)}{\text{Total Acres}}$$

On Exhibit #3 - Provide Source of soils information.

The storm water runoff for existing and developed conditions is summarized in the following tables. Calculations for the storm water runoff are included with the report.

**DA #1**

	<b>Q10</b>	<b>Q100</b>
<b>Existing</b>	32.7	58.0
<b>Developed</b>	18.4	32.9
<b>Change</b>	-44%	-43%

**DA #2**

	<b>Q10</b>	<b>Q100</b>
<b>Existing</b>	9.7	17.9
<b>Developed</b>	5.2	9.3
<b>Change</b>	-46%	-48%

**DA #3**

	<b>Q10</b>	<b>Q100</b>
<b>Existing</b>	26.3	46.6
<b>Developed</b>	14.9	26.7
<b>Change</b>	-43%	-43%

Assumptions made in the developed condition calculations –

- All structures will be constructed in drainage area #1
- One acre around each home will be maintained as a yard while the remainder of the property will be a pasture.

**Conclusion** – The change in land use for this parcel of ground results in over a 40% decrease in storm water runoff from the property.



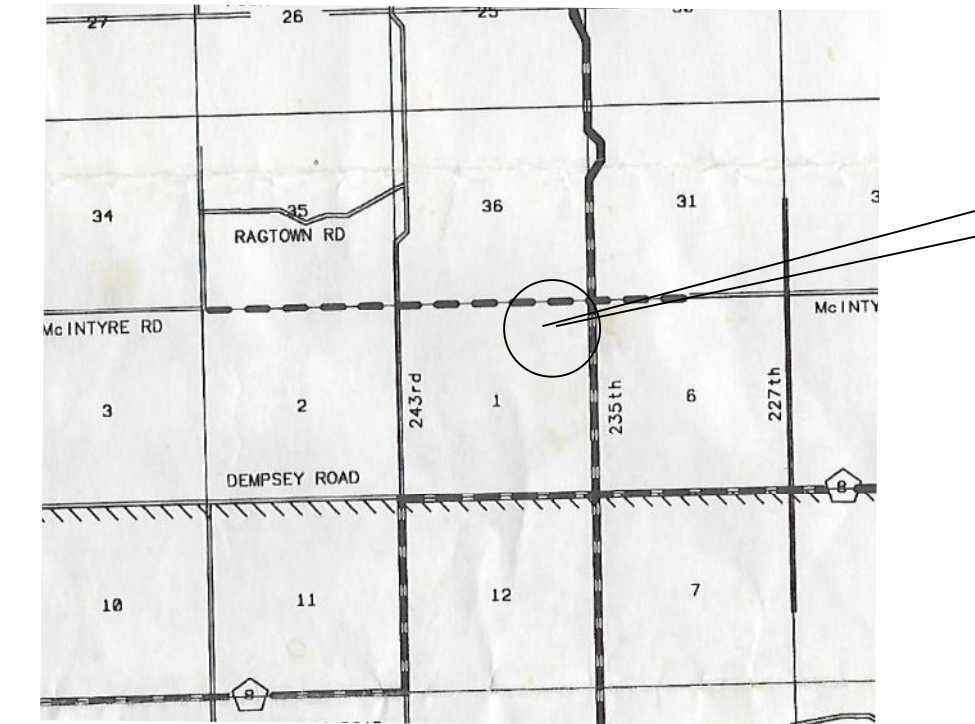
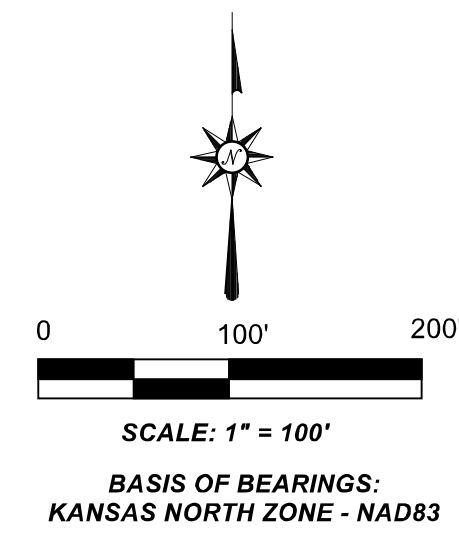
# ACKERLAND HILL

A MINOR 2 LOT SUBDIVISION IN THE EAST HALF OF  
FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

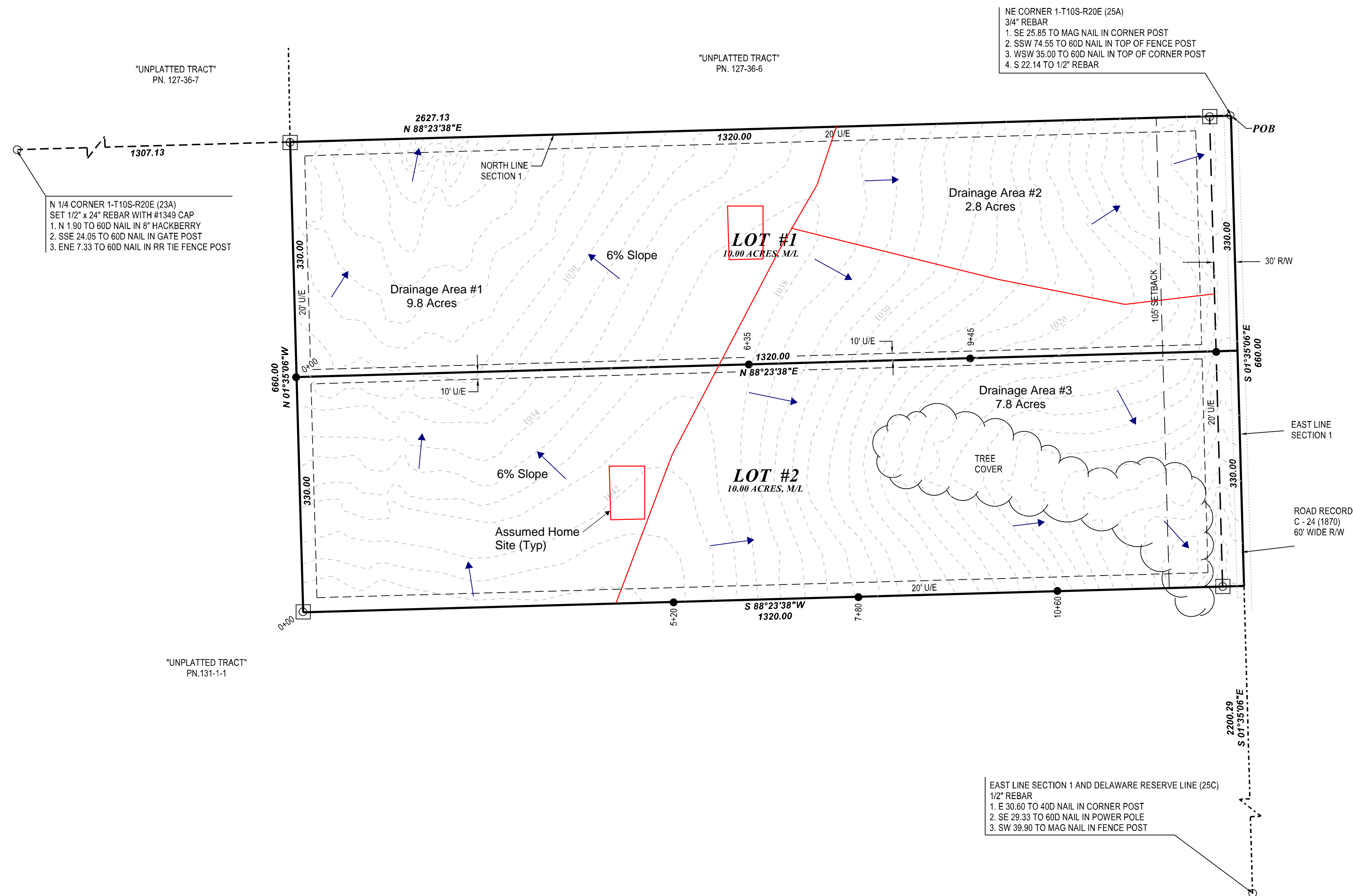
## PRELIMINARY PLAT

### LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- ◻ 1/2" REBAR WITH #1349 CAP IN CONCRETE



LOCATION MAP  
NO SCALE



**EXHIBIT #1**

TABLE 1 Values of Runoff Coefficient C

URBAN AREAS:	
Type of drainage area	Runoff coefficient C
Lawns:	0.05 - 0.10
Sandy soil, flat 2%	0.10 - 0.15
Sandy soil, average, 2 - 7%	0.15 - 0.20
Sandy soil, steep, 7%	0.13-0.17
Heavy soil, flat, 2%	0.18 - 0.22
Heavy soil, average, 2 - 7%	0.25 - 0.35
Heavy soil, steep, 7%	
Business:	0.70 - 0.95
Downtown areas Neighborhood areas	0.50.0.70
Residential:	0.30 - 0.50
Single-family areas	0.40 - 0.60
Multi units, detached Multi units,	0.60 - 0.75
attached Suburban	0.25 - 0.40
Apartment dwelling areas	0.50 - 0.70
Industrial:	
Light areas	0.50 - 0.80
Heavy areas	0.60 - 0.90
Parks, cemeteries	0.10 - 0.25
Playgrounds	0.20 - 0.35
Railroad yard areas	0.20 - 0.40
Unimproved areas	0.10 - 0.30
Streets:	0.70 - 0.95
Asphaltic	0.80 - 0.95
Concrete	0.70 - 0.85
Brick	
Drives and walks	0.75 - 0.85
Roofs	0.75 - 0.95

AGRICULTURAL AREAS:

Topography and Vegetation	Runoff Coefficient C Soil Texture		
	Soil Texture		
	Open Sandy Loam	Clay and Silt Loam	Tight Clay
Woodland			
Flat 0 - 5% Slope	0.10	0.30	0.40
Rolling 5 - 10% Slope	0.25	0.35	0.50
Hilly 10 - 30% Slope	0.30	0.50	0.60
Pasture			
Flat	0.10	0.30	0.40
Rolling	0.16	0.36	0.55
Hilly	0.22	0.42	0.60
Cultivated			
Flat	0.30	0.50	0.60
Rolling	0.40	0.60	0.70
Hilly	0.52	0.72	0.82

Source - Natural Resources Conservation Service (NRCS) US Department of Agriculture (USDA) Peak Discharge Course  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1083019.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1083019.pdf)





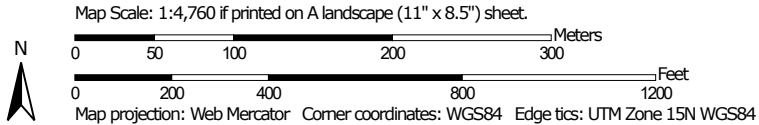
Provide Source of information



Soil Map may not be valid at this scale.

### Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
7501	Pawnee clay loam, 4 to 8 percent slopes, eroded	73.7	71.9%
7506	Pawnee clay loam, 1 to 4 percent slopes, eroded	7.5	7.3%
7550	Rosendale-Bendena silty clay loams, 3 to 40 percent slopes	2.1	2.0%
7576	Shelby clay loam, 8 to 12 percent slopes, eroded	19.1	18.7%
<b>Totals for Area of Interest</b>		<b>102.5</b>	<b>100.0%</b>



**EXHIBIT #3**

### Drainage Area #1 - 10 year

Existing Conditions

Area = 9.3 acres  
C= 0.60  
L= 750  
S= 6.0  
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$C = 0.60$$

$$T_i = 8.6$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$L = 750$$

$$S = 6.0$$

$$T_t = 1.25$$

$$T_c = 9.8$$

$$i_{10} = 5.86$$

$$K = 1$$

$$Q = KCiA$$

$$Q = 32.7 \text{ cfs}$$

Developed Conditions

Area = 9.3 acres  
C= 0.37  
L= 750  
S= 6.0  
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$C = 0.37$$

$$T_i = 12.5$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$L = 750$$

$$S = 6.0$$

$$T_t = 1.25$$

$$T_c = 13.7$$

$$i_{10} = 5.30$$

$$K = 1$$

$$Q = KCiA$$

$$Q = 18.4 \text{ cfs}$$

### Drainage Area #1 - 100 year

Existing Conditions

Area = 9.3 acres  
C= 0.60  
L= 750  
S= 6  
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

5 < T<sub>c</sub> < 15

$$T_i = 8.6$$

$$i_{100} = 331/(T_c + 30)$$

15 < T<sub>c</sub> < 60

$$T_t = 1.25$$

$$T_c = 9.8$$

$$i_{100} = 8.31$$

$$Q = KCiA$$

$$Q = 58.0 \text{ cfs}$$

Developed Conditions

Area = 9.3 acres  
C= 0.37  
L= 750  
S= 6.0  
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

5 < T<sub>c</sub> < 15

$$T_i = 12.5$$

$$i_{100} = 331/(T_c + 30)$$

15 < T<sub>c</sub> < 60

$$T_t = 1.25$$

$$T_c = 13.7$$

$$i_{100} = 7.57$$

$$Q = KCiA$$

$$Q = 32.9 \text{ cfs}$$

## Drainage Area #2- 10 year

Existing Conditions

Area = 2.7 acres  
C= 0.60  
L= 600  
S= 7.0  
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$C = 0.60$$

$$T_i = 8.1$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$L = 600$$

$$S = 7.0$$

$$T_t = 1.00$$

$$K = 1$$

$$T_c = 9.1$$

$$i_{10} = 5.97$$

$$Q = KCiA$$

$$Q = 9.7 \text{ cfs}$$

Developed Conditions

Area = 2.7 acres  
C= 0.36  
L= 600  
S= 7.0  
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$C = 0.36$$

$$T_i = 12.1$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$L = 600$$

$$S = 7.0$$

$$T_t = 1.00$$

$$K = 1$$

$$T_c = 13.1$$

$$i_{10} = 5.38$$

$$Q = KCiA$$

$$Q = 5.2 \text{ cfs}$$

## Drainage Area #2 - 100 year

Existing Conditions

Area = 2.7 acres  
C= 0.60  
L= 600  
S= 7.0  
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

$$5 < T_c < 15$$

$$T_i = 8.1$$

$$i_{100} = 331/(T_c + 30)$$

$$15 < T_c < 60$$

$$T_t = 1.00$$

$$T_c = 9.1$$

$$i_{100} = 8.84$$

$$Q = KCiA$$

$$Q = 17.9 \text{ cfs}$$

Developed Conditions

Area = 2.7 acres  
C= 0.36  
L= 600  
S= 7.0  
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

$$5 < T_c < 15$$

$$T_i = 12.1$$

$$i_{100} = 331/(T_c + 30)$$

$$15 < T_c < 60$$

$$T_t = 1.00$$

$$T_c = 13.1$$

$$i_{100} = 7.69$$

$$Q = KCiA$$

$$Q = 9.3 \text{ cfs}$$

### Drainage Area #3- 10 year

Existing Conditions

Area = 7.8 acres  
C= 0.56  
L= 780  
S= 7.0  
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3} \quad L_{\max} = 300$$

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$T_i = 8.8$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$T_t = 1.30$$

$$T_c = 10.1$$

$$i_{10} = 6.05$$

$$Q = KCiA$$

$$Q = 26.3 \text{ cfs}$$

Developed Conditions

Area = 7.8 acres  
C= 0.36  
L= 780  
S= 7.0  
K= 1

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3} \quad L_{\max} = 300$$

$$i_{10} = 175/(T_c + 18.8) \quad 5 < T_c < 15$$

$$T_i = 12.1$$

$$i_{10} = 214/(T_c + 26.7) \quad 15 < T_c < 60$$

$$T_t = 1.30$$

$$T_c = 13.4$$

$$i_{10} = 5.34$$

$$Q = KCiA$$

$$Q = 14.9 \text{ cfs}$$

### Drainage Area #3 - 100 year

Existing Conditions

Area = 7.8 acres  
C= 0.56  
L= 780  
S= 7  
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

$$5 < T_c < 15$$

$$T_i = 8.8$$

$$i_{100} = 331/(T_c + 30)$$

$$15 < T_c < 60$$

$$T_t = 1.30$$

$$T_c = 10.1$$

$$i_{100} = 8.55$$

$$Q = KCiA$$

$$Q = 46.6 \text{ cfs}$$

Developed Conditions

Area = 7.8 acres  
C= 0.36  
L= 780  
S= 7.0  
K= 1.25

$$T_i = 1.8(1.1-C)L^{.5}/S^{1/3}$$

L max = 300

$$i_{100} = 256/(T_c + 19.8)$$

$$5 < T_c < 15$$

$$T_i = 12.1$$

$$i_{100} = 331/(T_c + 30)$$

$$15 < T_c < 60$$

$$T_t = 1.30$$

$$T_c = 13.4$$

$$i_{100} = 7.63$$

$$Q = KCiA$$

$$Q = 26.7 \text{ cfs}$$

**From:** [Amanda Tarwater](#)  
**Sent:** Tuesday, December 8, 2020 10:19 AM  
**To:** [Clements, Jared](#)  
**Subject:** Re: DEV-20-124 & 125 Ackerland Hill

---

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

FreeState Electric has no objection to this application.

Thank you,

**Amanda Tarwater**  
Member Account Coordinator



1-800-794-1989 | [www.freestate.coop](http://www.freestate.coop)

---

**From:** "Clements, Jared"  
**Date:** Tuesday, December 8, 2020 at 10:04 AM  
**To:** "'lvrwd9@gmail.com"' , Amanda Tarwater , "'Union Township Fire (PBartlettFD9@Yahoo.com)'" , "Magaha, Chuck" , "Van Parys, David" , "Thorne, Eric" , "Miller, Jamie"  
**Subject:** DEV-20-124 & 125 Ackerland Hill

Warning: This message originated outside of the FEC organization. Do not click links or open attachments unless you have validated the sender and know the content is safe. <="" span="">

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Ackerland Hill, a two-lot subdivision

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by December 15, 2020.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [JClements@LeavenworthCounty.gov](mailto:JClements@LeavenworthCounty.gov).

Thank you,

Jared Clements  
Planner II  
Leavenworth County Planning and Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048



**From:** [Rural Water District 9](#)  
**Sent:** Tuesday, December 8, 2020 10:26 AM  
**To:** Clements, Jared  
**Cc:** [Amanda.holloway@freestate.coop](mailto:Amanda.holloway@freestate.coop); [Union Township Fire \(PBartlettFD9@Yahoo.com\)](#); [Magaha, Chuck](#); [Van Parys, David](#); [Thorne, Eric](#); [Miller, Jamie](#)  
**Subject:** Re: DEV-20-124 & 125 Ackerland Hill

---

**Notice:** This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

We can serve water to them.

Jon Orndorff  
District Manager  
Rural Water District 9  
913-845-3571

On Dec 8, 2020, at 10:04, [Clements, Jared](#) wrote:

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Ackerland Hill, a two-lot subdivision. The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by December 15, 2020.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [JClements@LeavenworthCounty.gov](mailto:JClements@LeavenworthCounty.gov).

Thank you,

Jared Clements

Planner II

Leavenworth County Planning and Zoning

300 Walnut St. Ste. 212

Leavenworth, KS 66048

(913)684-0465

**From:** [Van Parys, David](#)  
**Sent:** Tuesday, December 8, 2020 11:43 AM  
**To:** [Clements, Jared](#)  
**Subject:** RE: DEV-20-124 & 125 Ackerland Hill

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Jared, No legal concerns out of the ordinary.

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**From:** Clements, Jared  
**Sent:** Tuesday, December 8, 2020 10:04 AM  
**To:** 'lvrwd9@gmail.com' ; 'Amanda.holloway@freestate.coop' ; 'Union Township Fire (PBartlettFD9@Yahoo.com)' ; Magaha, Chuck ; Van Parys, David ; Thorne, Eric ; Miller, Jamie  
**Subject:** DEV-20-124 & 125 Ackerland Hill

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary and Final Plat for Ackerland Hill, a two-lot subdivision

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by December 15, 2020.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at [JClements@LeavenworthCounty.gov](mailto:JClements@LeavenworthCounty.gov).

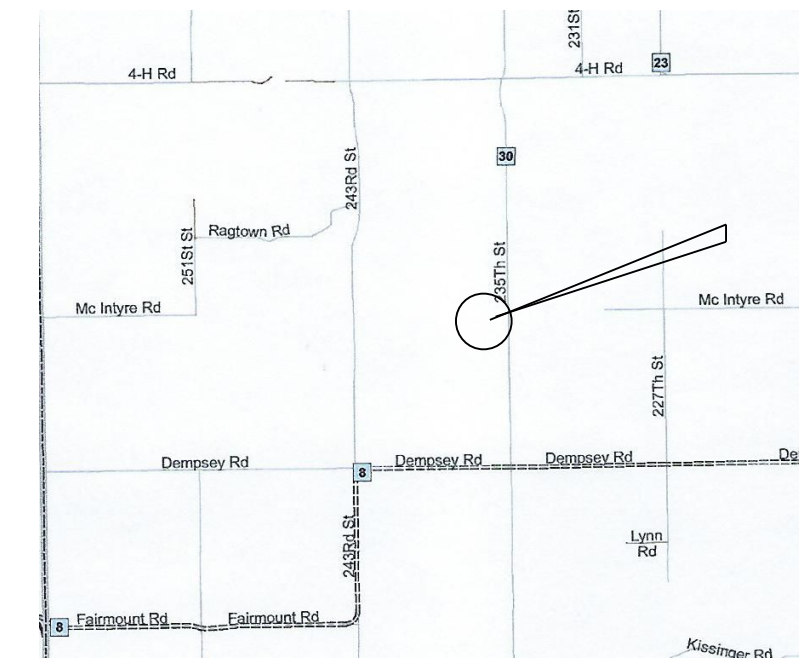
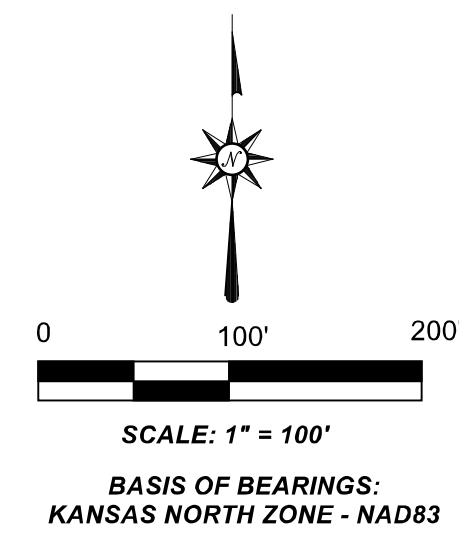
Thank you,

Jared Clements  
Planner II  
Leavenworth County Planning and Zoning  
300 Walnut St. Ste. 212  
Leavenworth, KS 66048  
(913)684-0465

# ACKERLAND HILL

A MINOR 2 LOT SUBDIVISION IN THE EAST HALF OF  
FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

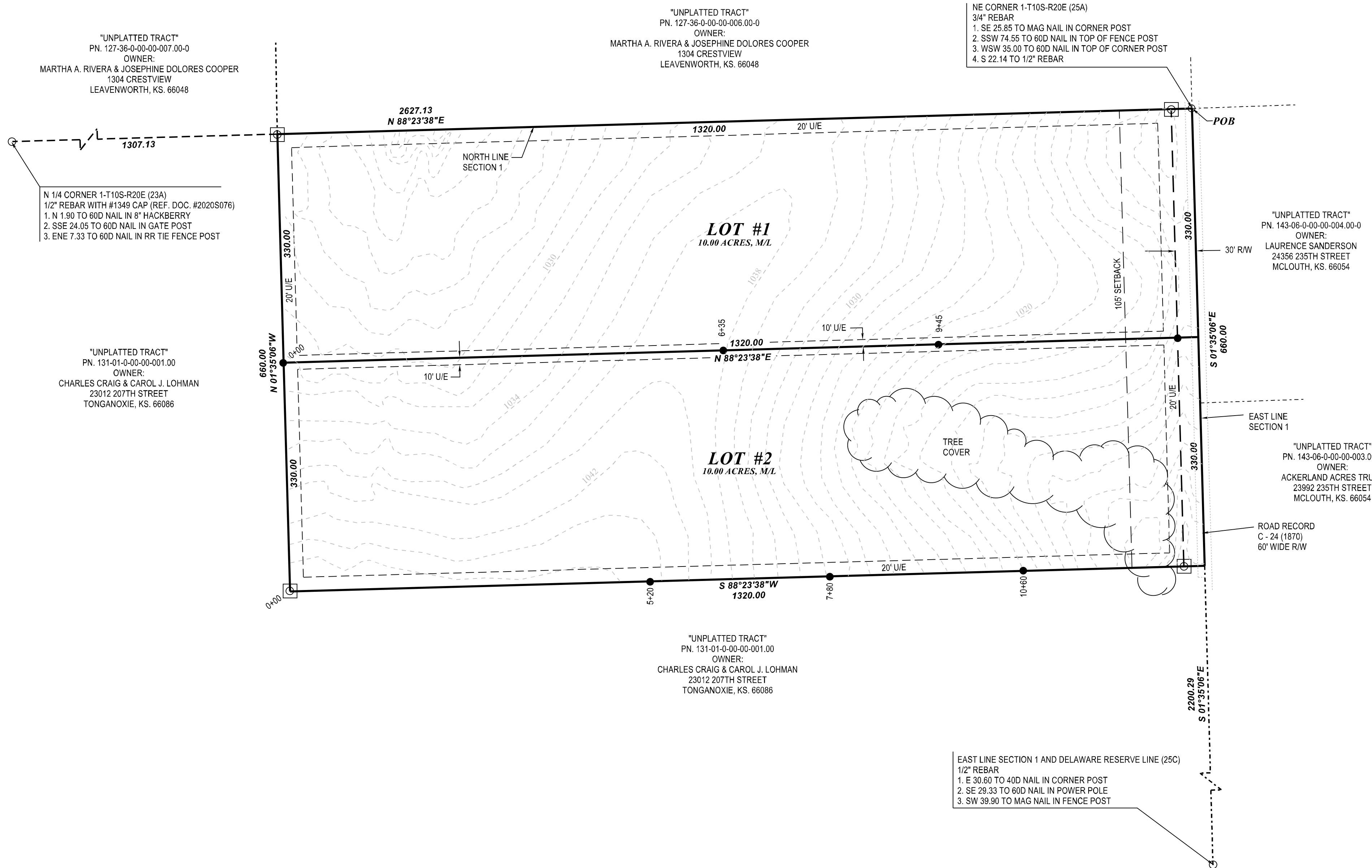
## PRELIMINARY PLAT



**LOCATION MAP**  
NO SCALE

### LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- ◻ 1/2" REBAR WITH #1349 CAP IN CONCRETE  
(REF. DOC. #2020S076)



**OWNER / DEVELOPER**  
CHARLES CRAIG & CAROL J. LOHMAN  
23012 207TH STREET  
TONGANOXIE, KANSAS 66086  
(913) 449-9750

**DESCRIPTION**  
A TRACT OF LAND IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 1;  
THENCE, S 01°35'06"E, 660.00 FEET ALONG THE EAST LINE OF SAID SECTION 1;  
THENCE, S 88°23'38"W, 1320.00 FEET;  
THENCE, N 01°35'06"W, 660.00 FEET TO THE NORTH LINE OF SAID SECTION 1;  
THENCE, N 88°23'38"E, 1320.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.  
CONTAINS 20.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.

### NOTES

1. FENCE LINES DO NOT DENOTE PROPERTY LINES.
2. EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RESIDENTIAL
3. LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
4. THIS SURVEY IS NOT IN A SPECIAL FLOOD HAZARD AREA.  
FEMA MAP 20103C0225G, DATED 07/16/2015.

### RESTRICTIONS

1. 40' REAR SETBACK FOR RESIDENCES  
15' REAR SETBACK FOR ACCESSORY BUILDINGS  
15' SIDE SETBACK
2. AN ENGINEERED WASTEWATER DISPOSAL SYSTEM MAY BE REQUIRED DUE TO POOR SOIL CONDITIONS.
3. EROSION CONTROL SHALL BE USED WHEN DESIGNING AND CONSTRUCTING DRIVEWAYS.
4. A FORM OF SEDIMENT CONTROL SHALL BE INSTALLED BEFORE WORK BEGINS AND MAINTAINED THROUGHOUT THE TIME THAT THE LAND DISTURBING ACTIVITIES ARE TAKING PLACE.
5. RE-VEGETATION OF ALL DISTURBED SITES SHALL BE COMPLETED WITHIN 45 DAYS AFTER COMPLETION OF FINAL GRADING, WEATHER PERMITTING.
6. LOTS ARE SUBJECT TO THE CURRENT ACCESS MANAGEMENT POLICY RESOLUTION.

### UTILITIES

ELECTRIC / FREESTATE  
WATER / R.W.D. #9  
GAS / PRIVATE PROPANE  
SEWAGE / PRIVATE ON SITE SYSTEM  
TELEPHONE / AT&T

### ZONING

RURAL RESIDENTIAL (RR-5.0)

### ROAD INFORMATION

235TH STREET IS 20 FEET WIDE WITH GRAVEL SURFACE

### BENCHMARK

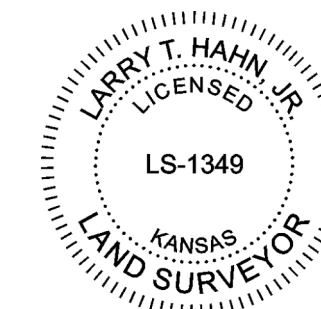
3/4" REBAR AT THE NORTHEAST CORNER 1-T10S-R20E  
EL. 1007.41 (NAVD 88)

### PUBLIC IMPROVEMENT

NONE

### DRAINAGE CALCULATIONS

ON SEPARATE DOCUMENT BY DAVID LUTGEN, PE



LARRY T. HAHN, LS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF SEPTEMBER, 2020,  
THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT  
SAID SURVEY MEETS OR EXCEEDS THE "KANSAS MINIMUM STANDARDS"  
FOR BOUNDARY SURVEYS PURSUANT TO K.S.A. 74-7037.



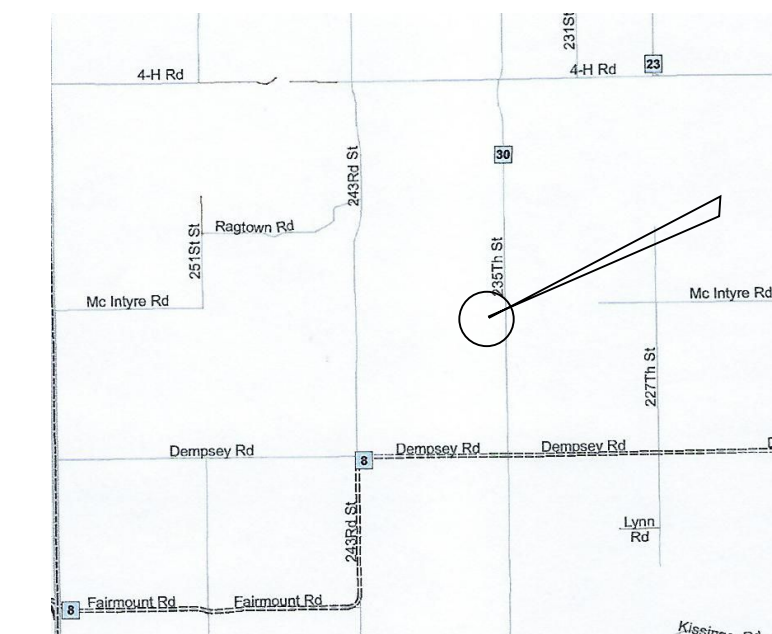
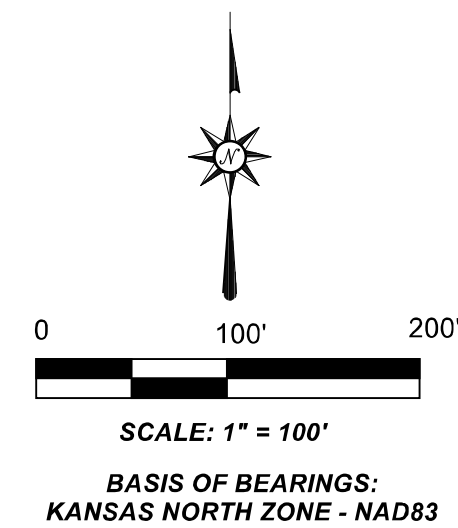
# ACKERLAND HILL

A MINOR 2 LOT SUBDIVISION IN THE EAST HALF OF  
FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M.,  
LEAVENWORTH COUNTY, KANSAS

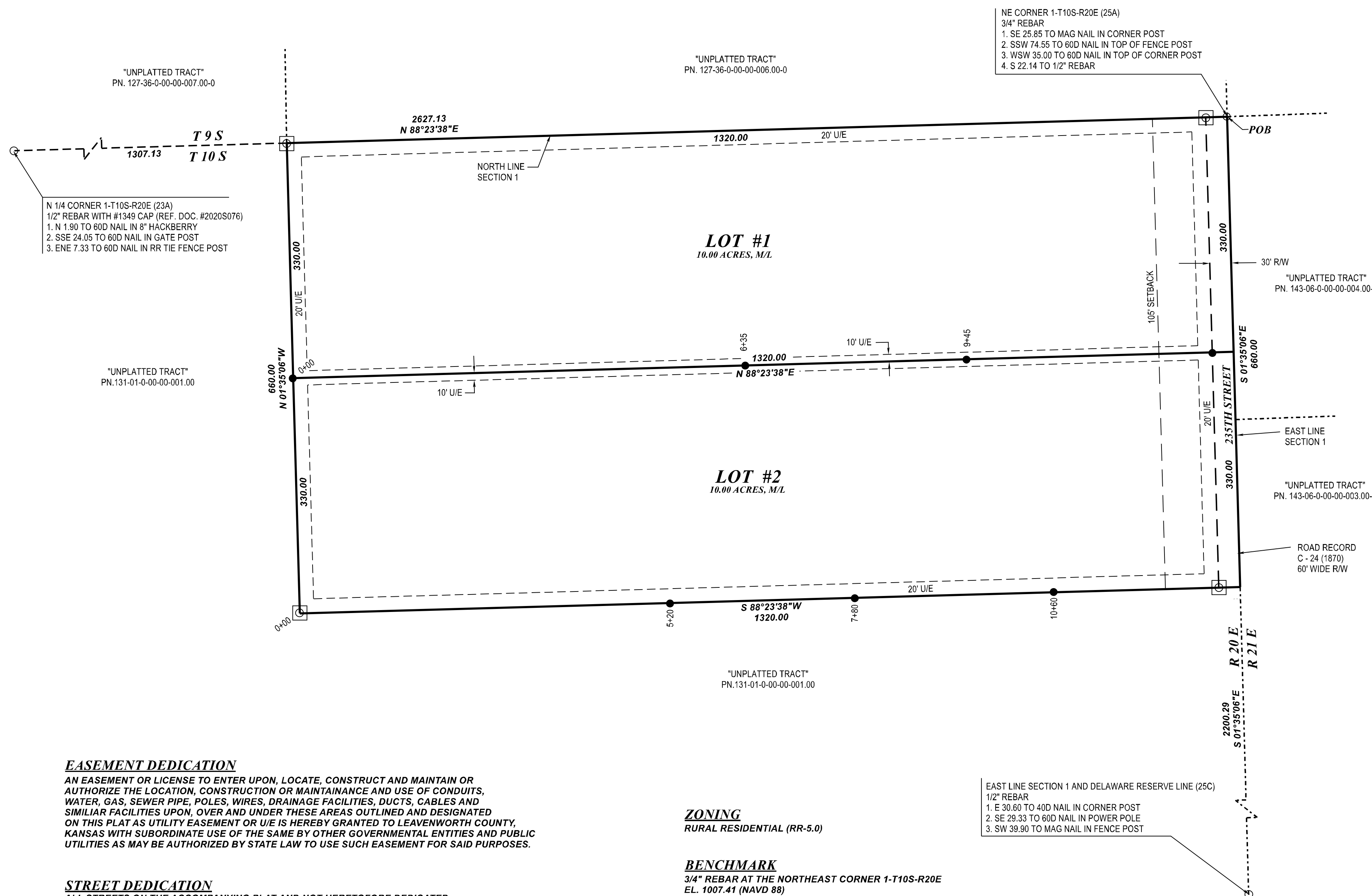
## FINAL PLAT

### LEGEND

- 1/2" x 24" REBAR SET WITH #1349 CAP
- SURVEY MONUMENT FOUND (AS NOTED)  
ORIGIN UNKNOWN, UNLESS REFERENCED
- POB POINT OF BEGINNING
- U/E UTILITY EASEMENT
- 1/2" REBAR WITH #1349 CAP IN CONCRETE  
(REF. DOC. #2020S076)



LOCATION MAP  
NO SCALE



### DESCRIPTION

A TRACT OF LAND IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 1-T10S-R20E OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS, DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 1; THENCE, S 01°35'06"E, 660.00 FEET ALONG THE EAST LINE OF SAID SECTION 1; THENCE, S 88°23'38"W, 1320.00 FEET; THENCE, N 01°35'06"W, 660.00 FEET TO THE NORTH LINE OF SAID SECTION 1; THENCE, N 88°23'38"E, 1320.00 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING. CONTAINS 20.00 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.

### IN TESTIMONY WHEREOF

THE UNDERSIGNED PROPRIETORS STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT THEY HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WHICH SHALL BE KNOWN AS "ACKERLAND HILL".

WE, THE UNDERSIGNED OWNERS OF "ACKERLAND HILL" HAVE SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHARLES CRAIG LOHMAN

CAROL J. LOHMAN

### STATE OF KANSAS / COUNTY OF LEAVENWORTH

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE COUNTY AFORESAID CAME CHARLES CRAIG LOHMAN AND CAROL J. LOHMAN TO ME PERSONALLY KNOWN TO BE THE SAME PERSON WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME. IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARY SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

### APPROVAL

WE, THE LEAVENWORTH COUNTY PLANNING COMMISSION, DO HEREBY APPROVE THE FOREGOING PLAT OF "ACKERLAND HILL" THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

CHAIRPERSON / STEVE ROSENTHAL

SECRETARY / KRystal VOTH

THE LEAVENWORTH COUNTY ENGINEERS PLAT REVIEW IS ONLY FOR GENERAL CONFORMANCE WITH THE SUBDIVISION REGULATIONS AS ADOPTED BY LEAVENWORTH COUNTY. THE COUNTY IS NOT RESPONSIBLE FOR THE ACCURACY AND ADEQUACY OF THE DESIGN, DIMENSIONS, ELEVATIONS AND QUANTITIES.

COUNTY ENGINEER

### COUNTY SURVEYOR CERTIFICATION

I HEREBY CERTIFY THIS PLAT MEETS THE REQUIREMENTS OF K.S.A. 58-2005. THE FACE OF THIS PLAT WAS REVIEWED BASED ON KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. NO FIELD VERIFICATION IS IMPLIED. THIS REVIEW IS FOR SURVEY INFORMATION ONLY.

COUNTY SURVEYOR / WAYNE MALNICOF, LS

### STATE OF KANSAS / COUNTY OF LEAVENWORTH

FILED FOR RECORD IN DOCUMENT # \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ IN THE OFFICE OF THE REGISTER OF DEEDS, LEAVENWORTH COUNTY, KANSAS.

REGISTER OF DEEDS / STACY R. DRISCOLL

### EASEMENT DEDICATION

AN EASEMENT OR LICENSE TO ENTER UPON, LOCATE, CONSTRUCT AND MAINTAIN OR AUTHORIZE THE LOCATION, CONSTRUCTION OR MAINTAINANCE AND USE OF CONDUITS, WATER, GAS, SEWER PIPE, POLES, WIRES, DRAINAGE FACILITIES, DUCTS, CABLES AND SIMILAR FACILITIES UPON, OVER AND UNDER THESE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS UTILITY EASEMENT OR U/E IS HEREBY GRANTED TO LEAVENWORTH COUNTY, KANSAS WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES.

### STREET DEDICATION

ALL STREETS ON THE ACCOMPANYING PLAT AND NOT HERETOFORE DEDICATED TO PUBLIC USE ARE HEREBY SO DEDICATED.

### NOTES

- EXISTING USE OF AREA BEING PLATTED - AGRICULTURAL  
PROPOSED USE - RESIDENTIAL
- LEAVENWORTH COUNTY, KANSAS, DOES NOT REPRESENT, WARRANT OR GUARANTEE THAT THE DETAILS SHOWN ON THIS DOCUMENT AND PROVIDED BY THE APPLICANT, INCLUDING ANY SURVEY INFORMATION SHOULD BE RELIED UPON BY ANY THIRD PARTY AS BEING WHOLLY OR PARTIALLY ACCURATE AND COMPLETE.
- THIS SURVEY IS NOT IN A SPECIAL FLOOD HAZARD AREA.  
FEMA MAP 20103C0225G, DATED 07/16/2015.

### ZONING

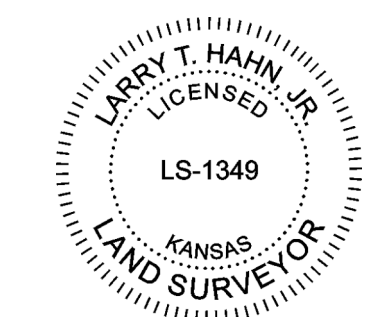
RURAL RESIDENTIAL (RR-5.0)

### BENCHMARK

3/4" REBAR AT THE NORTHEAST CORNER 1-T10S-R20E  
EL. 1007.41 (NAVD 88)

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LARRY T. HAHN, LS #1349

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HAHN SURVEYING  
PO BOX 41  
LANSING, KANSAS 66043  
(913) 547-3405  
hahnsurvey@gmail.com

**Leavenworth County  
Request for Board Action**

**Date:** January 21, 2021  
**To:** Board of County Commissioners  
**From:** Connie Harmon

**Department Head Approval:** Connie Harmon

**Additional Reviews as needed:**

**Budget Review  Administrator Review  Legal Review**

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**Action Requested:** We request Board review of Grant Revision before submission to the state for approval of the extended Fiscal Year, and increase in county portion.

**Recommendation:** We recommend approval based on the new requirements set forth in the Grant.

**Analysis:** The State has requested this revision due to the FFCRA and CARES Act funds our grant programs receive annually. To date, the State has not provided any federal dollar allocations for the 2021 FY. That means our federal dollar for 2019/2020 FY is to fund us through Sept 2021 with the addition of the FFCRA and CARES Act funds. Unfortunately, that means more county money is needed to finish the grant FY and continue to provide senior services and MOW as the demand continues to grow.

**Alternatives:** No grant approval – no senior services or MOW services

**Budgetary Impact:**

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested:**

**Additional Attachments:** Grant Breakdowns 2021 pdf

2019-2021 Grant-Rev

	ORIGINAL GRANT BUDGET (10/01/19 - 9/30/20)						REVISION GRANT BUDGET (10/1/19 - 9/30/21)							
	TOTAL PROGRAM	FEDERAL	LOCAL	USDA	STATE	% BUDGET	TOTAL PROGRAM	FEDERAL	LOCAL	USDA	STATE	FFCRA	CARES	% BUDGET
	\$ 113,739.00	\$ 63,671.00	\$ 50,068.00				\$ 187,772.00	\$ 63,745.00	\$ 91,851.00	\$ -	\$ -	\$ -	\$ 32,176.00	
I/A	\$ 59,530.00	\$ 9,462.00				8%	\$ 106,904.00	\$ 5,871.00					\$ 9,182.00	8%
TELEPHONING	\$ 20,764.00	\$ 20,764.00				18%	\$ 42,400.00	\$ 28,150.00					\$ 14,250.00	23%
VISITING	\$ 8,899.00	\$ 8,899.00				8%	\$ 14,106.00	\$ 5,362.00					\$ 8,744.00	8%
RECREATION	\$ 24,546.00	\$ 24,546.00				22%	\$ 24,362.00	\$ 24,362.00					\$ -	13%
													\$ 32,176.00	
		56%	44%			56%		34%	49%				17%	51%
C1	\$ 200,819.00	\$ 64,761.00	\$ 124,935.00	\$ 11,123.00			\$ 512,890.00	\$ 75,164.00	\$ 375,786.00	\$ 18,275.00	\$ -	\$ 13,548.00	\$ 30,117.00	
		32%	62%	6%				15%	73%	4%		3%	6%	
							JAN-SEPT 2021	23%	73%	4%				
C2	\$ 464,155.00	\$ 49,410.00	\$ 294,214.00	\$ 42,073.00	\$ 78,458.00		\$ 1,270,734.00	\$ 44,547.00	\$ 987,968.00	\$ 83,070.00	\$ 80,949.00	\$ 27,095.00	\$ 47,105.00	
		11%	63%	9%	17%			4%	78%	7%	6%	2%	4%	
							JAN-SEPT 2021	9%	78%	7%	6%			
		C1	30%					C1	29%					
		C2	70%					C2	71%					

## Leavenworth County Request for Board Action

**Date:** January 21, 2021

**To:** Board of County Commissioners

**Cc:** Mark Loughry; Krystal Voth

**From:** David C. Van Parys

**Department Head Approval:** Krystal Voth

**Additional Reviews as needed:**

**Budget Review**  **Administrator Review**  **Legal Review**

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**Action Requested:** Approve a board order creating a board of building codes appeals in order to quickly resolve disputes over the interpretation and application of the recently adopted building codes.

**Recommendation:** Approve the board order.

**Analysis:** The county recently adopted building codes. Staff has already encountered questions from applicants for building permits over the application of the codes and issues over the interpretation of the codes is likely. While the statutes authorizing the adoption of building codes do not do so, it is my opinion that under the general powers granted the board under K.S.A. 19-101, et seq., you may create such board to hear and resolve such disputes.

As stated in the proposed board order, the purpose of the board will be to provide a forum for the timely resolution of disputes regarding the building codes. As proposed, appeals before the board would be finalized not more than ten (10) business days from the initiation of an appeal, and with the allowance for proceedings to be conducted telephonically, likely in less time.

Any appeal from the decision of the board of building codes appeals would be to the district court, as is case for appeals from decisions made by the board of zoning appeals.

**Alternatives:** Allow for an ad hoc disposition of such disputes as are intended to be handled by the board of building codes appeals created by the proposed board order, with the anticipation that the county commission would be the final arbiter of any such disputes.

**Budgetary Impact:** The cost of the operation of the board of building codes appeals should be sufficiently funded by the administrative fee proposed.

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

**Total Amount Requested: 0**

**Additional Attachments:** See copy of the proposed board order

## **BOARD ORDER 2021-1**

### **AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, PURSUANT TO THE PROVISIONS OF K.S.A. 19-101 et seq., CREATING A BOARD OF BUILDING CODES APPEALS FOR THE PURPOSE OF HEARING THE APPEAL OF PERSONS AGGRIEVED BY THE STAFF INTERPRETATION AND APPLICATION OF THE BUILDING CODES ADOPTED BY THE COUNTY.**

**WHEREAS** Leavenworth county has adopted building codes and wishes to create a timely means whereby persons aggrieved by the staff interpretation and application of those codes to an application for a building permit;

#### **IT IS HEREBY ORDERED BY THIS BOARD:**

1. That pursuant to the authority granted to the board by K.S.A. 19-101 et seq. there is hereby created a board of building codes appeals.
2. That the mission of said board is to timely hear and determine appeals by any building permit applicant who appeals the staff interpretation and application of the building codes adopted by the county to that permit application.
3. The board of building codes appeals shall consist of not less than five (5), nor more than seven (7) persons, residing in the county of Leavenworth, who have a background in the building trades or fire protection services deemed sufficient by the board of county commissioners. A quorum for the board of zoning appeals shall be not less than three (3) members.
4. That persons appointed to serve on the board of building codes appeals shall serve at the pleasure of the board and until they either resign or are removed with or without cause.
5. That persons appointed to serve on the board of building codes appeals shall serve without compensation, provided that the county shall reimburse them for the reasonable expenses necessary for their service.
6. That the board of building codes appeals shall convene and meet at the request of either the Director of Planning and Zoning for the county, or their designee, or an applicant for a building permit, or their agent, aggrieved by the staff interpretation and application of the building codes adopted by the county. The Director of Planning and Zoning for the county shall prepare and keep available a form for the purpose of filing an appeal and shall keep and maintain the records of the board of building codes appeals. Members of the board of building codes appeals may attend any meeting of that board telephonically and the board may conduct any meeting of the board by telephone.
7. That it shall be the duty of the members of the board of building codes appeals to convene and meet within five (5) business days of the request of either party identified in section six (6) of this Order. The place and time of the meeting of the board of building codes appeals shall be set by the director of Planning and Zoning in conformity with the time constraints set



forth in this Order and at a place convenient for the parties and members of the board of building codes appeals.

8. That upon convening the board of building codes appeals shall hear testimony and receive such evidence as presented by the aggrieved applicant as they determine to be relevant and shall render its decision, in writing, on the interpretation and application of the building codes adopted by the county within five (5) business days of the adjournment of the hearing convened by them.

9. That should the board of zoning appeals fail to render its decision on any appeal within the time set forth in this Order the appeal of the applicant shall be deemed to have been granted.

10. That a filing fee of fifteen (15) dollars shall be paid by any applicant wishing to bring an appeal to the board of building codes appeals prior to the initiation of the appeals process. Such fees as are collected shall be used solely to compensate members of the board of building codes appeals for the reasonable expenses necessary for their service.

11. That decisions of the board of building codes appeals shall be final, provided that any decision by said board may be appealed pursuant to the provisions of K.S.A. 19-223.

**WHEREFORE IT IS SO ORDERED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

\_\_\_\_\_  
**MIKE SMITH, CHAIR**

\_\_\_\_\_  
**JEFF CULBERTSON, MEMBER**

\_\_\_\_\_  
**VICKY KAAZ, MEMBER**

\_\_\_\_\_  
**DOUG SMITH, MEMBER**

\_\_\_\_\_  
**MIKE STIEBEN, MEMBER**

**ATTEST:** \_\_\_\_\_  
**JANET KLASINSKI, COUNTY CLERK**