

We encourage everyone to view the meeting live via YouTube.

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

Regular Meeting Agenda
300 Walnut Street, Suite 225
Leavenworth, KS 66048

June 7, 2023

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:
- 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 the meeting of May 31, 2023
 - b) Approval of the minutes of the work session of May 31, 2023

- c) Approval of the schedule for the week June 12, 2023
- d) Approval of the check register
- e) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve the amendments to the acceptable use policy for the Information Systems Department.
- b) Consider a motion to approve Community Corrections to utilize Opiate Settlement Funding from Municipalities Fighting Addiction Fund to establish a Cognitive Program Facilitator.
- c) Consider a motion to approve Resolution 2023-11, a request for a special use permit for a soil borrow site and clean rubble landfill for Lexeco.
- d) Consider a motion to approve Resolution 2023-12, a request for a special use permit for Horses and Heroes, Inc.
- e) Consider a motion to approve the construction contract for the E-48 bridge replacement project with Dondlinger Construction.
- f) Consider a motion to accept the High-Risk Rural Roads Program Award for Tonganoxie Road safety improvement project for FY2025 and approve the project programming request form.

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

- a) Resolution for high pressure natural gas pipelines.

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

WORK SESSION TO DISCUSS 222ND ST. AND KANSAS AVE.

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, June 5, 2023

6:30 p.m. Republican Town Hall
• Heritage Center, 109 Delaware St., Leavenworth, KS

Tuesday, June 6, 2023

Wednesday, June 7, 2023

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

Thursday, June 8, 2023

Friday, June 9, 2023

11:00 a.m. 2023 MARC Regional Assembly
• Westin Kansas City, 1 E. Pershing Road, Kansas City, MO

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

*****May 31, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, May 31, 2023. Commissioner Kaaz, Commissioner Doug Smith, Commissioner Mike Smith, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Janet Klasinski, County Clerk; John Richmeier, Leavenworth Times

Residents: Joe Herring, Eric Weslander, Mike McDonald, Kirk Sours, Rich Ewoldson, Stuart Sweeney, Don Ritter

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

The Board responded to an article in the Leavenworth Times written by a local representative.

Commissioner Doug Smith reported Senator Tyson will be at a town hall on Monday, June 5th at 6:30 p.m. at the Heritage Center.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, May 31, 2023 as presented.

Motion passed, 5-0.

A public hearing is required for the formation of Fire District #2 and the consideration of approval of an interlocal agreement.

Commissioner Kaaz opened the public hearing for Resolution 2023-10, forming Leavenworth County Fire District #2 and organizing, naming and declaring the boundaries of Fire District #2.

Kirk Sours, Mike McDonald, Rich Ewoldson, Stuart Sweeney and Don Ritter spoke in favor.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve Resolution 2023-10, forming Leavenworth County Fire District #2 and organizing, naming and declaring the boundaries of Fire District #2.

Motion passed, 5-0.

A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve an interlocal agreement for the establishment of a joint board, fire district board of trustees and the funding and operation of Fire District #2.

Motion passed, 5-0.

Joe Herring commented on a non-agenda item.

Commissioner Mike Smith will attend a rededication of the Veteran's memorial at Bernard Park this Saturday at 10:00 a.m.

Commissioner Doug Smith attended the Fairmount Township meeting and a VFW Memorial Day ceremony at Glenwood Cemetery.

Commissioner Stieben announced a picnic for the Elephant Club on June 15 with speaker Attorney General Kris Kobach. Commissioner Stieben and Culbertson will tour the Hamm's Landfill today.

Commissioner Kaaz attended a KCATA meeting.

Commissioner Doug Smith inquired about resolving a disagreement on the city of 2nd class and road maintenance relating to the city of Basehor.

David Van Parys suggested direct discussions with the city of Basehor.

Mark Loughry has directed staff to review statutes and draft a legal opinion on the matter.

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

Motion passed, 5-0.

The Board adjourned at 9:29 a.m.

*****May 31, 2023 *****

The Board of County Commissioners met in a work session on Wednesday, May 31, 2023. Commissioner Mike Smith, Commissioner Doug Smith, Commissioner Kaaz, Commissioner Culbertson and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director

The Board held a work session to discuss subdivision regulations.

The Board ended the work session at 10:38 a.m.

Draft

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, June 12, 2023

Tuesday, June 13, 2023

Wednesday, June 14, 2023

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

Thursday, June 15, 2023

Friday, June 16, 2023

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: 05/27/2023 END DATE: 06/02/2023

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#					
340	BROOKS-JEFFREY	BROOKS-JEFFREY MARKETING INC	334675	103448 AP	05/31/2023	3-001-5-07-262	LVSHERIFF DOMAIN RENEAL	200.00	
1003	CENTRALSQUARE	CENTRALSQUARE TECHNOLOGIES,LLC	334677	103450 AP	05/31/2023	3-001-5-07-262	6790 BILLABLE AIR TVL/AGENCY F	834.41	
30147	COMMERCE BANK	COMMERCE BANK	334678	103451 AP	05/31/2023	3-001-5-07-303	3 ON A PAGE CHECK (LVSO CASH B	266.58	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-05-215	TONGANOXIE WATER EMS 9102	81.10	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-05-215	FREESTATE ELEC SVC EMS 9102	247.62	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-05-215	WASTE MANAGEMENT	173.12	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-05-280	MIDWEST MOBILE RADIO MONTHLY+A	102.40	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-05-280	MIDWEST MOBILE RADIO MONTHLY+A	438.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-06-216	AT&T MOBILITY - PLANNING MIFI	86.46	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-208	FIRST ADVANTAGE BACKGROUND (8	37.88	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-208	MIDWEST MOBILE RADIO MONTHLY+A	1,640.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-210	AT&T LVSO 1005	5,740.01	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-210	AT&T LVSO 1113	383.52	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-210	AT&T LVSO WIRELESS 5018	92.46	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-216	CHARTER - EOC INTERNET	74.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-219	CHARTER - MENTAL HEALTH ACCESS	182.01	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-07-223	5-35 ELECTRIC SERVICE	439.45	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-14-220	5-35 ELECTRIC SERVICE	685.72	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-14-220	TONGANOXIE WATER 725 LAMING 16	74.10	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-14-220	TONGANOXIE WATER 725 LAMING 16	7.11	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-14-220	TONGANOXIE WATER EMS 9102	7.51	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-18-213	SPECTRUM - COMMUNICATIONS FEES	134.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-18-213	SPECTRUM - ACCESS FEES	1,542.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-001-5-53-207	WASTE MANAGEMENT	101.40	
							*** VENDOR	648 TOTAL	12,272.82
690	DEVLIN,KATHRYN	KATIE DEVLIN	334680	103453 AP	05/31/2023	3-001-5-11-203	REIM NDAA MEMBERSHIP	95.00	
690	DEVLIN,KATHRYN	KATIE DEVLIN	334680	103453 AP	05/31/2023	3-001-5-11-211	PER DIEM + REIM TVL MISSOULA C	156.00	
690	DEVLIN,KATHRYN	KATIE DEVLIN	334680	103453 AP	05/31/2023	3-001-5-11-211	PER DIEM + REIM TVL MISSOULA C	1,090.44	
690	DEVLIN,KATHRYN	KATIE DEVLIN	334680	103453 AP	05/31/2023	3-001-5-11-211	PER DIEM + REIM TVL MISSOULA C	211.08	
690	DEVLIN,KATHRYN	KATIE DEVLIN	334680	103453 AP	05/31/2023	3-001-5-11-211	PER DIEM + REIM TVL MISSOULA C	15.30	
690	DEVLIN,KATHRYN	KATIE DEVLIN	334680	103453 AP	05/31/2023	3-001-5-11-211	PER DIEM + REIM TVL MISSOULA C	100.00	
							*** VENDOR	690 TOTAL	1,667.82
86	EVERGY	EVERGY KANSAS CENTRAL INC	334706	103469 AP	06/02/2023	3-001-5-32-392	ELEC SVC 498 S 2ND ST	29.88	
83	GRAFIX SHOPPE	M J DONOVAN ENTERPISES, INC	334681	103454 AP	05/31/2023	3-001-5-07-359	2 WALL GRAPHICS FOR SGT OFFICE	280.00	
1694	LIONS CLUB	LIONS CLUB	334686	103459 AP	05/31/2023	3-001-5-11-203	REQUESTED INVOICE	36.00	
383	LYON CHRISTOPHER	CHRISTOPHER LYON	334687	103460 AP	05/31/2023	3-001-5-11-290	REIM COFFEE/REFRESHMENTS	113.11	
4583	MURRFIELD	MURRFIELD FARM SUPPLY	334690	103463 AP	05/31/2023	3-001-5-53-305	1252 - CHEMCIALS (REC'D 5/	10,314.00	
4583	MURRFIELD	MURRFIELD FARM SUPPLY	334690	103463 AP	05/31/2023	3-001-5-53-305	1252 - CHEMCIALS (REC'D 5/	10,422.00	
4583	MURRFIELD	MURRFIELD FARM SUPPLY	334690	103463 AP	05/31/2023	3-001-5-53-305	1252 - CHEMCIALS (REC'D 5/	10,262.40	
							*** VENDOR	4583 TOTAL	30,998.40
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	334691	103464 AP	05/31/2023	3-001-5-14-336	MARCH FUEL, VEH MAINT - NOX WE	954.39	
458	ROAD & BRIDGE	LEAV CO PUBLIC WORKS	334691	103464 AP	05/31/2023	3-001-5-53-308	MARCH FUEL, VEH MAINT - NOX WE	2,432.28	
							*** VENDOR	458 TOTAL	3,386.67
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	334707	103470 AP	06/02/2023	3-001-5-31-212	24513 PEST CONTROL - MAY	601.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	334707	103470 AP	06/02/2023	3-001-5-32-211	24513 PEST CONTROL - MAY	85.00	
915	SMITHEREEN PEST MANA	SMITHEREEN PEST MANAGEMENT	334707	103470 AP	06/02/2023	3-001-5-33-211	24513 PEST CONTROL - MAY	125.00	
							*** VENDOR	915 TOTAL	811.00
22603	THOMPSON REIMB	TODD THOMPSON	334692	103465 AP	05/31/2023	3-001-5-11-211	PER DIEM MISSOULA MT & REIM CK	156.00	
22603	THOMPSON REIMB	TODD THOMPSON	334692	103465 AP	05/31/2023	3-001-5-11-211	PER DIEM MISSOULA MT & REIM CK	35.00	
							*** VENDOR	22603 TOTAL	191.00
5610	UNION MILL SUPPLY	UNION MILL SUPPLY,LLC	334693	103466 AP	05/31/2023	3-001-5-07-359	JAIL - PRO DRY 5 GAL (X5)	415.00	
							TOTAL FUND 001		51,502.69

START DATE: 05/27/2023 END DATE: 06/02/2023

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#							
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-108-5-00-601	MIDWEST MOBILE RADIO MONTHLY+A	75.00		
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	334683	103456 AP	05/31/2023	3-108-5-00-280	C10180 MAY PRENATAL CLINICAL S	1,800.00		
1629	KU PHYSICIANS	KANSAS UNIVERSITY PHYSICIANS I	334683	103456 AP	05/31/2023	3-108-5-00-280	C10180 MAY PRENATAL CLINICAL S	1,800.00		
								*** VENDOR	1629 TOTAL	3,600.00
6876	LEAV CITY	CITY OF LEAVENWORTH	334684	103457 AP	05/31/2023	3-108-5-00-203	ALARM RENEWAL FEE WIC/HEALTH D	11.25		
6876	LEAV CITY	CITY OF LEAVENWORTH	334684	103457 AP	05/31/2023	3-108-5-00-606	ALARM RENEWAL FEE WIC/HEALTH D	3.75		
								*** VENDOR	6876 TOTAL	15.00
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	334689	103462 AP	05/31/2023	3-108-5-00-301	OPK598_K HEALTH DEPT PRINTER	121.77		
								TOTAL FUND 108	3,811.77	
661	MAINSTREET	CDJ AUTOMOTIVE LLC	334688	103461 AP	05/31/2023	3-115-5-00-408	2023 RAM1500 X2 (SHERIFF)	37,079.00		
661	MAINSTREET	CDJ AUTOMOTIVE LLC	334688	103461 AP	05/31/2023	3-115-5-00-408	2023 RAM1500 X2 (SHERIFF)	37,079.00		
								*** VENDOR	661 TOTAL	74,158.00
								TOTAL FUND 115	74,158.00	
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-123-5-00-301	AT&T COMM CORR WIRELESS 662.04	50.17		
								TOTAL FUND 123	50.17	
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-126-5-00-210	AT&T COMM CORR WIRELESS 662.04	230.68		
								TOTAL FUND 126	230.68	
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-133-5-00-207	MIDWEST MOBILE RADIO MONTHLY+A	395.00		
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-133-5-00-251	5-35 ELECTRIC SERVICE	57.86		
								*** VENDOR	648 TOTAL	452.86
86	EVERGY	EVERGY KANSAS CENTRAL INC	334706	103469 AP	06/02/2023	3-133-5-00-251	6-3 ELECTRIC SVC NORTH END SAL	24.27		
								TOTAL FUND 133	477.13	
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-136-5-00-206	AT&T COMM CORR WIRELESS 662.04	111.59		
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-136-5-00-226	AT&T COMM CORR WIRELESS 662.04	111.59		
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-136-5-00-236	AT&T COMM CORR WIRELESS 662.04	100.34		
								*** VENDOR	648 TOTAL	323.52
								TOTAL FUND 136	323.52	
24545	CDW GOVERN	CDW GOVERNMENT INC	334676	103449 AP	05/31/2023	3-138-5-00-202	3773122 COMPUTER/MONITOR JUV I	607.41		
24545	CDW GOVERN	CDW GOVERNMENT INC	334676	103449 AP	05/31/2023	3-138-5-00-202	3773122 COMPUTER/MONITOR JUV I	142.00		
								*** VENDOR	24545 TOTAL	749.41
648	COMMERCE BANK--COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-138-5-00-206	AT&T COMM CORR WIRELESS 662.04	57.67		
								TOTAL FUND 138	807.08	
2621	CAFE	TERRY BOOKER	334705	103468 AP	06/02/2023	3-145-5-00-256	CO ON AGING MEALS RESERVED 5/1	13,162.50		
2621	CAFE	TERRY BOOKER	334705	103468 AP	06/02/2023	3-145-5-00-256	CO ON AGING MEALS RESERVED 5/1	13,149.50		
2621	CAFE	TERRY BOOKER	334705	103468 AP	06/02/2023	3-145-5-00-256	CO ON AGING MEALS RESERVED 5/1	5,408.00		
								*** VENDOR	2621 TOTAL	31,720.00
4364	KLOTZ AGEN	THE KLOTZ AGENCY INC	334682	103455 AP	05/31/2023	3-145-5-00-203	NOTARYPUBLIC BOND PONTBRIANT	75.00		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	334685	103458 AP	05/31/2023	3-145-5-00-345	CO ON AGING - PACKAGING/SITE S	65.91		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	334685	103458 AP	05/31/2023	3-145-5-00-345	CO ON AGING - PACKAGING/SITE S	166.94		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	334685	103458 AP	05/31/2023	3-145-5-05-301	CO ON AGING - PACKAGING/SITE S	28.53		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	334685	103458 AP	05/31/2023	3-145-5-06-301	CO ON AGING - PACKAGING/SITE S	37.94		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	334685	103458 AP	05/31/2023	3-145-5-06-321	CO ON AGING - PACKAGING/SITE S	25.29		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	334685	103458 AP	05/31/2023	3-145-5-07-302	CO ON AGING - PACKAGING/SITE S	3.93		
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	334685	103458 AP	05/31/2023	3-145-5-07-321	CO ON AGING - PACKAGING/SITE S	22.76		

warrants by vendor

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#							
						*** VENDOR		4755 TOTAL		351.30
						TOTAL FUND 145				32,146.30
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-160-5-00-204	HAMM - APRIL LANDFILL		80,970.24	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-160-5-00-204	HAMM - APRIL LANDFILL		1,467.40	
						*** VENDOR		648 TOTAL		82,437.64
86	EVERGY	EVERGY KANSAS CENTRAL INC	334706	103469 AP	06/02/2023	3-160-5-00-210	SOLID WASTE ELECTRIC SVC		228.94	
86	EVERGY	EVERGY KANSAS CENTRAL INC	334706	103469 AP	06/02/2023	3-160-5-00-210	SOLID WASTE ELECTRIC SVC		25.60	
86	EVERGY	EVERGY KANSAS CENTRAL INC	334706	103469 AP	06/02/2023	3-160-5-00-210	SOLID WASTE ELECTRIC SVC		133.39	
						*** VENDOR		86 TOTAL		387.93
						TOTAL FUND 160				82,825.57
1737	AT&T-CAROL STREAM IL	AT&T	334674	103447 AP	05/31/2023	3-174-5-00-210	913A38-0682 421 2 (4 TOWERS)		430.38	
1737	AT&T-CAROL STREAM IL	AT&T	334674	103447 AP	05/31/2023	3-174-5-00-210	913A38-0682 421 2 (4 TOWERS)		430.38	
1737	AT&T-CAROL STREAM IL	AT&T	334674	103447 AP	05/31/2023	3-174-5-00-210	913A38-0682 421 2 (4 TOWERS)		430.38	
1737	AT&T-CAROL STREAM IL	AT&T	334674	103447 AP	05/31/2023	3-174-5-00-210	913A38-0682 421 2 (4 TOWERS)		860.74	
						*** VENDOR		1737 TOTAL		2,151.88
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	334679	103452 AP	05/31/2023	3-174-5-00-210	5-35 ELECTRIC SERVICE		910.22	
						TOTAL FUND 174				3,062.10
353	UNITED WAY	UNITED WAY OF LEAVENWORTH COUN	334694	103467 AP	05/31/2023	3-510-2-00-905	EMPLOYEE CONTRIBUTIONS		29.00	
353	UNITED WAY	UNITED WAY OF LEAVENWORTH COUN	334694	103467 AP	05/31/2023	3-510-2-00-905	EMPLOYEE CONTRIBUTIONS		29.00	
						*** VENDOR		353 TOTAL		58.00
						TOTAL FUND 510				58.00
						TOTAL ALL CHECKS				249,453.01

TYPES OF CHECKS SELECTED: * ALL TYPES

FUND SUMMARY

001	GENERAL	51,502.69
108	COUNTY HEALTH	3,811.77
115	EQUIPMENT RESERVE	74,158.00
123	JUVENILE CRIME PREVENTION	50.17
126	COMM CORR ADULT	230.68
133	ROAD & BRIDGE	477.13
136	COMM CORR JUVENILE	323.52
138	JUV INTAKE & ASSESSMENT	807.08
145	COUNCIL ON AGING	32,146.30
160	SOLID WASTE MANAGEMENT	82,825.57
174	911	3,062.10
510	PAYROLL CLEARING	58.00
	TOTAL ALL FUNDS	249,453.01

Consent Agenda 6/7/2023
Checks dated 5/27 - 6/2

Leavenworth County Request for Board Action

Date: May 30, 2023

To: Board of County Commissioners

From: Larry Malbrough, Director of Information Systems

Additional Reviews as needed:

Administrator Legal Department

Acceptable Use Policy Update

Action Requested:

Amend the Acceptable Use Policy as presented.

Recommendation:

Approval of changes.

Background:

In 2005, the commission determined it was appropriate to establish an Acceptable Use Policy (AUP) by which any entity that requested or required the use of County IT resources would have to sign.

The policy states the County's expectations and restrictions. It is not intended to be a substitute for the County Personnel Handbook. The scope applies to county employees in addition to entities that are not County employees. For example, contractors are also expected to sign this document before being provided access.

The I.S. Department uses this document as a requirement before any network accounts or other access is granted and keeps a copy on file.

Analysis:

The current policy was last updated in 2013.

Due to changes, most specifically the multi-factor authentication now in use, the I.S. Department would like to update the document to reflect additional information useful in the creation of user accounts. In doing so, I reviewed the document and recommend the following changes be authorized:

Change: Format and font

Reason: Easier identification of the current form versus a previous version

Change:

Personal Use. Brief and occasional messages of a personal nature may be sent and received. Sending chain letters is prohibited. Personal messages shall not impede County business. Great care and self-control should be exercised by employees not to send multiple recipients messages with non-County business content – for example, no jokes, anecdotes, or gossip. ~~Mass mailing and large attachments overload the County server thereby hindering legitimate County communications.~~ Employees should, upon receiving a personal message, read or listen to the message and delete it immediately.

Reason: The statement is no longer accurate. Our current email system could handle significantly larger attachments than it could in 2013. That said, it is still inappropriate to do personal mass mailings and large attachments.

Change:

Unknown Sources. Exercise caution when receiving a message from an unknown source, especially from an address exterior to the County's e-mail system. The potential to spread viruses is significant, and opening such a message could have devastating results to the entire County system. This also applies to attachments. **If you have doubts about the validity of any message, delete it.**

Reason: Font changed to **bold** to highlight the desire of users deleting suspicious emails.

Change:

Network Security. Everyone has an obligation to protect County computer systems and information by adhering to good security practices that limit the threat of unauthorized use, disclosure, modification, destruction, or abuse. The Information Systems Department will provide a system of user identification (user ids), passwords, and other network security standards, **such as Cisco Duo for multi-factor authentication.**

Reason: Added Duo as updated process information.

Change:

All internal and external connections to the Leavenworth County Network shall be approved by the Information Systems Department. ~~Inbound dial-up access will be given only in cases of bona fide need and when no other more secure method is available.~~ {Access will be given only in cases of bona fide need and in the most secure method available.} No one shall attempt to gain access to systems without proper authorization or use hardware or software tools on the Network that could be used to evaluate or compromise security.

Reason: Dial-up is no longer offered and is an antiquated technology. Updated language to keep in line with current environment. The most prevalent form of inbound access is a VPN connection.

Change:

Audits. Law enforcement officials may examine any relevant electronic transactions in the course of an ongoing investigation of criminal activity. Unauthorized viewing or retrieval of another person's electronic voice mail, e-mail or other forms of electronic snooping is prohibited. ~~The Information Systems Department performs random audits of messaging and Internet usage as directed by the Board of County Commissioners.~~ {For more information refer to the data access policy.}

Reason: The I.S. Department does not perform random audits and has not for many years. This line reflects a previous position of the commission that was discontinued long ago. The Data Access Policy, adopted March 1, 2018, outlines the process of how and when access

to an individual's data would take place. It seemed appropriate to reference that policy within this document.

Change: Added Cell Phone Number field in the form section at the bottom of the document.

Reason: This information is necessary in order to enroll a new user in Cisco Duo for multi-factor authentication.

Alternatives:

Budgetary Impact:

- Not Applicable
- Depreciation items with available depreciation funds
- Non-Budgeted item with available funds through prioritization
- Budgeted item with available funds

Total Amount Requested:

\$0.00

Additional Attachments:

Acceptable Use Policy, 2013 version
Acceptable Use Policy, dtd 5/23/2023
Data Access Policy, dtd 3/1/2018

INFORMATION TECHNOLOGY ACCEPTABLE USE POLICY

EFFECTIVE DATE: APRIL 1, 2005

I. PURPOSE

Leavenworth County encourages all employees using information technology to become adept in its use. Information technology includes Internet access, electronic and voice message systems, facsimile devices, and other electronic systems used by Leavenworth County. It is the County's goal to:

- Improve efficiency and effectiveness
- Develop workers better able to provide government services
- Improve productivity allowing a shift from labor-intensive tasks to higher-value results
- Improve service delivery to Leavenworth County citizens

II. SCOPE

This policy applies to all departments, agencies, divisions, contracted entities and other individuals or groups that use County equipment. Any of the arms of Leavenworth County may develop more specific information technology policies for application within their agency, however none may write more lenient policies.

III. POLICY STATEMENT

Subject Matter. The subject matter of messages should demonstrate good judgment and reflect the professionalism of Leavenworth County. Content should pass the test of being able to appear in the newspaper without being embarrassing or offensive to anyone. Avoid whatever could be construed as improper or embarrassing to the County. Specifically prohibited are political activities and campaigning, religious messages or slogans, illegal activity, personal business enterprises, or sexually explicit content.

Do not to divulge confidential or sensitive information.

County Business. Information technology should be used only for official County business. Care should be taken to limit the number of individuals outside the organization who know your County e-mail address. By doing this, you will limit the number of unsolicited, personal, and offensive messages received. Server space is limited and should be reserved for County use.

Personal Use. Brief and occasional messages of a personal nature may be sent and received. Sending chain letters is prohibited. Personal messages shall not impede County business. Great care and self-control should be exercised by employees not to send multiple recipients messages with non-County business content – for example, no jokes, anecdotes, or gossip. Mass mailing and large attachments overload the County server thereby hindering legitimate County communications. Employees should, upon receiving a personal message, read or listen to the message and delete it immediately.

County printers and paper are not for personal use.

Unknown Sources. Exercise caution when receiving a message from an unknown source, especially from an address exterior to the County's e-mail system. The potential to spread viruses is significant, and opening such a message could have devastating results to the entire County system. This also applies to attachments. If you have doubts about the validity of any message, delete it.

Network Security. Everyone has an obligation to protect County computer systems and information by adhering to good security practices that limit the threat of unauthorized use, disclosure, modification, destruction, or abuse. The Information Systems Department will provide a system of user identification (user ids), passwords, and other network security standards.

Everyone is responsible for activity performed with their personal user ids and is prohibited from performing unauthorized activity with other user-ids. Passwords should be unique and difficult to discern by means of social engineering. For example, passwords should not be based upon family member names, pets, local sports teams, birth dates, etc.

All internal and external connections to the Leavenworth County Network shall be approved by the Information Systems Department. Inbound dial-up access will be given only in cases of bona fide need and when no other more secure method is available. No one shall attempt to gain access to systems without proper authorization or use hardware or software tools on the Network that could be used to evaluate or compromise security.

All software and files obtained from non-Leavenworth County sources via the Internet or any other source must be screened with virus-detection software prior to being used. Use caution in downloading software. Adhere to copyright laws and be aware that screen savers, backgrounds, and other such files often contain viruses that will infect computers and networks. File downloads should only occur for County business purposes. All suspected information security incidents must be reported to the Information Systems (helpdesk) upon discovery.

IV. PROCEDURES

Audits. Law enforcement officials may examine any relevant electronic transactions in the course of an ongoing investigation of criminal activity. Unauthorized viewing or retrieval of another person’s electronic voice mail, e-mail or other forms of electronic snooping is prohibited. The Information Systems Department performs random audits of messaging and Internet usage as directed by the Board of County Commissioners.

Privacy. No one should expect any right to privacy in the use of County equipment. Without his/her knowledge, access to an individual’s e-mail, voice messages, and addresses accessed on the Internet or data on County equipment that has been used by an employee may be obtained by the responsible elected/appointed official or division director, or designee, for needs arising in the normal course of business. No staff or contractors of the Information Systems Department shall provide access to such information unless specifically authorized by the Director of Information Systems, or designee.

Enforcement. The management of each organization using Leavenworth County information technology is responsible for communicating and enforcing this policy. No one shall receive access to the Internet or electronic or voice mail until he/she has agreed in writing to comply with this policy. Such documentation shall be retained in the respective departments. The Information Systems Department shall administer and enforce this policy and shall provide any procedures or forms when needed.

Last Name	First Name	M.I.

Employee Signature	Date

My signature indicates I understand and agree to abide by the policies set forth in this document.

Department: _____	Start Date: _____
Division: _____	Phone Extension: _____
E-mail Account? YES / NO	Voice Mail? YES / NO
Voice Mail to E-mail? YES / NO	Smartphone E-mail? YES / NO
SUPERVISOR/MANAGER: COMPLETE THIS SECTION AND SUBMIT SIGNED FORM TO I.S.	

ACCEPTABLE USE POLICY	EFFECTIVE DATE:	April 1, 2005
	UPDATED:	May 23, 2023

I. PURPOSE

Leavenworth County encourages all employees using information technology to become adept in its use. Information technology includes Internet access, electronic and voice message systems, facsimile devices, and other electronic systems used by Leavenworth County. It is the County's goal to:

- Improve efficiency and effectiveness
- Develop workers better able to provide government services
- Improve productivity allowing a shift from labor-intensive tasks to higher-value results
- Improve service delivery to Leavenworth County citizens

II. SCOPE

This policy applies to all departments, agencies, divisions, contracted entities and other individuals or groups that use County equipment. Any of the arms of Leavenworth County may develop more specific information technology policies for application within their agency, however none may write more lenient policies.

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County printers and paper are not for personal use.

Unknown Sources. Exercise extreme caution when receiving a message from an unknown source, especially from an address exterior to the County's e-mail system. The potential to spread viruses is significant, and opening such a message could have devastating results to the entire County system. This also applies to attachments. **If you have doubts about the validity of any message, delete it.**

Network Security. Everyone has an obligation to protect County computer systems and information by adhering to good security practices that limit the threat of unauthorized use, disclosure, modification, destruction, or abuse. The Information Systems Department will provide a system of user identification (user ids), passwords, and employ network security standards, such as Cisco Duo for multi-factor authentication.

Everyone is responsible for activity performed with their personal user ids and is prohibited from performing unauthorized activity with other user-ids. Passwords should be unique and difficult to discern by means of social engineering. For example, passwords should not be based upon family member names, pets, local sports teams, birth dates, etc.

All internal and external connections to the Leavenworth County Network shall be approved by the Information Systems Department. Access will be given only in cases of bona fide need and in the most secure method available. No one shall attempt to gain access to systems without proper authorization or use hardware or software tools on the Network that could be used to evaluate or compromise security.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Data Access Policy	County Administrator	3-01-2018	

STATEMENT:

All documents, data and electronic communication created with, stored on or transmitted through County provided electronic media is solely the property of the County. Further, all employees acknowledge there is no expectation of privacy when accepting employment with the County and reconfirm this every time they login to the County network. However, the County should not unreasonably utilize this information to spy on, monitor or track their employees. Therefore, the following policy on access to data should be applied when a request for access is received.

POLICY:

No one should access another employees files, browsing history, electronic communications, recordings or emails without that persons knowledge unless the request comes from at least two of the following sources, the employees Department Director, the County Counselor, County Clerk, County Administrator or Sheriff. The only way the County Administrator should not be included in the request is if they are unavailable in an emergency in which case they are to be notified as soon as possible. If there are allegations of wrong doing against the Administrator the Sheriff and County Counselor must be involved in the request.

- o Exceptions to this rule would be;
 - A directive by the BOCC given during a public meeting by a majority vote.
 - Information secured by the Sheriff or County Attorney in which case their policies and state and federal laws shall apply.
 - When an employee leaves employment with the County in which case their Department Director or designee will be given access.

No request from someone claiming to be from an outside law enforcement agency should be honored without a subpoena and only after review by the appropriate legal counsel unless it follows the above procedure.

All requests should be in writing in order to document the appropriate level of permission has been granted.

Anyone caught accessing another employees information mentioned above without the proper authorizations should be reported immediately to the County Administrator and County Counselor or Chairman of the BOCC if one of the previous two are involved.


 Mark Loughry, County Administrator

3-1-2018
 Date of Adoption

Leavenworth County Request for Board Action

Date: June 7th, 2023

To: Board of County Commissioners

From: Community Corrections

Department Head Approval: Jamie VanHouten, Director

Additional Reviews as needed:

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

Action Requested: Approve request for Community Corrections to utilize Opiate Settlement Funding from Municipalities Fighting Addiction Fund (MFAF) to establish a Cognitive Program Facilitator FTE.

Recommendation: Approve request to create new FTE to provide Cognitive Educational Programs and assist in warm hand-offs to recovery services to improve outcomes on probation for individuals struggling with Opioid Use Disorder (OUD) and co-occurring Substance Use Disorder (SUD) or mental health conditions.

Analysis: To date, Leavenworth County has received four Opiate Settlement Disbursements from MFAF totaling \$187,606.29. Community Corrections is requesting to utilize the funding to create Adult Cognitive Behavioral Education Programs for offenders struggling with OUD/SUD and criminal thinking errors. By funding this FTE with opiate funds our agency would be able to provide evidence-based programs and would assist supervision officers in providing warm hand-offs to clinical treatment providers. This position would also be responsible for researching additional evidence-based practices to assist in continually improving our agencies recovery services. The requested use is an approved use of the MFAF funding and the current amount requested would cover the cost of the position and benefits for a minimum of two years. If the county receives additional funding we would continue to request those funds to sustain the position while providing data demonstrating how beneficial cognitive services are to public safety, probation outcomes, and community well-being in response to the addiction crisis. If the county does not receive additional funding we would be eligible to apply for BJA/SAMHSA grants, Kansas Fights Addiction Fund (KFAF) grants, and potentially KGGP or JAG grants. However, we recognize without receiving any additional MFAF funds from the county or receiving outside grant awards that this position would not be renewed.

Alternatives: N/A

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: \$187,606.29

Additional Attachments: Position Description and Executive Summary

LEAVENWORTH COUNTY JOB DESCRIPTION

TITLE: Program Specialist

DEPARTMENT: Community Corrections

PAY LEVEL: 12

EXEMPT/NON-EXEMPT: NON-EXEMPT

LOCATION: Leavenworth County Community Corrections

SUPERVISOR: Juvenile Programs Administrator

SUPERVISES: N/A

PERCENTAGE OF TIME

50

20

20

5

5

ACCOUNTABILITIES

1. Prepares and facilitates evidence-based programs at the Youth Justice Resource Center; assist juvenile programs administrator with day to day YJRC tasks;
2. Prepares written and oral reports; communicates juveniles progress with each respective referring agency and probation officer; collect and analyze data regarding correctional program outcomes; participate in fidelity audits;
3. Transport youth to programs and or community service work programs;
4. Complete 40 hours of annual training each year;
4. Testify to documentation in court.

SCOPE:

Reports to the Juvenile Programs Administrator. Facilitates evidence-based programs to youth on diversion, IIP, Court Services, and Community Corrections probation. Must be knowledgeable of all county rules and regulations, state regulations, law and procedures relating to juvenile services. Prepare to facilitate programs to fidelity, must be willing to work some late evenings to accommodate working parents and provide programs after school hours. Collaborate with community service providers and programs affiliated with Community Corrections to maintain positive working relationships and improve program efficiency. This position is grant funded.

KNOWLEDGE AND SKILLS: (*Required prior to employment)

1. Knowledge of the laws and regulations concerning community corrections;
2. Ability to communicate effectively both orally and in writing*;
3. Ability to see and read laws and regulations*;
4. Possession or retention of a valid driver's license*;
5. Must have no record of felony convictions*;
6. Must be able to pass a criminal history background check*;
7. Ability to pass a Kansas Child Abuse Registration check*

HUMAN RELATIONS: (*Required prior to employment)

1. Ability to work with at-risk youth*;
2. Ability to establish and maintain effective working relationships with public officials, employees and

public*.

MINIMUM QUALIFICATIONS:

Associate’s Degree in Criminal Justice, Psychology, Sociology, Social Welfare, Child Development or a related field or, sixty college credit hours and two years of program experience; or five years of experience working with youth or juveniles in a supervisory or teaching capacity.

PREFERRED QUALIFICATIONS:

Bachelor’s Degree with experience in the Criminal Justice System working with Juveniles. Prior facilitating experience. Certifications for facilitating MRT, Strengthening Families, Crossroads, Parent Project, OWDS, ART, etc. Bilingual.

ADA/PHYSICAL DEMANDS:

1. Vision. Adequate to use personal computer, filing, completion of reports, forms and correspondence.
2. Hearing. Adequate for normal conversation with employees or applicants and the general public.
3. Speech. Must be able to speak and understand English language clearly to provide detailed information by telephone and in person.
4. Standing. 50% of the time – when performing filing tasks and when operating various office machines.
5. Walking. 10% of the time – when delivering or retrieving information, files, etc., from within the office or from other departments.
6. Sitting. 40% of the time – when completing administrative, personal computer, and telephone work assignments.
7. Lifting/Carrying. 20 pounds – lifting files, office supplies, and reports.
8. Pushing/Pulling. 50 pounds – moving files boxes, office supplies, and reports; and when opening and closing file cabinet drawers and doors.
9. Climbing/Balancing. Required when negotiating stairs, or retrieving files or supplies from overhead or from the floor.
10. Stooping/Kneeling. Required when retrieving or filing from lower drawers or when retrieving items, office supplies, etc. from the floor.
11. Reaching/Handling. Required on most tasks.

I have read the job description and understand the content.

Signature
Program Specialist
Updated 4/9/21

Date

Opiate Settlement Funds Request

Per [the Brief Overview of the Opiate Settlements](#) and recent updates from the grant panel review board, Kansas will receive approximately \$383 million dollars in settlement funding over the next 18 years to combat the addiction crisis. K.S.A. 75-775 to -781 established the Kansas Fights Addiction Fund (KFAF) which shall receive 75% of recovered settlement funds and also created the Municipalities Fight Addiction Fund (MFAF) which will receive 25%. [K.S.A. 75-777](#) states monies in the MFAF shall be used for projects and activities that prevent, reduce, treat or mitigate the effects of substance abuse and addiction. To date, Leavenworth County has received \$187,606.29 in MFAF funding from four payments that received for our counties portion of the Janssen, Distributor's, Mallinckrodt, and McKinsey & Associates Settlements for the state of Kansas.

Currently, 92.8% of offenders under the supervision of Leavenworth County Community Corrections are struggling with Substance Use Disorder. In FY22, 5.77% of our clients died before their probation sentence expired and 31.6% were revoked and sent to serve their prison sentences. Both statistics are directly correlated to addiction and without [cognitive behavioral intervention services](#), [SB123 treatment providers](#), or warm hand-offs to treatment providers we are setting offenders up for failure. For the past three years we have applied for KDOC Behavioral Health Grant funding for a FTE Cognitive Behavioral Program Facilitator to offer Substance Abuse Programming (SAP), [Seeking Safety](#), Moral Reconciliation Therapy (MRT), Anger Management, and Wellness Self-Management. These evidence-based programs do not require a clinical background and are proven to improve outcomes and reduce recidivism. Unfortunately, we have been repeatedly denied behavioral health grant funded positions as the funding is already being utilized by other agencies.

However, the MFAF funds disbursed to Leavenworth County could fund an FTE Cognitive Behavioral Program Facilitator for at least FY24 and FY25, if not longer as additional payments are anticipated. Funding this position would be an [approved use of settlement funds](#). Adding this position would allow us to begin offering the in-house programs listed above and work on care coordination with local treatment providers to improve outcomes for addicted offenders under our supervision. The facilitator would also provide staff an additional set of eyes to assist in holding probationers accountable. Not only would this additional FTE help our clients but it would impact their families positively as well as addiction is often a family affair. In terms of sustainability, when local MFAF funds are gone we would be eligible to apply for state KFAF opiate funds to sustain the position and programs or we could also apply for Federal BJA/SAMHSA grant awards. Either way, the forecast of funding for the requested position to address the addiction crisis is positive. Many communities are also receiving local drug and alcohol tax dollars to fund these positions. Unfortunately, if the alternative funding streams were unavailable for any unforeseen reason, the position would only be a temporary fix.

Overall, these services will allow us to enhance public safety and improve community well-being. Addiction is an issue which can be treated effectively in the community with intense monitoring of supervision, random drug testing, collaboration with clinical treatment providers, and through the use of cognitive behavioral intervention supports to [address criminal thinking](#) which leads individuals to commit crimes in support of their addiction. The return of investment for funding this FTE with Opiate MFAF funds would be seen in the form of reductions of backend costs related to incarcerating non-violent individuals struggling with addiction, less liability of incarcerating individuals under the influence, less overdose fatalities, less children in DCF custody and removed from our community, more workers contributing to taxes, etc. Thank you for your time and consideration of our funding request.

Leavenworth County
Request for Board Action
Resolution 2023-11
Special Use Permit Lexeco Soil Borrow Site and Clean Rubble Landfill
Regular Agenda

Date: June 7, 2023
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: John Jacobson, Reviewed

Additional Reviews as needed:

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

Action Requested: Approve Resolution 2023-11, a request for a new Special Use Permit for Leavenworth Excavation & Equipment Company. The applicant is requesting to establish a raw material extraction and clean rubble landfill on the property located at 00000 Springdale Road (078-33-0-00-00-021.00).

Analysis: The applicant is applying for a new special use permit for a soil borrow site and clean rubble landfill. The applicant will utilize the site listed above as a soil borrow site to be used on construction projects for the company and, in turn, bury clean rubble waste from those sites on the property. They will then cover the rubble in accordance with the application and all state and local laws. The site will be used for only projects of LEXECO and will not be open to the public. They are requesting the site be operable from 7:00 AM in the morning to 6:00 PM, Monday through Saturday. They anticipate that the majority of work on-site will occur from April to November but would like to operate year-round, weather permitting. They are not proposing to build any structures on the property. The applicant will utilize heavy equipment which is outlined in their application.

Staff has reviewed the application and provided an analysis which can be found in the staff report.

Planning Commission Recommendation: The Planning Commission voted 4-3 (3 absent) to recommend approval of Resolution 2023-11 (Case No. DEV-22-156) for a Special Use Permit for Leavenworth Excavation & Equipment Company.

Alternatives:

1. Approve Resolution 2023-11 (Case No. DEV-22-156), Special Use Permit for Raw Material Extraction and Landfill for Leavenworth Excavation & Equipment Company, with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2023-11 (Case No. DEV-22-156), Special Use Permit for Raw Material Extraction and Landfill for Leavenworth Excavation & Equipment Company, with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2023-11 (Case No. DEV-22-156), Special Use Permit for Raw Material Extraction and Landfill for Leavenworth Excavation & Equipment Company, with Findings of Fact; or
4. Remand the case back to the Planning Commission.

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:

\$0.00

Additional Attachments: Staff Report, Planning Commission Minutes

**LEAVENWORTH COUNTY
BOARD OF COUNTY COMMISSIONERS
STAFF REPORT**

CASE NO: DEV-22-156 Lexeco Soil Borrow Site and Clean Rubble Landfill

June 7, 2023

REQUEST: Regular Agenda

- Zoning Amendment Special Use Permit
 Temporary Special Use Permit

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 00000 SPRINGDALE RD (K-92)

APPLICANT/APPLICANT AGENT:

LEAVENWORTH EXCAVATION &
EQUIPMENT COMPANY
5037 S 4TH STREET
LEAVENWORTH, KS 66048

PROPERTY OWNER:

K&L LEASING INC.

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
MIXED RESIDENTIAL

LEGAL DESCRIPTION:

A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

PLANNING COMMISSION RECOMMENDATION: APPROVAL (4-3) WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-22-156, Special Use Permit for the extraction of raw materials and landfill, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-22-156, Special Use Permit for the extraction of raw materials and landfill, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 22.8 ACRES

PARCEL ID NO:
078-33-0-00-00-021.00

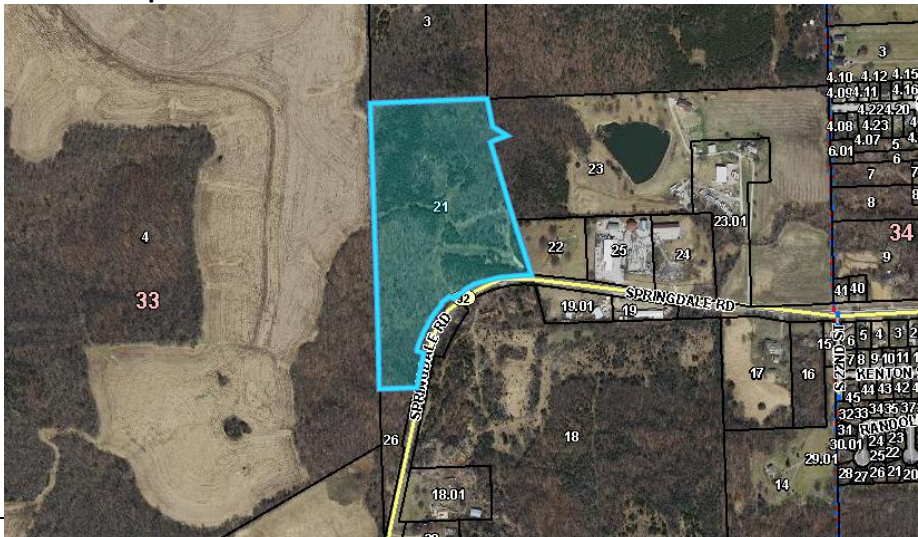
BUILDINGS:
N/A

PROJECT SUMMARY:

Requesting a permit to operate an extraction of raw materials and landfill at 00000 Springdale Rd, Leavenworth, KS (PID 078-33-0-00-00-021.00).

ACCESS/STREET:
SPRINGDALE RD – STATE HWY,
PAVED, ± 26’

Location Map:



UTILITIES

SEWER: PRIVATE SEPTIC SYSTEM

FIRE: FD 1

WATER: RWD 5 (ADJACENT)

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW: 12/8/2022

NEWSPAPER NOTIFICATION:
12/20/2022

NOTICE TO SURROUNDING
PROPERTY OWNERS:
12/20/2022

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density: Adjacent properties range in size from 1 to 244 acres, with larger tracts of land to the north and west.</i></p> <p><i>Nearby City Limits: The City of Leavenworth is approximately 1300 ft to the north and east of the property.</i></p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses: Most of the adjacent parcels are residential and agricultural in nature. Industrial and Commercial businesses are located approx. 320 ft. to the east.</i></p> <p><i>Adjacent Zoning: Adjacent properties are zoned RR-2.5 and B-3.</i></p>	✓	
<p>3. Suitability of the Property for the uses to which is has been restricted: <i>The property is currently vacant. The lot has significant terrain elevation changes and a dormant gas line passing through it. Staff recommends the applicant contact the Kansas Corporation Commission about the existing gas line and avoid digging within the vicinity. The requested use is allowed with a Special Use Permit</i></p>	✓ (see Condition 13)	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property:</p> <p><i>The requested-use is unlikely to detrimentally impact neighboring properties. The request is for a private soil borrow site and clean rubble landfill.</i></p> <p><i>Traffic: The narrative indicates that this site will be used seasonally. The updated narrative, dated December 7, 2022, indicated that up to 10 trucks could be visiting the site per day (20 trips per day). The property would access off of K-92. KDOT did not have any comments for this application.</i></p> <p><i>Lighting: No lighting is proposed with this request.</i></p> <p><i>Noise: Due to the nature of the request, noise will be generated on site. The narrative update dated December 7, 2022 indicated that work would only be performed on-site between the hours of 7:00 AM to 6:00 PM. Staff recommends placing a noise limit of 60 db as measured from the property line.</i></p> <p><i>Outdoor Storage: The applicant indicated that no soil will be piled and stored on-site. They are proposing that equipment such as dozers and excavators will be used and parked on-site.</i></p> <p><i>Parking: The applicant is proposing that only one employee will be on-site during operation hours. The site has adequate drives to support the parking of one vehicle and additional trucks to be loaded and unloaded.</i></p>	✓ ✓ ✓ ✓	

<p><i>Visitors/Employees: As previously stated, the applicant indicated that only one employee will be on-site during operation hours. Additional employees will come to the site to load soil and unload clean rubble.</i></p> <p><i>Chemicals, Hazardous Materials, Oils, Lubricants and Fuels: The applicant indicated that no chemicals or hazardous materials will be stored on-site. They are proposing to install a 1500-gallon diesel tank for the use of equipment stored on-site. The tank will be mounted on a trailer. The applicant is also requesting the use of a ConEx box to store grease, engineer oil, transmission oil and hydraulic oil.</i></p> <p><i>Waste: Any waste generated from the proposed use must be disposed of in compliance with all local and state requirements. The proposed Landfill will be used for the disposal of clean rubble in compliance with KSA 65-3402(w).</i></p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p>	
<p>5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Not Vacant <input checked="" type="checkbox"/> Vacant</p>	<p style="text-align: center;">✓</p>	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The proposed application would allow for the expansion of an existing business with Leavenworth County. The proposed conditions would reduce concerns to the public health, safety and welfare.</i></p>	<p style="text-align: center;">✓</p>	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: Mixed Residential</i></p>		<p style="text-align: center;">✓</p>

STAFF COMMENTS:

The applicant is proposing to establish a soil borrow site and clean rubble landfill on the property at 00000 Springdale Road. The property is located on K-92 which is a State maintained highway. They intend to use the 23-acre property to excavate soil for use on construction projects off-site as well as the disposal of clean rubble from said construction sites. They are proposing that this site only be used for the purposes of the business and not open to the public. They intend to install a fence and gate around the site for security purposes. One employee will be present on the site during operation hours. They anticipate the site will only be used seasonally, from April to November, Monday through Saturday. The operation hours will be from 7:00 AM to 6:00 PM, or as needed. They anticipate the site will be used 2 days a week for 35 weeks out of the year.

The applicant is not proposing any structures be built on-site, however, they are proposing the storage of equipment and a ConEx box on the property. The ConEx box would store Lubricants and Oils for the maintenance of equipment. They also propose to store a 1500-gallon fuel tank which will be mounted on a trailer. A portable toilet will be used on-site. Any water needed for the operation will be hauled in via truck. The applicant has indicated that the north, west and east property lines will be screened with a natural brush/tree buffer. They also propose to screen K-92 with a seeded berm. The applicant has requested the ability to burn trees and brush on-site in compliance with local fire district's approval.

Any clean rubble disposed on-site must be in compliance with KSA 65-3402(w) and 65-34115b.

During the January 11, 2023, the Planning Commission tabled this item to allow the applicant to request a change to their KDOT entrance permit. The item was tabled to the March 8, 2023 meeting where the applicant requested additional time to allow for the Kansas Department of Transportation further time to review the request. A letter was sent to affected property owners and notice published advising interested parties of the May 10, 2023 meeting date and time. Staff has updated the conditions to reflect the KDOT entrance permit, proposed changes by the applicant and staff and additional conditions that have been requested be included on all Special Use Permits. They are as follows:

STAFF RECOMMENDED CONDITIONS:

1. Hours of operation shall be limited to the hours of 7:00 AM until 6:00 PM, Monday through Saturday.
2. The SUP shall be limited to one (1) full-time employees and eight (8) off-site employees.
3. The traffic to the site shall be in compliance with the approved Highway Access Permit from the Kansas Department of Transportation. If the access permit is amended, the new permit will need to be submitted to Leavenworth County Planning & Zoning within 30 days of approval.
4. The applicant shall submit an approved NOI and SWPPP prior to any work occurring on the property.
5. The applicant shall post a sign on the property indicating that this a private, clean rubble landfill for LEXECO only.
6. The landfill shall be limited to materials from LEXECO projects only.
- 7.
8. Clean rubble shall be dumped, or pushed, over the edge of the top of the dump area at the end of each demolition job.
9. The site shall be open to inspection by Leavenworth County Staff. If waste materials other than clean rubble are found at the landfill, the landfill shall be closed to additional dumping until such time that said waste materials have been removed and disposed of properly. A copy of the dump receipts(s) from a site that is permitted by the State to accept said waste material shall be submitted to the Planning & Zoning Department . Dumping at the site shall only be allowed to resume after the Planning and Zoning Department issues a letter to the applicant indicating so.
10. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.
11. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
12. No on-street parking shall be allowed.
13. No storage of inoperable vehicles shall be allowed.
14. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
15. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
16. A 20-foot screening buffer shall be installed and maintained, either through brush/trees or a seeded berm, along all property lines.
17. No vegetation from off-site can be stored or burned on the premises.
18. Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines.
19. All items disposed of on-site must comply with the provisions of KSA 65-3402(w) & 65-34115b. Any rubble that is mixed with other construction and demolition waste must be disposed of in an approved C&D Landfill.
20. This SUP shall be limited to the Narrative and accompanying documents dated October 31, 2022, December 1, 2022 and December 7, 2022 submitted with this application.
21. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
22. The developer must comply with the following memorandums:

- a. Email – David Van Parys, County Counselor, dated November 14, 2022
 - b. Email – Chuck Magaha, Emergency Management, dated December 6, 2022
23. LEXECO shall contact the Planning and Zoning Department to inform them when they are finished with the restoration of the landfill.
24. Applicant shall not cause or allow any public nuisance to exist on the subject property
25. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. LEAVENWORTH EXCAVATION & EQUIPMENT COMPANY, and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
26. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
27. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and required documents shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums

SPECIAL USE PERMIT APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>Leavenworth Excavating & Equipment Co., Inc.</u>	NAME <u>K & L Leasing Inc.</u>
ADDRESS <u>5037 S. 4th Street</u>	ADDRESS _____
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	CITY/ST/ZIP _____
PHONE _____ <u>913-727-1234</u>	PHONE _____
EMAIL _____ <u>greg@lexeco.com</u>	EMAIL _____
CONTACT PERSON <u>Greg Kaaz</u>	CONTACT PERSON _____

PROPERTY INFORMATION

PID: 078-33-0-00-00-021.00-0 Zoning District: _____

Address of property N/A Parcel size 22.80 Ac

Current use of the property Vacant Ground

Does the owner live on the property? Yes No

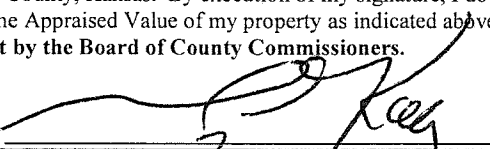
Proposed Special Use Fill Side/Borrow Area

TAX ASSESSEMENT STATEMENT

Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.

I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one) Yes No

I, the undersigned am the (circle one) *owner, duly authorized agent*, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature  Date 10/31/22

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business Leavenworth Excavating & Equipment Co., Inc.

Existing and Proposed Structures None there and none proposed

Number of structures used for Special Use Permit 0

Will the use require parking? Yes No How many parking spaces are proposed/available? _____

Is the proposed use seasonal? Yes No
If yes, what months will the use be active? April through November
Month Month

Reason for requesting a Special Use Permit: Required by County

Estimated Traffic

In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily _____ Weekly _____ Monthly _____

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit?

Daily _____ Weekly _____ Monthly _____

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months _____ Weeks _____ Days _____

Commercial: Months 30 Weeks _____ Days _____

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

Mostly dump trucks running between 7am and 6pm

What is the anticipated route(s) from the nearest State Highway to the Site? On State Highway

Special Use Permit Renewal

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:

N/A

Have you added any buildings since the SUP was last issued? Yes No Any parking? Yes No

OWNER AUTHORIZATION

I/WE K & L Leasing Inc, by Greg D. Kaaz, President, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 31st day of October, 20 22, make the following statements, to wit:

- I/We the Undersigned, on the date first above written, am the lawful, owner(s) in fee simple absolute of the following described real property

See Attachment "A" attached hereto and incorporated herein by reference.
- I/We the undersigned, have previously authorized and hereby authorize Leavenworth Excavating & Equipment Co., Inc. (Hereinafter referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Leavenworth County, Kansas, Parcel ID 078-33-0-00-00-021.00-0 (common address) the subject real property, or portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.
- I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter collectively referred to as the "County"), free and harmless from and against any and all claims, losses, penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
- It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

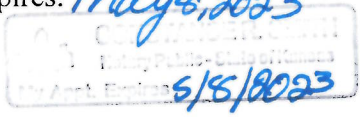

Greg D. Kaaz
 Owner **President**

 Owner

STATE OF KANSAS
COUNTY OF LEAVENWORTH

The foregoing instrument was acknowledged before me on this 31 day of October, 2022,
by Greg D. Kaaz.

My Commission Expires: May 5, 2023





 Notary Public

ATTACHMENT C



Leavenworth Excavating & Equipment Co., Inc.

October 31, 2022

Ms. Krystal Voth, Director
Leavenworth County Planning and Zoning
300 Walnut Street, Suite 212
Leavenworth, KS 66048

Re: Special Use Permit
Parcel ID 078-33-0-00-00-021.00-0
Route 92, Leavenworth County

Ms. Voth,

We are requesting a Special Use Permit (SUP) to use the above referenced property as a soil borrow site and a clean fill disposal site. Below is the narrative information for this request.

General Site Information

The proposed site is located 1750 feet west of the city limits of Leavenworth on Kansas State Highway 92. The site comprises of 23 acres of area in size. The site is currently vacant ground due to the rough terrain, varies in elevation from 970 ft MSL to 1100 ft MSL, and has trees and overgrown brush. The site is in area of mixed property use. Currently there is single family housing (2 locations), a KDOT maintenance yard, a metal fabrication business, and an abandoned salvage yard within 1000 feet of the property. An entrance to the property is located by the east property line and access Rt. 92 highway. A copy of the KDOT entrance permit is attached.

Proposed Use of Property

Lexeco is a heavy highway contractor operating in the states of Kansas and Missouri. We are proposing this site is used at a soil borrow area and site for disposal of clean rubble as defined by Kanas Department of Health and Environment (KDHE). KDHE defines clean rubble as: *“concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary”*. The site will be used for various construction projects Lexeco has in the area.

The site will not be open to the public or others for use. A full-time employee will not be assigned to the site since it's exclusive to Lexeco. As the site is used, an employee will be assigned to assist in loading the borrow dirt or pushing off the disposal area. No permanent facilities will be located at the site. A fence and locked gate will be used to secure the site from unauthorized personal accessing it from Rt 92 highway.



Page 2
K. Voth
October 31, 2022

Final Development of Property

The ultimate goal is to develop the property for future residential, commercial or industrial development. An existing contour map, and proposed contour map of the property showing the areas of use is attached. Currently activity will be limited to the southern portion of the property.

Traffic Impact

Since the site is located on a state highway, the traffic impact policy would not be applicable.

Notice of Intent (NOI) and Storm Water Pollution Protection Plan (SWPPP)

Since the property is over 1 acre in size, a NOI and SWPPP will need to be filed with the Kansas Department of Environmental. Due to the cost to develop the plan, considering we have already done a site plan, we are requesting the SUP be approved contingent upon receipt of the NOI from the State. I have never seen the state deny a NOI for a site so I don't think that would be an issue. Storage of Lubricants/Oils/Fuel will be addressed in the SWPPP.

Other Comments

This is an appropriate site for this type of use since it's located on a state highway and in area of industrial use. The site is in a location that can serve City of Leavenworth and Fort Leavenworth infrastructure projects.

If trees and brush are burnt on the property, it will be done in accordance with the local fire district's approval. Dozers and/or excavators will be onsite to control any burning.

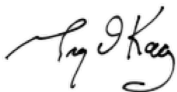
A portable toilet will be provided onsite for use by employees when they are working.

A sign will be erected indicating the operator of the site and the 24-hour phone numbers to contact in case of emergency.

If needed, dust will be controlled by using water or asphalt millings on access roadways.

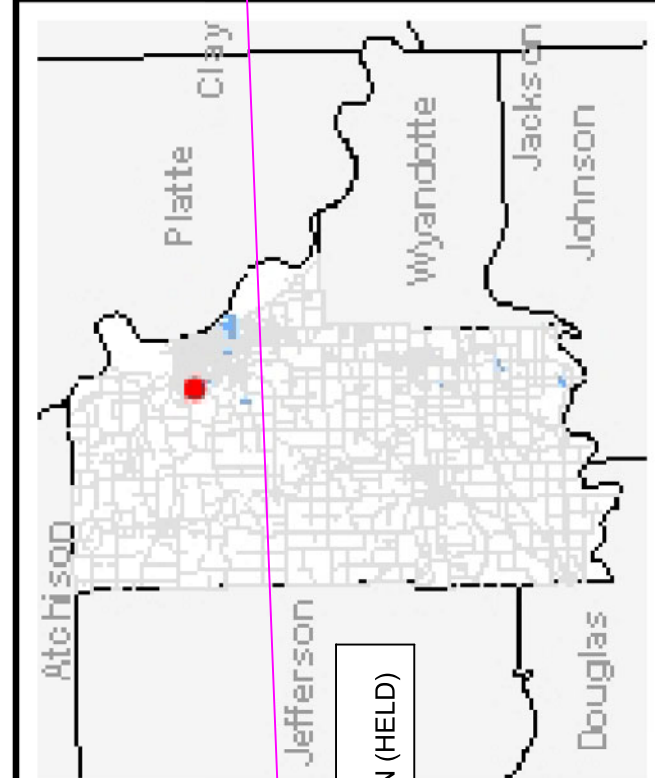
The \$400 application fee will be mailed to Leavenworth Planning and Zoning. If you have any questions, please contact me.

Thanks,



Greg D. Kaaz, President

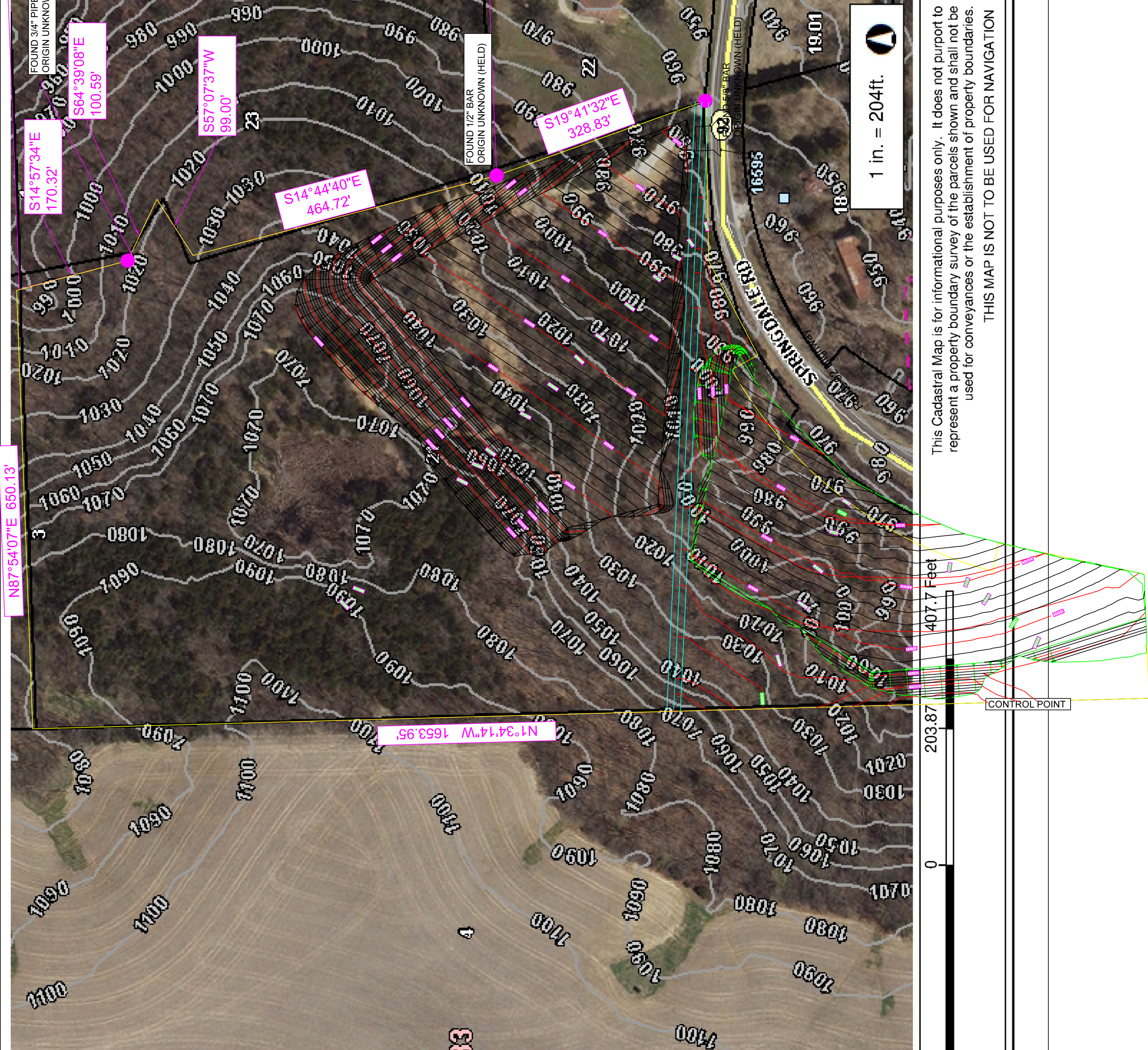
Leavenworth County, KS



Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- City Limit Line
- Major Road
- Road
- Railroad
- Contour
- Section
- Section Boundaries
- County Boundary

Notes



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

North

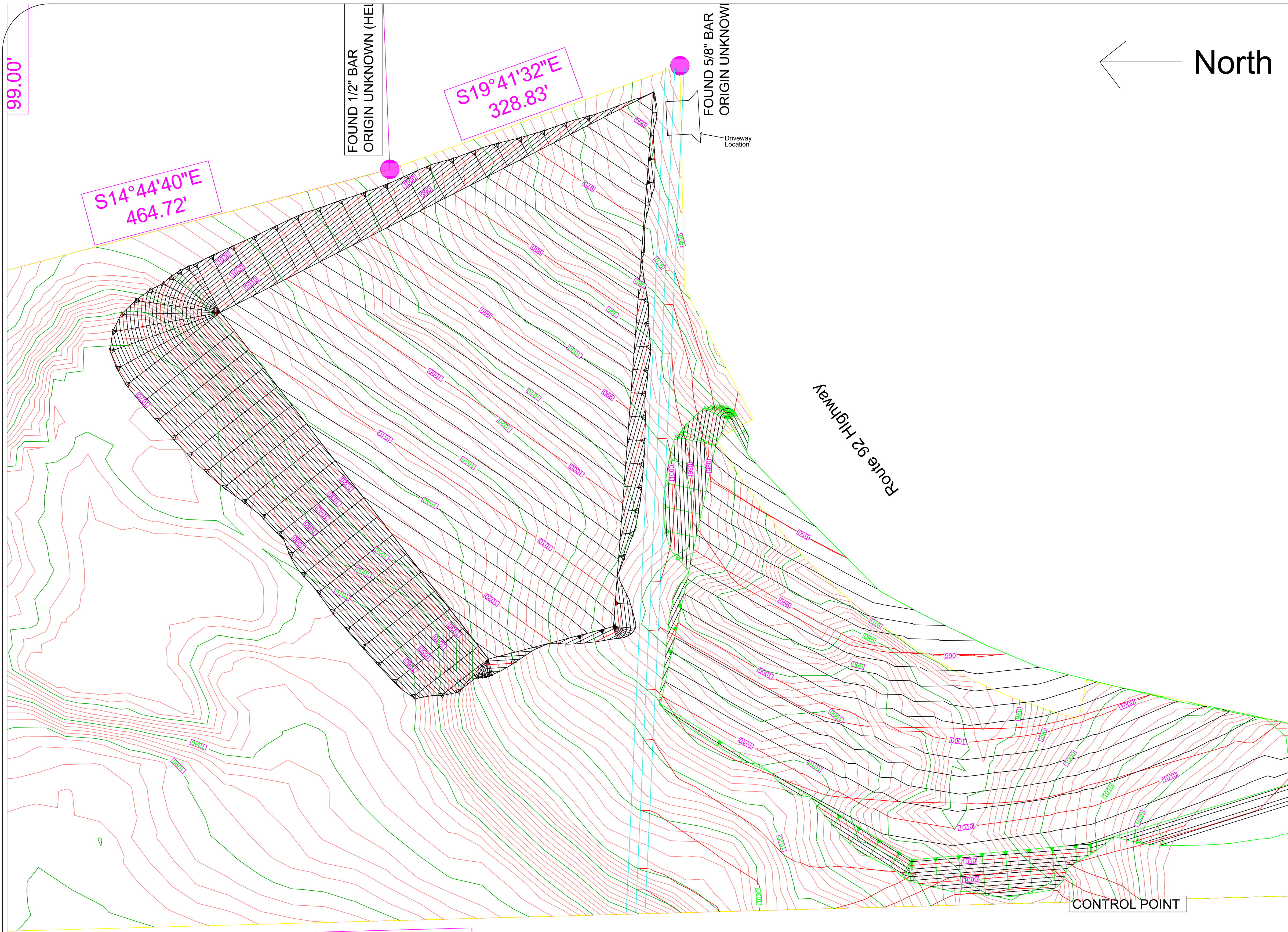
General Notes

No.	Revision/Issue	Date

Firm Name and Address
LEXECO INC
5037 S. 4th Street
Leavenworth, KS 66048

Project Name and Address
Rt 92 Special Use Permit
Lexeco Inc.
ID: 078-33-0-00-00-021.00-0
Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	01
Scale 1"=100'	



General Notes

No.	Revision/Issue	Date

Firm Name and Address
LEXECO INC
 5037 S. 4th Street
 Leavenworth, KS 66048

Project Name and Address
 Rt 92 Special Use Permit
 Lexeco Inc.
 ID: 078-33-0-00-00-021.00-0
 Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	02
Scale 1"=50'	

**KANSAS DEPARTMENT OF TRANSPORTATION
HIGHWAY ACCESS PERMIT**

Permittee: Greg Kaas	Permit No: 01-22-000024A	Access Route Class: D	District Plan: <input type="checkbox"/>
City: No City Required	Route: K0009200	County: 052	City Connecting Link: <input type="checkbox"/>

THIS PERMIT, made and entered into, by and between the Secretary of Transportation of the State of Kansas, hereinafter referred to as the "Secretary" and Greg Kaas 913-727-1234

Name of Owner or Agent for the Owner _____ Phone # _____

5037 S. 4th _____ Leavenworth _____ KS _____ 66048 _____

Street Address _____ City _____ State _____ Zip _____

hereinafter referred to as "Permittee" and the City of N/A hereinafter referred to as the "City", collectively referred to as the "Parties".

(If not applicable, enter N/A)

WHEREAS, the Secretary has jurisdiction over highway right-of-way within the State Highway System of Kansas, and

WHEREAS, the Secretary (and City) believe that it is in the interest of the Citizens of the State of Kansas to permit certain work or projects to be performed upon Highway right-of-ways for access for a specific property usage and access type, and

WHEREAS, the Permittee understands that their specific point of access may be modified or withdrawn as long as reasonable access is afforded, and

WHEREAS, the Permittee agrees to perform certain work as indicated on Form 334 *Highway Access Permit Work Details Sheet* and described as follows:

Construct type 4 access 150 feet west of previously approved 01-21-000024A. Original location could not be used because of a gas pipeline. This will increase sight distance and spacing distance. Existing access will be removed. Access will be used for borrow and waste area for construction projects.

Said work is located on public right-of-way in, upon or along State Highway Route, Reference Point

39.6 (or City Connecting Link Routes _____ on _____ Street)

in Section 33, Township 08S, Range 22E

LEAVENWORTH-052 County, 0.620 Miles west (direction) from 20th street

(Cross Street), and

Access Types: 1 2 3 4 5 6 As defined herein:

Type 1: Low Volume—0-49 vehicles per day maximum (two-way access traffic count); Non-commercial—farm, agriculture, field, timber, cultivated, pasture, duplex, single family residential/home, apartment building containing five or fewer dwelling units

Type 2: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Special-use—city water treatment plant, microwave station, pipeline checkpoint, telephone repeater stations, utilities (electric, gas, telephone, water) check/maintenance stations, Corps of Engineers dike roads

Type 3: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Emergency facility—fire station and/or paramedic facility

Type 4: Low volume—0-49 vehicles per day maximum (two-way access traffic count); Commercial - small business, cemetery, nursing home, other.

Type 5: Medium volume—50-499 vehicles per day and/or less than 50 vehicles per peak hour of the highway (two-way vehicular access count); Commercial industrial, institutional, recreational, local road connections (included joint-use/shared access)

Type 6: High volume—500 vehicles per day and over and/or 50 vehicles per peak hour of the highway or more; Commercial—industrial, institutional, recreational, local road connections (includes join-use/shared access)

WHEREAS, the Secretary has delegated full and complete authority to the District Engineers of the Kansas Department of Transportation (KDOT) to execute Highway Permits, hereinafter referred to as "Permits," for and on the Secretary's behalf.

NOW THEREFORE, in consideration of the permission granted hereunder by the Secretary (and City) to utilize Highway right-of-ways in the manner described above and on Form 334, the following terms and conditions are mutually agreed to by the Permittee, the Secretary (and the City). The access facility described in Form 334 and permitted under this document is referred to herein as the "Facility."

Terms and Conditions of Permit:

The Owner or their designated Agent agrees that the "Access Type" will remain as indicated on this form and apply for a new permit when the "Access Type" or "Property Usage" changes. The owner or their designated Agent agrees to incur all costs associated with revising the access when "Access Type" or "Usage" changes occur and improvements are determined to be necessary. In Cities, the Permittee will obtain additional Permits as required by the City.

- 1.0 PLANS: Approved plans ("Plans") for the Facility are attached and hereby incorporated and made a part this permit. If, before, during or after construction, it is determined that alterations to the Facility are needed and made, an accurate set of "As-Built" Plans shall be provided to reflect deviation(s) from the Plans. The As-Built Plans are required before the Notice of Completion or Revocation (Form 309C) will be issued.
- 2.0 MATERIALS AND CONSTRUCTION METHODS:
- 2.1 The Permittee shall furnish all materials, do all work and pay all costs for the work described on this Permit.
- 2.2 All Facility installations shall comply with the conditions and requirements of the *KDOT Access Management Policy*, current edition, (and City standards when they exceeded those of KDOT).
- 2.3 Drainage structure requirements shall be determined by the Permittee, but said requirements are subject to review and approval by the District Engineer (and City).
- 2.4 All material and construction methods used on work within the limits of the right-of-way shall be equal to or better than that required in the *Standard Specifications for State Road and Bridge Construction*, current edition.
- 3.0 INITIATION AND COMPLETION OF WORK: Permittee agrees to notify the District Engineer (and City) or their duly authorized representative Steven Taylor [KDOT-(913) 942-3049] before work is initiated and again when the work is completed.
- 3.1 An approved signed copy of the Permit shall be on the premises before and during any work is performed.
- 3.2 All work, including right-of-way restoration, shall be completed within 365 calendar days of the PERMIT APPROVAL DATE; otherwise, this Permit is rescinded. If an extension is needed to complete the work included in this permit, the permittee will obtain written consent of the Area Engineer. If work has not been started within the completion time, the Permit becomes null and void.
- 4.0 INSPECTION: The Permittee will be responsible for supervising construction to insure compliance with KDOT (and City) policies and standards.
- 5.0 ACCEPTANCE: City If checked the city will be responsible for concurring in the acceptance of the restored right-of-way.
- 6.0 RIGHT-OF-WAY: Except for authorized changes, Permittee agrees to restore said right-of-way to a condition equal to or better than existed prior to approval of the work described in this Permit..
- 6.1 Any sod, shrubs or trees destroyed by this work shall be replaced as directed by the District Engineer (and City).
- 6.2 The right-of-way shall be kept free from parking, advertising signs or any other commercial activity.
- 7.0 OBSTRUCTION OF TRAFFIC: Permittee agrees that the highway (and connecting link) traffic will be free of interference unless specifically provided for as part of the Permit. Temporary traffic control shall be in accordance with the *Manual of Uniform Traffic Control Devices*, current edition.
- 8.0 BOND WAIVED: In lieu of the Secretary requiring the Permittee to provide a bond, the Permittee agrees that the Secretary may revoke the permit and remove any work performed. The Permittee agrees to reimburse the Secretary for any cost incurred by the Secretary to restore the right-of-way. The Secretary will not authorize any other highway permits until the Permittee has either reimbursed the Secretary or restored the right-of-way to its previous condition, as accepted by the Secretary.
- 9.0 LIABILITY: The Permittee, its heirs, successors, or assigns, shall assume all risk and liability for accidents and damages that may occur to persons or property during construction and/or installation of the Facility pursuant to this Permit, and shall indemnify and hold the Secretary (or City) harmless from any and all costs, liabilities, expenses, suits, judgments, or damages to persons or property for claims of any nature whatsoever arising out of or in connection with this Permit, or the operation and performance there-under by the Permittee, their agents, employees, or subcontractors. Upon completion of the Facility by the Secretary, the Permittee's duty and obligation to assume all risk and liability and to indemnify and hold the Secretary (or City) harmless shall lapse.
- 10.0 INSURANCE: The Permittee shall be subject to the Liability provisions above and shall provide a Certificate of Insurance indicating the following minimum coverage:
- A. Comprehensive Liability:
- Bodily injury and property damage for which the Permittee is responsible with limits of \$250,000 per person and \$500,000 per occurrence (required for Access Types 1 through 4).
- Bodily injury and property damage for which the Permittee is responsible with limits of \$1,000,000 per person and \$2,000,000 per occurrence (required for access Types 5 & 6).
- Local governments requesting access to the Highway are not required to provide liability insurance
- B. Workman's Compensation: Any entity working subject to this Permit, including Permittee's contractors, subcontractors and consultants, which is subject to worker's compensation laws and regulations must carry legally sufficient worker's compensation insurance.
- 10.1 The insurance coverage period must cover the time period for construction up to and including the notice of acceptance completion by KDOT. Insurance as herein required shall be maintained in force until completion of the Facility by the Secretary.
- In the event the Facility has not been completed and an extension of the construction period is required, Permittee agrees to notify the Secretary (or City) and an updated Certificate of Insurance must be provided if the extension will go beyond the coverage period indicated on the Certificate of insurance on file.
- 11.0 HIGHWAY IMPROVEMENTS AND/OR MAINTENANCE: The Secretary (or City) reserves the right to make any alteration or improvement along or upon the highway right-of-way which is the subject of this Permit or in the vicinity of the Facility located pursuant to this Permit, including, but not limited to, relocation or complete eradication of a Facility subject to this Permit.
- 11.1 In the event the Secretary determines it necessary to relocate the Facility subject to this Permit, Permittee agrees to hold the Secretary (or City) harmless for any damages, if any, that may arise as a result of said relocation of the Facility. If the Secretary (or City) deems it necessary to

relocate the Facility subject to this Permit, the Secretary (or City), at the discretion of the Secretary, will either, assume the actual construction costs related to said relocation or perform the relocation itself. Permittee agrees that in, the event of relocation, Secretary (or City) has complete and full discretion regarding the location of the new permitted access point.

11.2 Subject to the terms of this Permit, in the event the Secretary determines it necessary to completely eradicate Permittee's Facility and/or revoke this Permit, Permittee agrees to hold the Secretary (or City) harmless for any damages, if any, that may arise as a result of said eradication of the Facility or revocation. If the Secretary (or City) deems it necessary to eradicate the Facility subject to this Permit, the Secretary (or City), at the discretion of the Secretary, will either, assume the actual construction costs related to said eradication or perform the eradication itself.

11.3 The Permittee agrees that the work approved pursuant to this Permit will be conducted in such a manner as not to interfere with any construction or other work being performed by the Secretary (or City) or its contractors in the vicinity of the Permittee's work or projects.

11.4 It is further agreed that written notice will not be required for the Secretary's (or City's) normal maintenance including, but not limited to , cleaning ditches, repair/replace surfacing and drainage structures and sign installation or replacement. The Permittee agrees to hold the Secretary (or City) harmless for any temporary loss of use or inconvenience arising out of maintenance activities.

12.0 SNOW REMOVAL ON FACILITY: The Permittee is obligated to perform any and all snow and ice removal maintenance to the Facility. Permittee further understands and agrees the Secretary (or City) does not assume any responsibility for the removal or clearance of snow and/or ice, the opening of windrows by authorized representatives engaged in normal winter maintenance operations. Permittee agrees to save and indemnify the Secretary (or City) against any and all claims related to maintenance of the Facility.

13.0 ABANDONED OR RETIRED IN PLACE: The Permittee agrees to notify the Secretary (or City) when the Facility has been abandoned, in whole or in part, or retired in place and to be responsible for all costs associated with removal and/or closure of said Facility. In the event Permittee receives notice from the Secretary (or City) to remove the abandoned and/or retired Facility, Permittee agrees to perform said work within 180 days of notice. Should Permittee fail to properly perform said work, the Secretary (or City) reserves the right to remove and/or close the Facility at Permittee's expense.

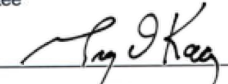
13.1 The Secretary (or City) reserves the right to require Permittee to place certain gates or other infrastructure, as set forth in the *KDOT Access Management Policy*, across the Facility the Secretary (or City) deems inactive. In no event shall the Permittee block or otherwise impede the Facility pursuant to this Permit without the express written authorization of the Secretary (or City).

It is understood and agreed by the Parties that this Permit only creates a license for Permittee to have the right and privilege to use the right-of-way for the specific purpose stated herein and subject to the terms of this Permit. It is further understood and agreed by the Parties that this Permit does not create, grant, convey, transfer, or vest, any property right or interest in the Secretary's real property to the Permittee; thus, the Secretary may terminate, modify, or revoke this Permit without notice and without duty, obligation, penalty, damages, or compensation owed to the Permittee by the Secretary unless otherwise stated herein.

This Permit is hereby accepted and its provisions agreed to by the parties hereto:

KDOT's Access Management Unit has reviewed the Permit and provided comments to the District Engineer regarding the conditions of the Permit.

N/A Reviewed (Access Types 5 and 6, and all variances)

<p>PERMITTEE The person signing as the Permittee must be the Owner or legal representative of the property (Agent of the Owner) served by the permitted access and have full authority to accept the Permit and its terms and conditions.</p>	<p>APPROVED The permit must be signed by the duly authorized representative of the Secretary of Transportation, the city (when applicable) and the Permittee. The permit is not valid until signed by all parties and returned to KDOT for Permit Approval Date.</p>
<p>Owner/Agent of the Owner Greg Kaas</p>	<p>The City of (when applicable) No City Required</p>
<p>Street Address 5037 S. 4th</p>	<p>City Representative</p>
<p>City, State, Zip Leavenworth KS 66048</p>	<p><input type="checkbox"/> Mayor <input type="checkbox"/> City Manager <input type="checkbox"/> City Engineer</p>
<p>Permittee By: </p> <p><input type="checkbox"/> Owner <input checked="" type="checkbox"/> Agent of the Owner</p>	<p>Recommended by (KDOT) Signed by Ryan P Barrett at 6/14/2022 9:41:58 AM on PC DTA30010</p> <p>Area/Metro Engineer <input type="checkbox"/> AM Engineer</p>
	<p>Secretary of Transportation of the State of Kansas <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>By: Signed by Charlotte M Fitzgerald at 6/21/2022 6:07:56 PM on PC DTA00053</p> <p>District Engineer or Designee</p>
	<p>For KDOT Use Only Permit Approval Date : _____</p> <p>By: _____ KDOT Representative (Please Print)</p>

**KANSAS DEPARTMENT OF TRANSPORTATION
ACCESS PERMIT WORK DETAILS SHEET**

Permittee: Greg Kaas	Permit No: 01-22-000024A	Access Route Class: D	
City: No City Required	Route: K0009200	County: 052	

Business Data:

Name _____ Phone No. _____

Address _____ KS _____

Street _____ City _____ State _____ Zip Code _____

Use _____

Fast Food, Restaurant, Service Station, Office, Shopping Center, Apartments, etc.

Highway Data

Surface Type: Area Type:

Surface Width: Ft. Curb and Gutter Open Ditch

Shoulder Width: Ft. Parking along Highway

Number of Lanes: Highway Slope > 3% Actual Highway Grade:

Speed Limit: MPH Average Daily Traffic: (2-way)

Access Route Class: Is a Highway Construction Project Programmed? Yes No

Access Data:

Access Surfacing:

Access Width: Ft. 1-Way 2-Way Traffic Volume: Daily Peak Hr

Access Radius: Ft. Drop Curb*

Access Thickness: In.

Taper Type: Taper Size:

Frequency of Usage

Largest Vehicle Using	# of Trips	Frequency
<input type="text" value="Single Trailer Semi"/>	<input type="text" value="500"/>	<input type="text" value="Year"/>

Proposed Access Drainage Method:

Sight Distance

	Stopping	Intersection
Upstation	<input type="text" value="1,850"/> Ft. Left	<input type="text" value="1,870"/> Ft.
Downstation	<input type="text" value="453"/> Ft. Right	<input type="text" value="460"/> Ft.

Adjacent Access Spacing

Direction	Distance	Access Type
Upstation	<input type="text" value="331"/> Ft. Centerline to Centerline	Type 1; Non-commercial: Residential, field, Duplex, or small apartment complex.
Downstation	<input type="text" value="1,505"/> Ft. Centerline to Centerline	Type 1; Non-commercial: Residential, field, Duplex, or small apartment complex.

Other Location Notes:

Comments: _____



Leavenworth Excavating & Equipment Co., Inc.

December 1, 2022

Route 92, Leavenworth **Emergency Plan**

Emergency Contacts

Matt Kaaz	913-775-1200
Hank Wiehe	816-223-4536
Greg Kaaz	816-223-5691

Fire

Before any brush is burned, the local fire department will be contacted for a burn permit or permission. All open fires (for brush) will be controlled by Dozers or Excavators. In the advent, a fire can't be controlled with dozers or excavators, the local fire department will be contacted.

Weather

Normally during times of inclement weather, no one will be located on site. However, if a tornado warning was issued, the operator(s) will be notified through a phone app or tornado siren located near the site.

In the event a tornado will hit the site, the best course of action is to drive to the closest shelter. If you are unable to make it to a safe shelter, either get down in your car and cover your head, or abandon your car and seek shelter in a low lying area such as a ditch or ravine.



Lawyers Title of Kansas, Inc.
913-682-3368

CN: 41412

Doc #: 2020R10342
STACY R. DRISCOLL
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/14/2020 08:37:29 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office 10/14/2020

Janet Klasmoki by J. Keppeler
County Clerk

WARRANTY DEED (Statutory)

THE GRANTOR,

The Dawson Family LLC, a Kansas Limited Liability Company

a limited liability company duly organized and existing under and by virtue of the laws of the State of Kansas and having its principal place of business in Leavenworth County, Kansas, hereby
CONVEYS AND WARRANTS to

K & L Leasing, Inc.

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

A tract of land situated in the County of Leavenworth, State of Kansas, to-wit: A tract of land in the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East of the 6th P.M., described as follows: Beginning at the Southwest corner of the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East; thence North 1318 feet to the Northwest corner of the South Half (S/2) of the Northeast Quarter (NE/4) of Section 33; thence East 660 feet; thence South 14° 17' East 165 feet; thence South 59° 17' East 99 feet; thence South 59° 17' West 99 feet; thence South 14° 17' East, a distance of 790 feet more or less to the North line of State Highway #92; thence Southeasterly and on a curve whose radius is 613.7 feet, a distance of 481.6 feet; thence on a right angle to the right a distance of 45 feet; thence on a parallel curve whose radius is 658.7 feet to a point on the South line of the Northeast Quarter (NE/4) of Section 33, Township 8 South, Range 22 East; thence West to the point of beginning, as per survey S-6 #247 recorded March 22, 1966.

ALSO, the North Half (N/2) of Lot Four (4), in TAYLOR'S SUBDIVISION, West of State Highway #92, as per survey S-6 #247 recorded March 22, 1966.

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

Dated this 9th day of October A.D. 2020

The Dawson Family LLC, a Kansas Limited Liability Company

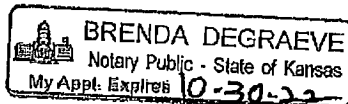
Barbara B. Dawson
By: Barbara B. Dawson, Managing Member

STATE OF KANSAS, COUNTY OF LEAVENWORTH

This instrument was acknowledged before me on this 9th day of October 2020 by:

The Dawson Family LLC, a Kansas Limited Liability Company, By: Barbara B. Dawson, Managing Member

My appointment expires:



Brenda Degraeve
Notary Public



Laura Kelly, Governor
Mark A. Burghart, Secretary
www.ksrevenue.org

CERTIFICATE OF TAX CLEARANCE

Leavenworth Excavating & Equipment Co In

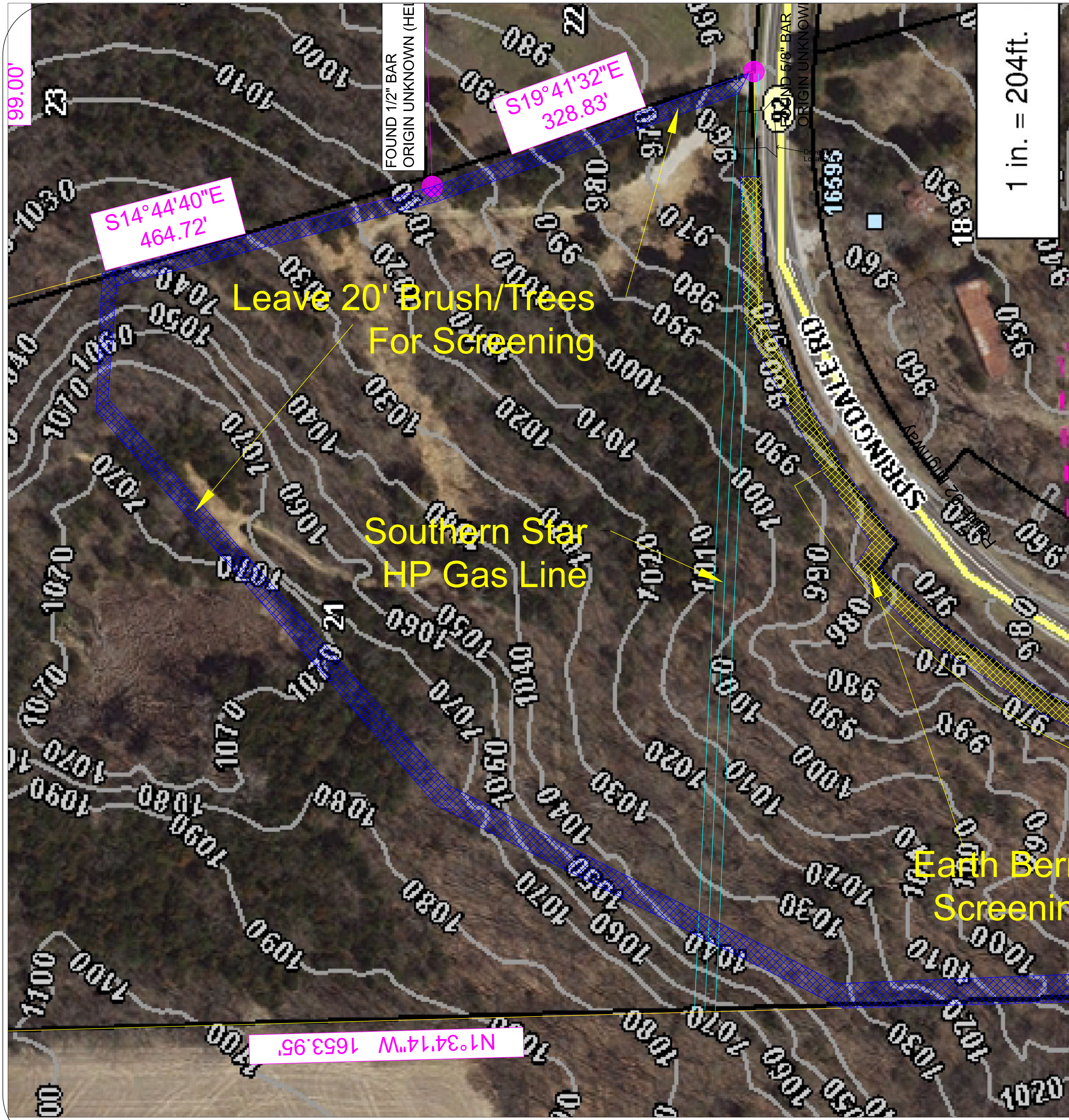
ISSUE DATE
09/08/2022

TRANSACTION ID
TEMJ-MG6D-D6XR

CONFIRMATION NUMBER
C83P-MKXC-NDPC

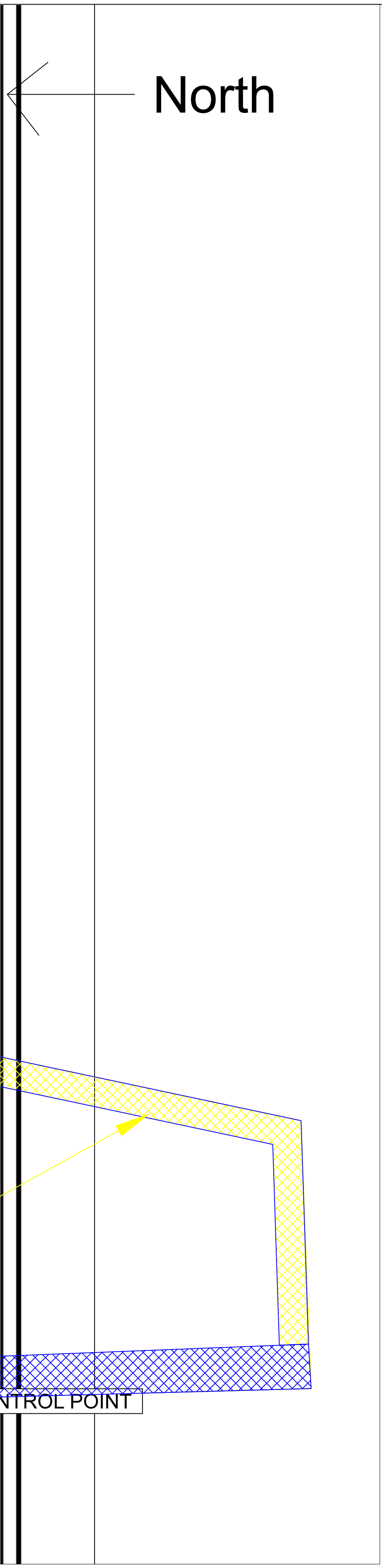
TAX CLEARANCE VALID THROUGH 12/07/2022

*Verification of this certificate can be obtained on our website, www.ksrevenue.org,
or by calling the Kansas Department of Revenue at 785-296-3199*



This Cadastral Map is for informational purposes only. It does not represent a property boundary survey of the parcels shown and should not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



General Notes

No.	Revision/Issue	Date

Firm Name and Address

LEXECO INC
5037 S. 4th Street
Leavenworth, KS 66048

Project Name and Address

Rt 92 Special Use Permit
Lexeco Inc.
ID: 078-33-0-00-00-021.00-0
Leavenworth County, Kansas

Project	Sheet
Date 10/28/22	03
Scale 1"=50'	



Leavenworth Excavating & Equipment Co., Inc.

December 7, 2022

Special Use Permit Application
PID 078-33-0-00-00-021.00-0
Fill/Borrow Site
Response for Additional Information

1. Resubmittal Required - A copy of the property deed needs to be submitted. **See Attached**
2. Resubmittal Required - Sales Tax Clearance for the business needs to be submitted. **See Attached**
3. Revised Plans Needed - Please include the location of any areas where soil will be stored on the site plan. Don't mound soil **There will be no soil stored onsite. Just what's in the cut and fill areas.**
4. Revised Plans Needed - Screening from all property lines will be required. Please include description of screening in narrative and location on site plan. **The north, west and east will be screen with the natural brush/trees (we won't clear trees and brush in that area). Rt 92 will be screened with a dirt berm that is seeded to restrict the view.**
5. Revised Plans Needed - Please provide hours and days of operation in the narrative. **Normal hours will be 7am to 6pm, Monday-Saturday. We mainly operate from April to November depending on the weather. The operation will be on a "as-needed" basis, so we won't operate every day. On a average we will probably operate 2 days a week for 35 weeks a year.**
6. Revised Plans Needed - While the narrative indicates that no permanent structures will be located on site, will there be any temporary structures besides the portable toilet? If so, please provide the information in the narrative. **No permanent structure will be onsite.**
7. Revised Plans Needed - Are any exterior lights proposed on the property? If so, please include in the narrative. **No exterior lights will be used. Operations will be during day light hours only.**
8. Revised Plans Needed - The narrative indicates only one employee will be on-site during use. Will there be any additional employees coming to the site for transport/loading purposes? If so, please include that number in the narrative. **Normally there will be one employee onsite when we are operating. That employee will load rental dump trucks to haul soil off the site. There will be rental trucks that will be dumping clean fill on the site. This will be limited to trucks that are working for Lexeco only. There could be 10 trucks entering and leaving the site throughout the day (i.e. each truck makes 8 round trips for a total of 80 loads)**



9. Revised Plans Needed - Please list all vehicles and equipment that will be used on site and include the location of where this equipment will be stored on the site plan. **Dozers and Excavators will be used on the site. These units will be parked in the cut or fill areas.**

10. Revised Plans Needed - Will any chemicals or hazardous materials be used on site? If yes, please include in narrative. **No chemical or hazardous materials will be used on site except diesel fuel and lubricants.**

11. Revised Plans Needed - A list of all proposed oils, lubricants and fuel to be used and stored on the site must be included in the narrative. **A 1500 gallon diesel tank will be used on the site to fuel equipment. The tank is mounted on a trailer and is double walled for leak protection. Lubricants to be used could include engine oil, transmission oil, hydraulic oil and grease. If onsite, this material will be stored in a locked ConEx box.**

12. Revised Plans Needed - Please include the size of the sign described in the narrative. Depending on the size, a sign permit may be required. **No signage will be on the site other than what is required by the County for emergency contacts.**

13. Revised Plans Needed - Please provide an emergency plan. **See attached**

14. Revised Plans Needed - The narrative indicates that water may be used for dust abatement. Where will this water be sourced from? If stored on site, please include location of tanks on the site plan. **If water is needed, it will be hauled using a water truck. No onsite water storage is expected**

15. Revised Plans Needed - On the Site Plan provided, please label the location of the existing gas line (located in blue?).

16. Condition of Approval - Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines. **See attached email from KCC concerning removal of gas well.**

17. Condition of Approval - A NOI and SWPPP must be completed and submitted to the county prior to any work occurring on the property.

18. Condition of Approval - Any noise generated from the business operation shall not exceed 65 dB at the property line.

19. Condition of Approval - No inoperable vehicles shall be placed on the site.

20. Condition of Approval - The proposed business shall abide by the Leavenworth County Sanitary Code. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.

21. Condition of Approval - The applicant shall provide a certificate of liability insurance with a minimum of \$1,000,000 per occurrence with certificate holder listed as County of Leavenworth.

22. Condition of Approval - No on-street parking shall be allowed

Emergency Management Comments Response

1. A sign will be posted outside the property for emergency contacts
2. A Notice of Intent and Storm Water Prevention Plan will be developed for the site if approved. That plan will be developed by a professional engineer and will address water runoff.
3. Asbestos will not be allowed in the fill area. Only clean rubble as defined by KDHE will be allowed. According to KSA 65-3402(w), "Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."
4. A 75' Fire barrier will be established before any material is burned. Also, any permits from the fire department will be obtained.

Greg Kaaz

From: Levi Short <l.short@kcc.ks.gov>
Sent: Monday, October 31, 2022 3:15 PM
To: Greg Kaaz
Cc: Russell Hine
Subject: RE: Kellner Lease - Leavenworth County

Greg,

I spoke with you on October 22, 2020 regarding an abandoned well, Kellner #1, on your property west of Leavenworth. I left a message on your mobile number today and thought I would email you as well. As for the well, a contract has been awarded to a company to plug the well using KCC funds. A start date has not been set yet, but will probably occur within the next month. An inspection of the property has determined to access the well and perform plugging activities trees will need to be removed along the access road and at the well site. If you have any questions, please call or email me or the KCC District 3 Abandoned Well Coordinator Russell Hine. Mr. Hine arranges the plugging using state contracts after the abandoned well investigation is done.

Russell Hine
620-432-4001
r.hine@kcc.ks.gov

Levi Short
Environmental Compliance and Regulatory Specialist



Conservation Division District 3
Kansas Corporation Commission
137 E. 21st Street | Chanute, KS | 66720
Mobile (620) 432-6527 | Office (620) 902-6457 | <http://kcc.ks.gov/>

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From: John Almond <j.almond@kcc.ks.gov>
Sent: Monday, October 19, 2020 7:19 AM
To: Levi Short <l.short@kcc.ks.gov>
Subject: FW: Kellner Lease - Leavenworth County

Levi,
I will process a complaint and forward it to you this morning. I sent an e-mail response to Mr. Kaaz and told him that you would not be able to inspect the well until sometime later this week. Thank you.

From: Greg Kaaz <greg@lexeco.com>
Sent: Thursday, October 15, 2020 4:18 PM

To: John Almond <j.almond@kcc.ks.gov>
Subject: Kellner Lease - Leavenworth County

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Mr. Almond,

I recently purchased a tract of land in Leavenworth County that has a natural gas well on it. I've been trying to figure out who the well belongs to. The gentleman (Thomas Dawson) I purchased the ground from is not competent to provide any information on the gas well. From the limited documents we obtained from him, it appears the last operator was Monument Resources Inc. from Castle Rock, CO. I believe the lease expired in 2006 and was not renewed. At that time a Request for Change of Operator (Form T-1) was filed with the KCC. This form was rejected since Thomas Dawson was not a licensed operator. There were some notes written on the back of the rejection letter indicating the Mr. Dawson talked to Jonelle Rains at the KCC. The last note indicates Jonelle would contact Monument Resources to plug the well.

After talking with the receptionist at the KCC, it appears legal action was taken by the KCC in 2016 ending in a Default Order.

The original person I talked to at KCC said I might talk to the district office and request a Lease Inspection. I'm really just trying to figure out if the well has been plugged and if not, how to go about getting that done. It appears there is still piping above the ground on the site. If you open one of the valves, you hear gas escape so I'm questioning whether it's been plugged or if that's residual gas in the line.

Any information you could provide would be helpful. I have attached copies of the documents that I have that may be useful to you.

Thanks,

Greg D. Kaaz
Lexeco, Inc.
(Leavenworth Excavating and Equipment Company)
5037 S. 4th Street
Leavenworth, KS 66048
913-727-1234
913-727-1270 (fax)



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Allison, Amy

From: Tim Goetz <tmgoetz@stjoewireless.com>
Sent: Friday, November 11, 2022 11:53 PM
To: Allison, Amy
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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.

Leavenworth RWD. 5 has no issues with the above reference. We have no waterlines in this area.

From: "Allison, Amy" <AAllison@leavenworthcounty.gov>
Sent: 11/10/22 3:20 PM
To: "Magaha, Chuck" <cmagaha@lvsheriff.org>, "Anderson, Kyle" <KAnderson@leavenworthcounty.gov>, "Miller, Jamie" <JMiller@leavenworthcounty.gov>, "Patzwald, Joshua" <jpatzwald@lvsheriff.org>, "Van Parys, David" <DVanParys@leavenworthcounty.gov>, 'Mitch Pleak' <mpleak@olsson.com>, "Noll, Bill" <BNoll@leavenworthcounty.gov>, 'Michael Stackhouse' <mstackhouse@fd1lvco.org>, ""tyler.rebel@westarenergy.com"" <tyler.rebel@westarenergy.com>, ""tmgoetz@stjoewireless.com"" <tmgoetz@stjoewireless.com>, "Steven Taylor [KDOT]" <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a fill site/borrow area at 00000 Springdale Rd (078-33-0-00-00-021.00)

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 Friday, November 18, 2022.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP

Deputy Director

Allison, Amy

From: Anderson, Kyle
Sent: Monday, November 14, 2022 9:53 AM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

We have not received any complaints on this property, and we are not aware of any septic systems installed on it.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at AAllison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Van Parys, David
Sent: Monday, November 14, 2022 8:11 AM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Amy, The request to issue the SUP subject the contingency of obtaining the necessary environmental permits is acceptable.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a fill site/borrow area at 00000 Springdale Rd (078-33-0-00-00-021.00)

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 Friday, November 18, 2022.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Noll, Bill
Sent: Monday, November 14, 2022 8:33 AM
To: Van Parys, David; 'Mitch Pleak'
Cc: PZ
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Since this is on a KDOT highway and does not have a defined haul route onto county roadways, Public Works has not roadway comments.

Bill Noll, PS MPA CPM CFM

Leavenworth County
Infrastructure and Construction Services Director
(913) 684-0470

From: Allison, Amy
Sent: Thursday, November 10, 2022 3:21 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a fill site/borrow area at 00000 Springdale Rd (078-33-0-00-00-021.00)

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If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Tuesday, November 15, 2022 11:24 AM
To: Allison, Amy
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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 have no issues with this.

Michael L. Stackhouse
Fire Chief
Fire District No. 1, County of Leavenworth
111 E. Kansas Avenue
Lansing, KS. 66043
Office: 913-727-5844
Cell: 913-683-3223



From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Michael Stackhouse <mstackhouse@fd1lvco.org>; 'tyler.rebel@westarenergy.com' <tyler.rebel@westarenergy.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a fill site/borrow area at 00000 Springdale Rd (078-33-0-00-00-021.00)

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 Friday, November 18, 2022.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@LeavenworthCounty.Gov

Allison, Amy

From: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Sent: Monday, November 21, 2022 3:07 PM
To: Allison, Amy
Subject: RE: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

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.

No comments.

Steve Taylor
Kansas Department of Transportation
Utility Coordinator
District 1 Area 3
650 north K-7 Highway
Bonner Springs, Ks.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, November 21, 2022 2:57 PM
To: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Subject: FW: RE: DEV-21-156 Special Use Permit –Excavation of Raw Materials - Lexeco

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Afternoon Steve,

Do you have any comments for the attached case? Since this is a State maintained road, the county did not have any comments as far as the roads.

Sincerely,
Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, November 10, 2022 3:21 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill

MEMO

To: Krystal Voth
From: Chuck Magaha
Subject: Landfill Lexeco
Date: December 6, 2022

Krystal, I have reviewed the special use permit for the operation of a landfill by Lexeco on Springdale Road Just West of the KDOT site. A sign posted on the outside of the property for emergency contacts for responders to make contact in the event an emergency occurred after hours. I would like to see a containment area placed below the site for contaminates of runoff from water be placed at the base of the area to capture the silt from entering the surrounding properties. The area described is a high drainage area, which can wash, contaminates down stream from the area. I would ask how the operator plans to monitor Asbestos contaminates that may be in demolished contracts of debris. This will have a health issue if not addressed, and if ever abandoned the County may have to incur the cost of testing for asbestos. The operator should not be able to perform any outdoor burning within the immediate premise location. A fire barrier should be placed around the debris of at least 75 feet around the entire debris location freed of over growth vegetation I have no further comments at this time. If you have any questions please call me at 684-0455.

Allison, Amy

From: Magaha, Chuck
Sent: Thursday, December 8, 2022 4:47 PM
To: Allison, Amy
Subject: RE: DEV-21-156 Lexeco Review Comments

All looks fine I was in my memo inquiring of road signs of equipment entering the highway when in operations not for sure if KDOT will require or not with temporary or permanent signage.

Thanks

Chuck

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Thursday, December 8, 2022 1:12 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>
Subject: FW: DEV-21-156 Lexeco Review Comments

Chuck,

Please see the Kaaz response to your memo. Let me know if you have any additional comments.

Sincerely,
Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

From: Greg Kaaz <greg@lexeco.com>
Sent: Wednesday, December 7, 2022 12:32 PM
To: Allison, Amy <AAllison@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>; Matt Kaaz <matt@lexeco.com>
Subject: RE: DEV-21-156 Lexeco Review Comments

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.

Amy,

Please see attached response to questions that addresses Emergency Management's concerns. I just added them to the bottom of the response I provided a week ago. I have also attached the correspondence from KCC concerning removal of the natural gas well. Let me know if you have any questions.

Thanks,

Greg D. Kaaz
Lexeco, Inc.



Construction and Demolition Wastes and Clean Rubble Guidance Document

Construction and Demolition (C&D) waste is solid waste generated during construction or demolition activities. Clean rubble is also generated during construction or demolition activities, but it differs in composition from C&D waste. This document explains the definitions of C&D waste and clean rubble and acceptable methods for disposal of both.

Construction and Demolition Waste

Definition of C&D waste

C&D waste is defined in [KSA 65-3402\(u\)](#) as:

- solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities;
- untreated wood and untreated sawdust from any source;
- treated wood from construction or demolition projects;
- small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles;
- furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;
- solid waste consisting of motor vehicle window glass; and
- solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup.

Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging.

Other statutes and regulations further refine the definition:

Construction related packaging means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. “Construction related packaging” does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures. *KSA 65-3402(dd)*

Furniture and appliances do not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.
[KAR 28-29-300\(a\)\(4\)\(A\)](#)

Treated wood includes wood treated with any of the following:

- (i) Creosote;
- (ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

- (iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or
- (iv) any other chemical that poses risks to human health and the environment that are similar to the risks posed by the chemicals specified in paragraphs (i) through (iii).

KAR 28-29-300(a)(4)(B)

Untreated wood includes the following, if the wood has not been treated with any of the chemicals listed in the definition of treated wood:

- (i) Coated wood, including wood that has been painted, stained, or varnished; and
- (ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board.

KAR 28-29-300(a)(4)(C)

Wastes which may be disposed of in a C&D landfill

In addition to the items *explicitly* identified as C&D waste in KSA 65-3402(u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Uncontaminated wooden pallets;
2. Street sweepings (litter must be removed and concentrations of metals, volatile organic compounds, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Ash and other residues from the burning of trees and brush (trees and brush must have been burned in accordance with [KAR 28-19-647](#));
6. Metal scrap (e.g. tie strapping);
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components.

Dry mud trap solids from commercial car washes may be applied as cover at a C&D landfill. To be considered a solid the material must pass the paint filter test, EPA method SW 846/9095.

Wastes which may *not* be disposed of in a C&D landfill

Construction and demolition waste does not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities.

KSA 65-3402(u)

In addition to the items *explicitly* identified as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Bagged or bulk quantities of leaves and/or grass clippings;
4. Trash bags, unless demonstrated to contain only acceptable wastes.

Disposal options for C&D wastes

Acceptable C&D wastes may be disposed of in either a municipal solid waste landfill (MSWLF) or in a C&D landfill. Both MSWLFs and C&D landfills must be approved by KDHE through a permit process. But because of the relatively inert nature of the wastes disposed in C&D landfills, these landfills do not have to meet design standards as strict as those for MSWLFs.

Most C&D landfills will, on occasion, receive waste that is not appropriate for disposal. Therefore, all C&D landfills should conduct waste screening (i.e., inspect incoming waste and remove unacceptable materials) and maintain a dumpster or roll-off container onsite for unacceptable wastes which are received at the landfill. Waste screening is covered in Guidance Document [Waste Screening and General Operations at Construction & Demolition Landfills](#), and storage of unapproved wastes screened from construction and demolition landfills is addressed in Bureau of Waste Management [Policy 02-01](#).

Clean Rubble

Definition of clean rubble

According to KSA 65-3402(w), “Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary.”

[KSA 65-3415b](#) lists “clean rubble” as a waste which is exempt from the state solid waste tonnage fee. The definition of “construction and demolition waste” in KSA 65-3402(u) states: “Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.”

Clean rubble that is brought separately to a construction and demolition landfill or a municipal solid waste landfill is not subject to the tonnage fee, even if the clean rubble is mixed with construction and demolition waste or municipal solid waste upon disposal.

Disposal of clean rubble

The stable nature of the materials in clean rubble means it may be disposed of with C&D waste, or it may be disposed of separately at a clean rubble site. However, clean rubble that is mixed with other C&D waste during demolition or transportation is considered to be C&D waste and must be disposed of at either a MSWLF or at a C&D landfill.

Unlike a C&D landfill, state statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site may be subject to local city or county requirements such as local approval (zoning or land use) and local ordinances.

Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment.

Issued: 04/1994; Content revised 01/20/1998, 09/1998, 05/29/2002, 07/02/2002, 10/03/2007, and 09/29/2014; Revised 06/23/2022: updated formatting and contact information and added hyperlinks

For additional information regarding proper management of solid or hazardous waste in Kansas, you may contact the Bureau of Waste Management at (785) 296-1600 or the address at the top of this document, or visit the Bureau’s website at www.kdhe.ks.gov/Waste.

**LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
January 11, 2023**

The complete recorded meeting can be found on the County's YouTube channel.

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Steve Rosenthal, Robert Owens, Jaden Bailey, William Gottschalk, Wolf Schmidt, Jeff Spink, Marcus Majure, Doug Tystad, and Alan Stork

Members absent: Steve Skeet

Staff present: Amy Allison-Deputy Director, Stephanie Sloop-Planning Coordinator, David Van Parys-Senior County Counselor

Minutes:

Commissioner Tystad made a motion to approve the minutes. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve the minutes passed, 6/0 (Commissioner Owens and Bailey Abstained, Commissioner Skeet Absent)

Secretary's Report:

Amy Allison gave the secretary's report going over the agenda, making note that there were three items on the consent agenda.

Commissioner Schmidt made a motion to approve the agenda. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve the agenda passed, 8/0 (1 Absent)

Case DEV-22-145 J & A Farms Replat

Amy Allison gave the staff report for the above-listed case, stating that the recommendation for this request was denial.

Chairman Rosenthal asked if there were any questions from the board. Chairman Rosenthal asked if the applicant wished to address the board.

Mr. Joseph Herring came forward to explain the nature of the request and answer any questions. Discussion was had among the commission, applicant, and Ms. Allison about the history of this parcel and a recent rezoning request for this parcel. Commissioner Owens stated that this case was an example of how we should not recommend something like a rezoning to then turn around and deny the subdivision. If we aren't going to approve one he stated that we shouldn't approve either. County Counselor David Van Parys advised that our regulations take into account that there will be situations where there will be a need for a deviation to the parallel lines rules, he stated that while staff had reasons to give their recommendation of denial but that the Planning Commission is not bound to staff's recommendation.

Chairman Rosenthal said that he would accept a motion.

Commissioner Stork motioned to approve Case DEV-22-145 J & A Farms Replat. Commissioner Owens seconded the motion.

ROLL CALL VOTE - Motion to approve passed 8/0, (1 absent)

The Board of County Commissioners will consider this item no earlier than **January 25, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-155

Consideration of an application for a Special Use Permit for an Event Center on the following described property: A tract of land in the Southwest Quarter of Section 3, Township 11 South, Range 21 East of the 6th P.M. in Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Mr. and Mrs. Dan and Cindy Lynch came forward to describe the request and answer any questions from the board.

Commissioner Rosenthal asked if there was anyone present wishing to speak in favor or opposition. Public comment was given by several residents. The public comment portion of the hearing was closed. Discussion was had between the Planning Commission about the recommendation of fire suppression.

Chairman Rosenthal said he would accept a motion if there were no further discussions on this request.

Commissioner Stork motioned to approve Case DEV-22-155 Special Use Permit for Whiskey Ridge. Commissioner Schmidt seconded the motion.

ROLL CALL VOTE - Motion to approve passed 8/0 (1 absent)

The Board of County Commissioners will consider this item no earlier than **February 1, 2023, at 9:00 A.M** in the Leavenworth County Courthouse.

Case DEV-22-156

Consideration of an application for a Special Use Permit for an Extraction of Raw Materials and Landfill use on the following described property: A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Amy Allison gave the staff report for the above-listed case.

Chairman Rosenthal asked if there were any questions or discussions from the board. Hearing none the public hearing was opened and the applicant/agent was invited to come forward. Matt Kaaz came forward to describe the request and answer any questions from the board. The applicant discussed the conditions that were listed and changes to some of them such as number of trips and employees. Discussion was had between the Planning Commission and the applicant. County Counselor David Van Parys asked that the following condition be added to this SUP and all future Special Use Permits that is considered by the County, have this condition, "Developers will not allow, maintain, or cause, any public nuisance to be present on site."

Commissioner Rosenthal asked if there was anyone present wishing to speak in favor or opposition. Public comment was given in both support and opposition. The public comment portion of the hearing was closed.

Chairman Rosenthal said that he would accept a motion if there were no further discussion.

Commissioner Gottschalk motioned to table Case DEV-22-156 a Special Use Permit for Lexeco to the April Planning Commission Meeting to give adequate time for the Kansas Department of Transportation to respond to the change in number of vehicles and to allow time for staff to visit the other landfill site to make sure that it is complying with their conditions. Further discussion was had between the commission and county staff. Commissioner Owens seconded the motion. The motion was amended to table the request until the March 8, 2023 meeting. Commissioner Owens accepted the change.

ROLL CALL VOTE - Motion to table the request passed 8/0

The meeting adjourned at 7:03 p.m.

Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
**NOTICE OF ADDITIONAL
REVIEW**

Notice is hereby given for the Leavenworth County Planning Commission to hold a meeting for additional review of new information for application (DEV-22-156) for a Special Use Permit for an Extraction of Raw Materials Site and Landfill for a Soil Fill/Borrow Site and Clean Rubble Landfill; such use being listed in Article 19, Table of Uses, in the Leavenworth County Zoning and Subdivision Regulations. The Special Use Permit (DEV-22-156) request is for the following described property:

A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas.

Request submitted by Leavenworth Excavation & Equipment Company

Address: 00000 Springdale Rd, Leavenworth KS 66048

Parcel ID number: 078-33-0-00-00-021.00

The hearing will be held on Wednesday the 10th day of May, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, May 9, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 4/19/2023

Published in the Leavenworth Times, April 18, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 18th day of April, 2023.

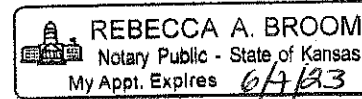
WITNESS my hand this 18th day of April, 2023.

Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 18 day of Apr, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 6/7/23





121 S.W. 21st Street
Topeka, KS 66612

Calvin Reed, Interim Secretary
Leroy J. Koehn, P.E., District Engineer

Phone: 785-296-3881
Fax: 785-296-1162
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

May 10, 2023

Matt & Greg Kaaz
Leavenworth Excavating & Equipment Company, Inc. (dba Lexeco)
5037 South 4th Street
Leavenworth, KS 66048

Re: Access Permit 01-21-000024A change to Type 5

Dear Mr. Kaaz,

Kansas Department of Transportation has reviewed the Traffic Impact Study (TIS) provided by George, Butler & Associates, Inc. (GBA), along with the recent Use of R/W Permit to clear trees along the south side of K-92 west of your entrance and have determined that we are upgrading your previously approved Access Permit # 01-21-000024A from a Type 4 to a Type 5, with the following conditions.

- You will be responsible for maintaining the vegetation along the south side of the curve to maintain improved visibility to & from your entrance.
- You will be responsible for installing a “Truck Entering Highway” sign as recommended in the TIS.

If you have any questions, please feel free to give me a call, 785-296-3881.

A handwritten signature in blue ink that reads "Leroy Koehn". The signature is written in a cursive style and is positioned above a horizontal line.

Leroy Koehn
District One Engineer

AF
Cc: Steven Taylor

RESOLUTION 2023-11

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a raw material extraction and landfill – Leavenworth Excavation & Equipment Company on the following described property:

A tract of land in the Northeast Quarter of Section 33, Township 8 South, Range 22 East of the 6th P.M. in Leavenworth County, Kansas more commonly known as 00000 Springdale Road.

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 8th day of November, 2022, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 11th day of January, 2023; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth on the 5th day of May, 2023; and

WHEREAS, the Board of County Commission considered, in session on the 7th day of June, 2023, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 7th day of June, 2023, and incorporated herein by reference;

That Case No. DEV-22-156, Special Use Permit for a raw material extraction and landfill – Leavenworth Excavation & Equipment Company approved subject to the following conditions:

1. Hours of operation shall be limited to the hours of 7:00 AM until 6:00 PM, Monday through Saturday.
2. The SUP shall be limited to one (1) full-time employees and eight (8) off-site employees.
3. The traffic to the site shall be in compliance with the approved Highway Access Permit from the Kansas Department of Transportation. If the access permit is amended, the new permit will need to be submitted to Leavenworth County Planning & Zoning within 30 days of approval.
4. The applicant shall submit an approved NOI and SWPPP prior to any work occurring on the property.
5. The applicant shall post a sign on the property indicating that this a private, clean rubble landfill for LEXECO only.
6. The landfill shall be limited to materials from LEXECO projects only.

7. Clean rubble shall be dumped, or pushed, over the edge of the top of the dump area at the end of each demolition job.
8. The site shall be open to inspection by Leavenworth County Staff. If waste materials other than clean rubble are found at the landfill, the landfill shall be closed to additional dumping until such time that said waste materials have been removed and disposed of properly. A copy of the dump receipts(s) from a site that is permitted by the State to accept said waste material shall be submitted to the Planning & Zoning Department . Dumping at the site shall only be allowed to resume after the Planning and Zoning Department issues a letter to the applicant indicating so.
9. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements. A copy of the agreement with a licensed hauler for the portable toilet must be submitted to the County prior to operations occurring on-site.
10. No signage shall be allowed in the right-of-way. Sign permits shall be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations.
11. No on-street parking shall be allowed.
12. No storage of inoperable vehicles shall be allowed.
13. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
14. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
15. A 20-foot screening buffer shall be installed and maintained, either through brush/trees or a seeded berm, along all property lines.
16. No vegetation from off-site can be stored or burned on the premises.
17. Prior to any excavation taking place, the applicant will locate the existing discontinued gas line on the property and contact the Kansas Corporation Commission about best practices for abandoned gas lines.
18. All items disposed of on-site must comply with the provisions of KSA 65-3402(w) & 65-34115b. Any rubble that is mixed with other construction and demolition waste must be disposed of in an approved C&D Landfill.
19. This SUP shall be limited to the Narrative and accompanying documents dated October 31, 2022, December 1, 2022 and December 7, 2022 submitted with this application.
20. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
21. The developer must comply with the following memorandums:

- a. Email – David Van Parys, County Counselor, dated November 14, 2022
 - b. Email – Chuck Magaha, Emergency Management, dated December 6, 2022
22. LEXECO shall contact the Planning and Zoning Department to inform them when they are finished with the restoration of the landfill.

23. Applicant shall not cause or allow any public nuisance to exist on the subject property.

24. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. LEAVENWORTH EXCAVATION & EQUIPMENT COMPANY, and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.

25. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.

26. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and required documents shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

located in Section 33, Township 8 South, Range 22, also known as 00000 Springdale Road, parcel no. 078-33-0-00-00-021.00 in Leavenworth County, Kansas.

Adopted this 7th day of June, 2023
Board of County Commission
Leavenworth, County, Kansas

Vicky Kaaz, Chairman

ATTEST

Jeff Culbertson, Member

Janet Klasinski

Mike Smith, Member

Doug Smith, Member

Mike Stieben, Member

Leavenworth County
Request for Board Action
Resolution 2023-12
Special Use Permit Horses and Heroes, Inc.
Regular Agenda

Date: June 7, 2023
To: Board of County Commissioners
From: Planning & Zoning Staff

Department Head Review: John Jacobson, Reviewed

Additional Reviews as needed:

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

Action Requested: Approve Resolution 2023-12, a request for a new Special Use Permit for Horses & Heroes, Inc. The applicant is requesting to establish a riding stables/clinic on the property located at 16740 McIntyre Road.

Analysis: The applicant is applying for a new special use permit for a riding stable and medical clinic. The applicant will utilize the site listed above as an equine therapy facility for their clients. Traditional therapy sessions will be handled at a different location while this property will allow for their clients to interact with horses as part of their treatment. They are requesting the business be operable from 9:00 AM to 5:00 PM, Monday through Saturday. They will see clients primarily on Mondays through Friday with group sessions and property maintenance occurring on Saturdays. They applicant has a permitted barn that they would like to operate out of. The application included details about a potential expansion to allow for intake offices, a meeting room and bathrooms. This addition will have to comply with the building codes, as adopted.

Staff has reviewed the application and provided an analysis which can be found in the staff report.

Planning Commission Recommendation: The Planning Commission voted 6-0 (3 absent) to recommend approval of Resolution 2023-12 (Case No. DEV-23-025) for a Special Use Permit for Horses & Heroes, Inc.

Alternatives:

1. Approve Resolution 2023-12 (Case No. DEV-23-025), Special Use Permit for a Riding Stables and Medical Clinic for Horses & Heroes, Inc., with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2023-12 (Case No. DEV-23-025), Special Use Permit for a Riding Stables and Medical Clinic for Horses & Heroes, Inc., with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2023-12 (Case No. DEV-23-025), Special Use Permit for a Riding Stables and Medical Clinic for Horses & Heroes, Inc., with Findings of Fact; or
4. Remand the case back to the Planning Commission.

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:

\$0.00

Additional Attachments: Staff Report, Planning Commission Minutes

**LEAVENWORTH COUNTY
BOARD OF COUNTY COMMISSIONERS
STAFF REPORT**

CASE NO: DEV-23-025 Horses & Heroes, Inc.

June 7, 2023

REQUEST: Regular Agenda

- Zoning Amendment Special Use Permit
 Temporary Special Use Permit

STAFF REPRESENTATIVE:

AMY ALLISON
DEPUTY DIRECTOR

SUBJECT PROPERTY: 16740 MCINTYRE RD



APPLICANT/APPLICANT AGENT:

JULIE BAKER
HORSES & HEROES, INC
22052 W 66TH ST #207
SHAWNEE, KS 66226

PROPERTY OWNER:

THE BAKER FAMILY REVOCABLE
LIVING WILL
16740 MCINTYRE RD
LEAVENWORTH KS 66048

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (3-UNITS PER ACRE)

SUBDIVISION: N/A

FLOODPLAIN: N/A

LEGAL DESCRIPTION:

A tract of land in the South ½ of the Southwest ¼ of Section 33, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas.

PLANNING COMMISSION RECOMMENDATION: APPROVAL WITH CONDITION

PROPERTY INFORMATION

ACTION OPTIONS:

1. Approve Resolution 2023-12 (Case No. DEV-23-025), Special Use Permit for a Riding Stables and Medical Clinic for Horses & Heroes, Inc., with Findings of Fact, and with or without conditions; or
2. Deny Resolution 2023-12 (Case No. DEV-23-025), Special Use Permit for a Riding Stables and Medical Clinic for Horses & Heroes, Inc., with Findings of Fact; or
3. Revise or Modify the Planning Commission Recommendation to Resolution 2023-12 (Case No. DEV-23-025), Special Use Permit for a Riding Stables and Medical Clinic for Horses & Heroes, Inc., with Findings of Fact; or
4. Remand the case back to the Planning Commission.

PARCEL SIZE: 10.00 ACRES

PARCEL ID NO:
108-33-0-00-00-016.07

BUILDINGS:

EXISTING: SINGLE FAMILY HOUSE &
ACCESSORY STRUCTURES

PROJECT SUMMARY:

Request for Special Use Permit to operate a Riding Stables/Clinic for Horses & Heroes, Inc. on the property located at 16740 McIntyre Road.

ACCESS/STREET:

MCINTYRE RD
COUNTY LOCAL
±22' WIDE, PAVED

Location Map:



UTILITIES

SEWER: SEPTIC

FIRE: FIRE DISTRICT #1

WATER: RWD #8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 3/28/2023

NEWSPAPER NOTIFICATION:
4/18/2023

NOTICE TO SURROUNDING
PROPERTY OWNERS:
4/18/2023

FACTORS TO BE CONSIDERED:		
<i>The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Special Use Permit request:</i>	Met	Not Met
<p>1. Character of the Neighborhood: <i>Density: Surrounding properties range in size from 5 to 200+ acres.</i></p> <p><i>Nearby City Limits: The City of Lansing is approximately 1.6 miles to the East.</i></p> <p><i>Initial Growth Management Area: This parcel is not located within the Urban Growth Area.</i></p>	✓	
<p>2. Zoning and uses of nearby property: <i>Adjacent Uses: Most of the adjacent parcels are residential and agriculture in nature.</i></p> <p><i>Adjacent Zoning: Adjacent parcels are zoned RR-5. A property across the street has an active Special Use Permit for a Riding Stable.</i></p>	✓	
<p>3. Suitability of the Property for the uses to which it has been restricted: <i>The property is 10 acres in size fronting off of McIntyre Road which is a paved local road. The proposed use is for an equine therapy business to support veterans, military and first responders. The applicant has proposed using an existing barn and corral for the business located in the rear yard. They have plans to extend the barn to include a meeting room, offices and bathrooms for the proposed use. The addition must comply with the Building Codes, as adopted by the County. The site has adequate room for parking which has been included in the site plan.</i></p> <p><i>The property currently has an existing single-family residence built in 2001. The proposed use is permitted with a Special Use Permit in the RR-5 district.</i></p>	✓	
<p>4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>The use is unlikely to detrimentally impact neighboring parcels.</i></p> <p><i>Noise: Additional noise may be anticipated due to the outdoor activities proposed. However, the applicant has not indicated that any heavy machinery or other devices that would emit loud noises will be used. Staff recommends placing a condition that all noise shall be limited to 60 dBs, as measured from the property line.</i></p> <p><i>Traffic: Additional traffic is anticipated for this application. Clients and Employees will visit the site. The applicant predicts 12 additional trips daily. They also anticipate that one commercial trip for waste pick-up once per week. The applicant does not anticipate horse trailer on a regular basis due to the horses remaining on the property unless veterinarian services are needed. The business has 2 full-time employees, 5 volunteers and 8 contracted workers. They do not anticipate all employees, volunteers and contractors to be in attendance at the same time. The proposed traffic did not require a traffic impact study to be performed.</i></p> <p><i>Lighting: The applicant indicated that security lighting will be used on the premises. Staff recommends placing a condition that all lighting shall be 0.00 foot-candles net gain, as measured from the property line.</i></p>	✓ (Condition 10)	✓ (Condition 9)

<p><i>Outdoor Storage: The applicant will be storing equipment within the barn or under the covered storage area shown on the site plan.</i></p> <p><i>Parking: The site plan shows parking for up to 5 spaces, two of which will be ADA complaint. They anticipate 6 non-resident clients and employees per day with staggered times for the client. The proposed parking meets the County standards and the site has additional room to add parking.</i></p> <p><i>Visitors/Employees: The applicant anticipates approximately 6 non-resident visitors a day during the hours of operation (Monday through Saturday, 9 am to 5 pm). They anticipate 3 clients and 3 employees per day.</i></p> <p><i>Waste: The applicant does store chemicals and lubricants for the on-going maintenance of the property and equipment on-site. Those items will need to be stored in accordance with all local, state and federal regulations. The narrative referred to a 2-yard dumpster on the property. The dumpster will need to be screened from the public right-of-way. Any waste generated from the property must be disposed of in compliance with all applicable local, state and federal laws.</i></p>	<p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓</p> <p style="text-align: center;">✓ (Condition 11 & 12)</p>	
<p>5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Vacant: <input checked="" type="checkbox"/> Not Vacant: A single family house has been on the property since the 2000s.</p>	<p style="text-align: center;">✓</p>	
<p>6. Relative gain to economic development, public health, safety and welfare: <i>The proposed application would allow for another business to be located within Leavenworth County. There does not appear to be any detrimental effects to the public health, safety or welfare.</i></p>	<p style="text-align: center;">✓</p>	
<p>7. Conformance to the Comprehensive Plan: <i>Future Land Use Map: The property is designated as Residential (3 units per acre).</i></p> <p><i>Section 4 Land Use and Development Plan Strategies: The proposed use is not compatible with the future land use designation.</i></p>		<p style="text-align: center;">✓</p>

STAFF COMMENTS:

The applicant is requesting a Special Use Permit for a Riding Stable/Clinic. The proposed use is an equine therapy business to support veterans, military and first responders. The applicant has an existing office where traditional therapy sessions are held at a different location. They are proposing to use this site for equine therapy only. Clients will be met on-site with an equine expert and therapist for therapy sessions. Business operations will take place primarily outdoors however, the applicant has indicated future plans to expand onto the barn which would include two offices for client intake, a meeting room and bathrooms. The property currently has a single-family residence with accessory structures. Until the proposed barn bathrooms are installed, the applicant has requested to use bathrooms in the house for the purpose of the business.

The general hours of operation are proposed to be Monday-Saturday from 9:00 AM until 5:00PM. The property owner anticipated an average of 6 visitors per day, 3 clients and 3 non-resident employees. They do have groups of 10-20 people that may come to the property on Saturdays. These groups are transported via van. Equipment including tractors, trailers and mowers will be used for the maintenance of the property and animals. The applicant does not anticipate using commercial vehicles, except for disposal of waste. Signage is not proposed with this application, however, if any signage is added, a permit may be required and the signage must comply with the Sign Regulations. The proposed use is allowed with a special use permit. Staff recommends denial as this proposal does not match the Comprehensive Plan.

STAFF RECOMMENDED CONDITIONS:

1. The Special Use Permit shall be subject to the written narrative and site plan provided on March 6, 2023 and additional information provided on March 27, 2023.
2. The business shall operate from 9:00AM until 5:00PM, Monday through Sunday.
3. A commercial building permit shall be obtained for the proposed addition. The building permit application must be submitted with stamped plans that outline all occupancies for the proposed addition.
4. An engineered septic system shall be installed with the proposed addition. The septic system must comply with all permitting and sanitary sewer standards.
5. The applicant must comply with the following memorandums:
 - a. Code Enforcement – Kyle Anderson, dated February 21, 2023
 - b. Fire District 1 – Michael Stackhouse, dated February 22, 2023
6. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to commencement of activities on the site.
7. No signage shall be allowed in the right-of-way. Sign permits may be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations. No Attention-getting device shall be permitted with this approval.
8. No on-street parking shall be allowed.
9. Any light generated from the proposed business shall be limited to 0 foot-candles net gain, as measured from the property line.
10. Any noise generated from the proposed business shall be limited to 60 dBs, as measured from the property line.
11. Any dumpster shall be screened from the public right-of-way.
12. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
13. Applicant shall not cause or allow any public nuisance to exist on the subject property
14. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. Horses & Heroes, Inc., and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
15. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
16. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

SPECIAL USE PERMIT APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

APPLICANT/AGENT INFORMATION	OWNER INFORMATION (If different)
NAME <u>HORSES & HEROES INC.</u> Mailing: 22052 W 66th St # 207, Shawnee, KS ADDRESS <u>(office: 16740 McIntyre Rd, Ln KS 66226)</u>	NAME <u>THE BAKER FAMILY REVOCABLE LIVING WILL</u>
CITY/ST/ZIP <u>Leavenworth, KS 66048</u>	ADDRESS <u>16740 McIntyre Rd</u>
PHONE <u>913-210-5678</u>	CITY/ST/ZIP <u>Leavenworth, KS 66048</u>
EMAIL <u>info@horsesandheroes.org</u>	PHONE <u>913-220-6714</u>
CONTACT PERSON <u>Julie Baker</u>	EMAIL <u>jbaker1020@yahoo.com</u>
	CONTACT PERSON <u>Julie Baker or Rob Baker</u>

PROPERTY INFORMATION

PID: ~~R17332~~ 108-33-0-00-00-016.07 Zoning District: _____

Address of property 16740 McIntyre Rd Leavenworth, KS Parcel size 10 acres

Current use of the property Single-family ranch

Does the owner live on the property? Yes No

Proposed Special Use Equine Therapy Program for Military & 1st Responders

TAX ASSESSEMENT STATEMENT

Upon the granting of a Special Use Permit by the Leavenworth County Board of County Commissioners, the assessable nature of the above referenced property and structures on the property may result in a change of the Appraised Class and Value and in the next year's Tax Assessment.

I, the applicant, have read and understand that there may be a change in the appraised value of my property due to the presence of a Special Use Permit for my property. (Check one) Yes No

I, the undersigned am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Special Use Permit and acknowledge the potential of a change in the Appraised Value of my property as indicated above. I hereby agree to "cease and desist" the operation of the activity upon denial of the permit by the Board of County Commissioners.

Signature Julie Baker Date 2/10/2023

ATTACHMENT A

PROPOSED SPECIAL USE PERMIT INFORMATION

Name of Business HORSES + HEROES INC,

Existing and Proposed Structures SF house, barn, gathering space

Number of structures used for Special Use Permit 1

Will the use require parking? Yes No How many parking spaces are proposed/available? 5

Is the proposed use seasonal? Yes No
If yes, what months will the use be active? _____ through _____
Month Month

Reason for requesting a Special Use Permit: operations of non-profit program to benefit military + first responder families

Estimated Traffic

In this section, you are determining the impact your proposed use will have on the county roadways. A vehicle visiting your site is to be considered two trips because the visitor/employee/user will use the roadways twice. If you are planning to expand the use that may generate additional traffic during the duration of the permit, provide the traffic generation for the full expansion.

How many total Passenger vehicle trips (both entering and exiting) will be generated by the Special Use Permit?
Daily ± 5 Weekly ± 15 Monthly ± 60

If applicable, how many total Commercial (delivery, heavy trucks, equipment, etc.) vehicle trips (both entering and exiting) will be generated by the Special Use Permit?
Daily ∅ Weekly ∅ Monthly ∅

If applicable, describe Seasonal trips not accounted for above: What type (Passenger and Commercial) vehicle trips, how many trips per vehicle type in the seasonal timeframe, and describe the seasonal time frame (months, weeks, or days) in a calendar year.

Passenger: Months 6 Weeks _____ Days _____
Commercial: Months ∅ Weeks ∅ Days ∅
** 7-passenger Van 1x month April-Oct*

When are trips to the site expected to occur (i.e. throughout the day, limited certain hours, etc.)? If applicable, separate occurrences by vehicle type (Passenger, Commercial, Seasonal Passenger, and Seasonal Commercial):

All trips on + off property will be throughout the day M-Sat. All trips are POV's
(South)

What is the anticipated route(s) from the nearest State Highway to the Site? K-7, Fairmont, 155th to McIntyre (North) Tongonoxie Rd to McIntyre; East I-70 to K-7; West State Ave to 155th or K-7

Special Use Permit Renewal

Describe any change to operations since the SUP was last issued including traffic trips compared to this SUP:
NA

Have you added any buildings since the SUP was last issued? Yes No Any parking? Yes No

Lawyers Title of Kansas, Inc.
913-682-3368

CN: 44831

Doc #: 2022R09557
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
10/19/2022 09:28:45 AM
RECORDING FEE: 21.00
PAGES: 1

Entered in Transfer Record in my office _____

ENTERED IN TRANSFER RECORD IN MY OFFICE THIS DAY 10/19/2022 County Clerk

Janet Klasmirke
COUNTY CLERK

DEED-KANSAS WARRANTY (Statutory)

THE GRANTORS,
Robert L. Wild and Melissa Ann Wild, husband and wife

CONVEY AND WARRANT to

Robert Baker and Julie Baker, Trustees of the Baker Family Revocable Living Trust dated Nov. 25, 2019, and any amendments thereto

FOR GOOD AND VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, for the sum of One Dollar and Other Valuable Consideration, the following described real estate:

Tract E:

A tract of land in the South 1/2 of the Southwest 1/4 of Section 33, Township 9 South, Range 22 East of the 6th P.M., more fully described as follows: Commencing at the Southwest corner of the Southwest 1/4; thence North 89 degrees 16' 10" East for a distance of 1656.67 feet along the South line of said Southwest 1/4 to the true point of beginning; thence North 00 degrees 02' 22" East for a distance of 1325.76 feet; thence North 89 degrees 10' 21" East for a distance of 331.52 feet; thence South 00 degrees 02' 50" West for a distance of 1326.33 feet to the South line of said Southwest 1/4; thence South 89 degrees 16' 10" West for a distance of 331.33 feet to the point of beginning, less any part thereof taken or used for road purposes, in Leavenworth County, Kansas.

(Subject to easements, restrictions, and reservations of record, and all taxes and assessments that may be levied, imposed, or become payable hereafter.)

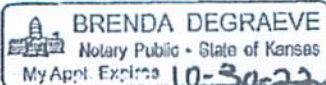
Dated this 17th day of October A.D. 2022

Robert L. Wild
Robert L. Wild

Melissa Ann Wild
Melissa Ann Wild

STATE OF KANSAS, COUNTY OF LEAVENWORTH
This instrument was acknowledged before me on this 17th day of October 2022 by:
Robert L. Wild and Melissa Ann Wild, husband and wife

My appointment expires:

 BRENDA DEGRAEVE
Notary Public - State of Kansas
My Appl. Expires 10-30-22

Brenda DeGraeve
Notary Public
Brenda DeGraeve

LEAVENWORTH COUNTY RESIDENTIAL PERMIT

CASE NUMBER RES-22-321

PERMIT SUB-TYPE ACCESSORY BUILDING

PID 108-33-0-00-00-016.07 PARCEL SIZE 10 AC ZONE RR-5 SDD NO
WATER DIST RWD 8 ELECTRIC FREESTATE FLOOD PLAIN IN PARCEL NO
SEWER DIST n/a TWSP HIGH PRAIRIE FLOOD PLAIN ON BUILDING SITE NO
SCHOOL DIST 469
SUBDIVISION LOT NO BLOCK NO

LAST NAME Baker FIRST NAME Julie PHONE 913-220-6794
EMAIL jbaker1020
ADDRESS 16740 McIntyre Rd
CITY Leavenworth STATE KS ZIP CODE 66048

SITE ADDRESS 16740 McIntyre Rd
SITE CITY Leavenworth SITE STATE KS SITE ZIP CODE 66048

CONTRACTOR Legacy Buildings CONTRACTOR PHONE
CONTRACTOR EMAIL

1ST FLOOR 0 2ND FLOOR 0 3RD FLOOR 0
BASEMENT 0 GARAGE 7200 TOTAL BLDG SQ FT 7200
BLDG HEIGHT <35' ACCESSORY BUILDING COVERAGE (if less than 2.51 ac. Parcel)
ACCESSORY BLDG USE STABLE

NOTES: 60'x120' building_
ISSUED 11/15/2022 EXPIRES 11/15/2023 RECEIVED BY KA

APPLICATION FEE \$80.00
CHECK NO 584 [] CASH [] CC

STAFF APPROVAL *Kyle Ad...* DATE 11/15/22

Upon the signing of this permit, the applicant accepts responsibility to build their permitted Single-family residence in accordance to the International Residential Code, 2006 edition, which was adopted by the Board of County Commissioners on December 16, 2020.*

*Property owners in the Kickapoo and Easton townships are exempt from this requirement.

APPLICANT *Julie Baker* DATE 11/15/2022

1. Issuance of this permit is confirmation of approval for the requested building, improvement, or development of the site.
2. This permit does not nullify any deed restrictions or covenants established as a part of any subdivision.
3. It is the responsibility of the applicant or owner to provide a source of potable water.
4. All construction shall comply with State and Federal regulations.
5. Zoning Regulations change over time; issuance of this permit is not a guarantee of compliancy with any future changes to the zoning and subdivision requirements.
6. Retain this document for your records as proof of receipt of a permit and proof of payment.



Laura Kelly, Governor
Mark A. Burghart, Secretary
www.ksrevenue.org

CERTIFICATE OF TAX CLEARANCE

Horses & Heroes Inc.
DBA as Horses & Heroes Inc.

ISSUE DATE
02/03/2023

TRANSACTION ID
TY2F-RBP8-NJGS

CONFIRMATION NUMBER
CAFH-JAYJ-22NS

TAX CLEARANCE VALID THROUGH 05/04/2023

*Verification of this certificate can be obtained on our website, www.ksrevenue.org,
or by calling the Kansas Department of Revenue at 785-296-3199*

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 03 2015

HORSES & HEROES INC
9901 MELROSE
OVERLAND PARK, KS 66214-0000

Employer Identification Number:
47-2064760
DLN:
26053433003825
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
October 13, 2014
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE
SCOTT SCHWAB

I, SCOTT SCHWAB, Secretary of State of the state of Kansas, do hereby certify, that according to the records of this office.

Business Entity ID Number: 8425423

Entity Name: HORSES & HEROES INC.

Entity Type: DOM:NOT FOR PROFIT CORPORATION

State of Organization: KS

was filed in this office on October 03, 2014, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



In testimony whereof I execute this certificate and affix the seal of the Secretary of State of the state of Kansas on this day of February 09, 2023

A handwritten signature in cursive script that reads "Scott Schwab".

SCOTT SCHWAB
SECRETARY OF STATE

Certificate ID: 1252430 - To verify the validity of this certificate please visit <https://www.kansas.gov/bess/flow/validate> and enter the certificate ID number.

Special Use Permit Leavenworth County



Applicant: Site address: 16740 McIntyre Rd, Leavenworth, KS 66048



Horses & Heroes Inc. EIN# 47-2064760

Mailing address: 22052 W 66th St #207, Shawnee, KS 66226

Office Phone: 913-210-5678

Contact Person: Julie Baker, Founder, Executive Director 913-220-6794

Email: info@HorsesandHeroes.org

Website: www.HorsesandHeroes.org

Mission: Horses & Heroes (H&H) is Kansas City's premier Equine Assisted Psychotherapy (EAP) and alternative trauma recovery program that provides behavior health services to military, first responders and their families(MFRF). Founded in 2014, H&H is the only Kansas City-based trauma-informed programs that provide ground-based equine assisted counseling specifically for the military and first responder populations. H&H expanded services to include therapies to address unresolved traumatic memories, unresolved physical and emotional trauma, and teaches powerful tools to normalize the nervous system and reduce stress. H&H programming is impactful, engaging, and provides the clients the opportunity to process, heal, and learn tools that result in improved resiliency, reduced PTSD symptoms, less anxiety and depression and better quality of life scores. When someone feels better, they tend to be more engaged with family and self, and they are less likely to end up as one of the 22 daily who have lost hope.

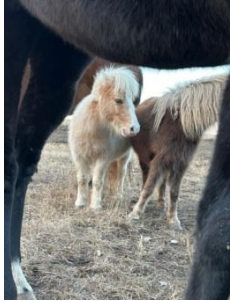
Locations: H&H leases a commercial site at 2722 N 155th St. Basehor KS. This location is the Therapeutic & Business office location and provides H&H the opportunity to offer therapeutic bodywork, business meetings, and counseling. The proposed site on McIntyre RD will only be the equine assisted therapy site.

Methods: Sessions are typically 1-hour, once per week. Client sessions are comprised of an individual person (or they might bring their significant other), the facilitation team and the horses. The facilitation team is one licensed counselor and one certified equine specialist. Team members are certified by The Equine Assisted Growth & learning Association (EAGALA). Sessions are ground-based, solution-focused, governed by a code of ethics.

Clients: Veterans, active duty, retirees of the military, police, or fire departments. Clients are pre-screened to ensure program is appropriate for their needs. We do not accept individuals with certain mental health diagnosis, active substance abuse, or history of violence towards people or animals. We generally work with individuals with unresolved traumatic memories.

They need not suffer for the vital work they do.

Horses: The majority of the horses in our herd are rescued from the slaughter pipeline. When we rescue a horse, there is a required 30-day off-site quarantine to ensure the animal is healthy and won't spread any equine diseases. When completed, the horse is brought to our location and we institute an additional 30-day assessment to determine the nature, behaviors, and safety of the horse to ensure it is not a threat to other horses or people. Once integrated, the rescued-horse becomes a life time team member. Their impactful stories of healing resonate with the clients. Our herd consists of 8 horses and 5 miniatures.



Reasons site is appropriate: H&H has leased a site in Western Shawnee since 2016. The property recently sold, therefore the search started for another site that would be appropriate for the organization. With the crazy real estate market, it took some time and patience to identify the right property as we wanted at least 10 acres, a fishing pond, a park-like setting, with easy access to highways. When the property at McIntyre Rd came on the market, we decided this location checks all of the boxes. The neighbors are horse-friendly and many are veterans who support the work we do.



Reasons could cause conflict with other parcels: When purchased, the property was not set up for horses, had several areas of silt wash-out to the pond, and erosion. In order to protect the safety of the horses and other parcels, immediate project were identified to avoid conflicts with neighboring parcels; survey, fencing, drainage

Steps to be taken to make compatible: New owners identified several steps to ensure property is compatible.

1. New owners paid for staked-survey to ensure proper placement of new fence line. Discovered lot to the west had fencing on and over the property line. Negotiated with the neighbors to address encroachment.
2. Erect horse-safe fencing. We chose a welded-steel fence with 5-rails to best contain the horses, ensure fencing integrity, and reduce required maintenance.

3. Drainage. The property was previously used as a dirt-bike track with high mounds that caused deep ruts and areas of run-off, in pasture spaces. New owner paid for professional excavator to flatten and slope the areas of concern. Grasses and rock materials will be used to correct areas of erosion.

Hours of operation: Mon thru Sat 9am – 5pm. There will be some times that hours might be different for special occasions.

Traffic routes: See Map

Traffic Volumes: Minimal impact on traffic volumes. 12 trips in Privately Owned Vehicles (POV's) per week. Commercial trips include one (1) trash truck once per week to empty 2-yard dumpster located to the east of the house. Tripe with horse trailer are limited to taking horses to vet clinic. Frequency is 1-2 times per year.

Parking: The long driveway allows for ample off-street parking for groups of 10-20 people. Additional 5 parking spots will be added to the south of the new structure and 2 ADA spots. See diagram.

Months/years permit is needed: Anticipated need is 3-5 years. H&H does plan on purchasing its own lot of land to operate from long-term.

Current use: Single family dwelling on acreage

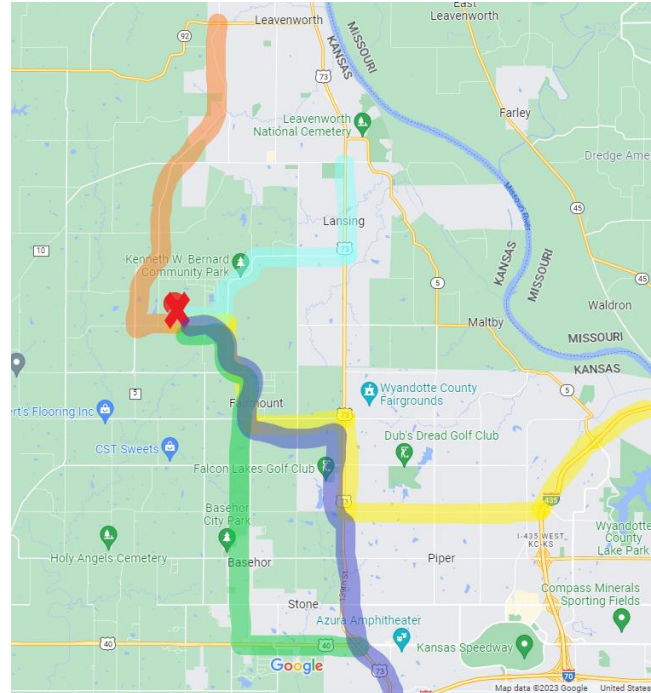
Proposed use: Maintain single family dwelling; owners (residents) will oversee and manage daily operations of the equine nonprofit.

Employees: H&H currently has 2 full-time employees, 5 volunteers and 8 contracted agents.

Signs: No plans for signs to be erected at the street. We might place a non-electric, wood or metal logo-sign on the new structure as identifier.

Chemicals: Typical chemicals used to fertilize grass, kill weeds, etc. Will keep all chemicals in their original container with original label and OSHA information.

Lubricants: Typical lubricants used for mowers and tractor



Sewage: Home has established septic system that was recently pumped and inspected (Oct 2022). For short-term, all will use the established bathrooms in the home. Septic capacity is established to be viable for a 5-bedroom occupied home. Currently, home is occupied by two (2) people; husband and wife. The husband travels for a living and is home approximately twelve (12) days per month. Therefore, the current volume on established septic system is significantly under capacity. Expected added volume from weekly regular clients is 8-10 individuals per week. Each session is only one-hour, therefore, not all clients will use facilities while on property.

Adding a portable toilet is not feasible as it will be in view of neighbors to the east, west and south sides of property.

Future plans do include adding a second appropriate septic system with proposed addition (see attached chart). When we get to this point, appropriate permits, perk tests and procedures will be addressed.

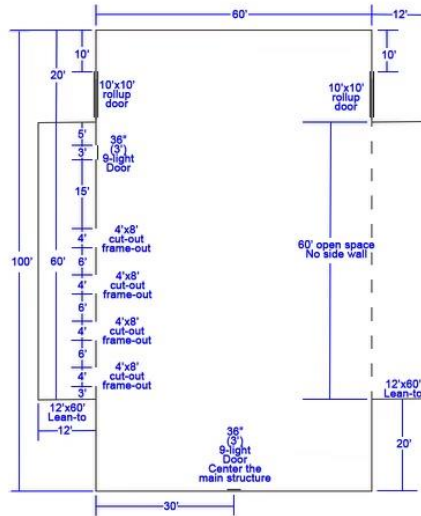
Water supply: Dedicated water lines to barn are being installed and tied into main water line at the road.

Noise: H&H programs do not create extra noise. Programs are focused on creating peaceful and calm environment.

Odors/fumes: Other than the natural odors caused by horses and their droppings, no odors or fumes will be generated.

Accessory building used: New barn space is 60x100. Permit acquired. Space to be used to provide shelter for the horses and an indoor space for seeing clients.

Rendering



Covered, outdoor
implement storage



Outdoor displays: None

Equipment: North end of the new barn will be location for indoor equipment storage; tractor, trailer, mowers and implements. Outdoor, covered storage is on the east side as pictured above.

Alcohol service: NA

Food service: NA

Retails Sales: NA

Dust control: NA

Therapists: Proposed future addition to have two (2) meeting rooms available for the storage of files and intake. No medications are kept on site.

Emergency safety: See attached

Security lighting: Electricity to the barn and lighting are still pending at the time of this application.

Lighting plan for barn:

Exterior:

- 2- Dusk to Dawn Solar lights on northwest and southwest corners
- 2- Motion-sensor solar security lights on northeast and southeast corners
- 2- Hardwired exterior lights on either side of entrance door on south wall with solar motion sensor light directly above doorway on south wall.

Interior:

16-20 High bay 20,000 lumen LED

Feedback Comments – Planning & Zoning

1. 7- Passenger van will arrive once per month from a local facility. Attendees are all from this facility and will arrive and leave together in the van for the purpose of experiencing an equine session. H&H staff would include one (1) clinician who will arrive in per privately owned vehicle (POV), and one (1) Equine Specialist who will arrive in her POV.

2. Daily trips. Verifying that we anticipate:

- One (1) volunteer to arrive and leave daily
- One (1) Clinician to arrive and leave (T, F, S)
- One (1) Equine Specialist to arrive and leave (T,F,S)
- Average of three (3) clients per day arriving and leaving on Tuesdays, Friday and Saturdays
- Total anticipated daily traffic is twelve (12) trips

3. During non-construction periods, we anticipate one (1) trash truck once per week to empty 2-yard dumpster located east of the home.

4. The horses do not leave the property. The only horse-trailer traffic would be for emergency veterinary visits. H&H owns a 2-horse trailer that will be parked under east-covered storage, once completed.

5. Estimated traffic is based upon historical business load. Previous location in Shawnee is non-operational, therefore, all equine-related business will be conducted at Leavenworth location.

6. Identified days of business, Tuesday, Friday and Sat represent our short-term expected business model. We would like to eventually expand business days to Tuesday-Sat. Additional days of Wednesday and Thursday would add potentially 6-8 clients or 12-16 trips.

7. Privately Owned Vehicle (POV)

8. Clarified traffic load in question 2. Number of client sessions can range from 2-4 clients per day (Tuesday, Friday, and Saturday). Expected usage when no clients are scheduled is one (1) staff person and one (1) volunteer daily.

9. We will, on occasion, have a group of corporate volunteers arrive (up to 20 individuals) to work on various projects. We request that they carpool as much as possible. When additional parking is required, we will have them park along the long driveway but not block or enter onto the road (McIntyre). Duration of group activity is 3-4 hours. Frequency will be twice per year up to quarterly.

10. One (1) staff person lives on-site and the second staff person lives off site. Volunteers arrive once per day to help care for horses. Clinical staff only arrives for scheduled appointments.

11. Two people live on site. One is a staff person and her husband. There are 2 POV's owned by onsite personnel. Staff person is onsite daily and will be the acting Equine Specialist for **some** client sessions. This would reduce traffic to one (1) Clinician and up to four (4) clients. When onsite staff is **not** acting as the Equine Specialist, there will be an added trip of one (1) Equine Specialist.



ATTENTION SPONSORS

FIRST RESPONDERS NEED YOUR HELP



PEER SUPPORT GROUPS

Rates of depression and PTSD among first responders are significantly higher compared to the civilian population. Peer Support Groups (PSG), a quickly growing resource within EMT, Fire & Police departments, were created with the sole purpose of providing immediate and confidential support for responders who have encountered traumatic events.

Why PSG must succeed:

- ✔ Confidential Resource
- ✔ Immediate Access to Support
- ✔ Operated by fellow responders
- ✔ Avoids Negatively Impacting Their Career

📞 913-210-5678

🌐 www.HorsesandHeroes.org

🏠 Serving Kansas City Metro

✉ info@horsesandheroes.org

EMERGENCY PROCEDURES

ALL EMERGENCIES: FIRE, POLICE, MEDICAL
16740 McIntyre Rd Leavenworth, KS 66048



FIRE

Locations of fire extinguishers: Lounge; inside of double-doors, Barn; South wall #1, Barn #2 North wall.

PROCEDURES FOR FIRE

- Immediately exit the building.
- Dial 9-1-1.
- All personnel proceed to designated assembly area.

PROCEDURES FOR BARN FIRE

- Immediately exit the building.
- Dial 9-1-1
- Horses will be released from exterior paddocks via lower pasture gate(s).
- The following assigned personnel will coordinate the evacuation of any horses close to barn: Julie Baker and Shannon Danley
- All personnel proceed to destination assembly area
- Check-in and remain with your Emergency Coordinator: Shannon Danley

DO NOT LEAVE THE PROPERTY UNTIL ALL PERSONNEL ARE ACCOUNTED FOR

SEVERE WEATHER / TORNADO

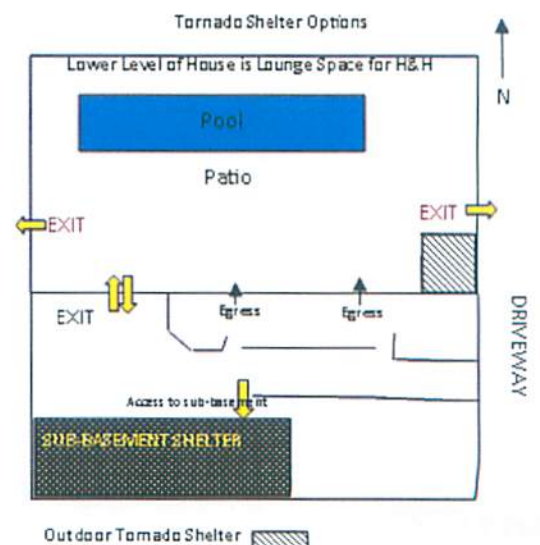
Special Instruction - In the event of a tornado warning:

PROCEDURES FOR ALL STAFF & PERSONNEL

- Seek shelter in the sub basement of house located in the south west corner of the lower level.
- Outdoor shelter as back up. South-East wall of patio is surrounded by concrete walls.
- Close interior door and remain in place until the "all clear" signal has been given by your Emergency Coordinator.

PROCEDURES FOR HORSES IN THE BARN(S)

- If needed, any horses within the barn will be released from exterior paddocks via lower pasture gate(s).
- The following assigned personnel will conduct the release of any horses in the barn: Julie Baker and Shannon Danley



MEDICAL EMERGENCY

Special Instruction – In the event of a medical or personal injury:

PROCEDURES FOR INJURY TO STAFF / PERSONNEL

- Dial 9-1-1.
- Provide the specific location from where you are calling. Our location: 16740 McIntyre Rd Leavenworth, KS 66048
- Notify your appointed Emergency Coordinator: Shannon Danley at (832) 579-5526
- Assist your Emergency Coordinator, as instructed, to help provide care for injured individual(s) until emergency personnel arrive.
- Safely and quickly guide emergency personnel from the road to the location of the injured person(s).
- Contact landowner: Julie at (913) 220-6794 or Rob at (913) 378-5417

PROCEDURES FOR INJURY TO HORSE(S)

- Notify your appointed Horse Care Specialist: Julie Baker at (913) 220-6794
- If directed, call the veterinarian: Dr. Strain at (913) 728-2499
- Follow instructions provided by your Horse Care Specialist to help provide care for the injured horse(s) until emergency veterinarian personnel arrive.
- Safely and quickly guide emergency personnel from the road to the location of the injured horse(s).

ACTS OF VIOLENCE / POLICE EMERGENCY

Special Instruction – In the event of acts of violence or immediate threat of physical harm or injury:

PROCEDURES FOR ACTS OF VIOLENCE OR ATTACKS

- Immediately seek shelter or move to a place of safety
- Dial 9-1-1.
- Provide the specific location from where you are calling. Our location: 16740 McIntyr Rd Leavenworth KS 66048
- If possible, remain hidden in place until police give the “all clear” or as instructed by emergency responders.

HORSE CARE



Loose Equine Protocol

16740 McIntyre Rd. Leavenworth, KS 66048

LOOSE HORSE

A loose, panicked horse can be a danger to himself, other animals or property

Even though we do our best to prevent horses escaping from stalls, paddocks, pens, and pastures, there are some horses (HENRY-HOUDINI) that manage to circumvent our efforts.

HORSES ARE HERD ANIMALS

If a horse has escaped from a pasture, paddock or barn and you can still see him, **Do Not Chase!** Horses dislike being alone and will (usually) seek other horses for protection. If they are not in imminent danger, approach with patience.

KEY POINTS

Body Language is key – STAY CALM – BE PATIENT – MOVE SLOWLY

- Keep all gates closed to minimize the chance of escape.
- Make sure you have a lead rope and halter in hand, and try luring him back with food; Place a handful of grain or treats in the bottom of a bucket.
- Stand quietly where he can see you and shake the bucket, calling softly to the horse to get his attention.
- If he's wearing a halter, you can grab the halter when he comes close to eat. If not, let him take a few mouthfuls of food while you slip the halter and lead rope on him to lead him back to safety.
- Most of our horses have had some level of natural horsemanship training, making it easier for the person(s) capturing the horse to gain control of the body parts of the horse with certain movements.
- Try to get the horse to look at you with both eyes, and approach at his shoulder.

For Safety reasons - visitors and non-qualified volunteers are not allowed to help

WHEN TO CALL FOR HELP

If the horse is out of control, or heading for a major highway or gallops out of site, **call 911 IMMEDIATELY**

CERTIFICATE OF INSURANCE

This Document is a

Certificate of Insurance. This is to certify that policies of insurance listed below here have been issued to the insured named herein and are in force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. **THIS CERTIFICATE OF INSURANCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE INSURANCE POLICIES LISTED BELOW.**

BINDING OF THIS COVERAGE IS CONTINGENT UPON THE INSURED'S CONSIDERATION OF PREMIUM PAYMENT BEING POST-MARKED TO ARK AGENCY ON OR BEFORE THE EFFECTIVE DATE STATED ON THIS BINDER.

NAME AND ADDRESS OF AGENCY
NORTH AMERICAN HORSEMEN'S ASSOCIATION
 Horsemen of North America Safety Control Risk Purchasing Group
 Administrative Office: Ark Agency
 310 Washburne Ave., Box 223
 Paynesville, MN 56362

Policy No.: **B0572YF22AA05 RPG000642**
 LOCATIONS (if other than mailing address)
 16740 McIntyre Rd., Leavenworth, KS 66048

NAME AND ADDRESS OF INSURED
Bold Horse Solutions and Horses & Heroes Inc.
22052 W 66th St #207
Shawnee, KS 66226

COMPANY: **Brace 9642 on behalf of Beat Syndicate 4242, Lloyds of London**
 Effective: 12:01 AM **9/22/2022** Expires: 12:01 AM **9/22/2023**

Type of Liability Insurance	Coverage Form	Bodily Injury & Property Damage Combined	Limits of Liability	
			Each Occurrence Or Claim	Aggregate Per Policy Year
X - Comprehensive Form Deductible: N/A per claim and legal defense - Premises/ Operations Products/Completed Operations Care, Custody & Control: \$ per horse max \$ Aggregate Deductible: N/A per claim and legal defense X - Medical Payments: \$5,000 X - Fire Legal Liability: \$50,000	Occurrence		\$1,000,000	\$2,000,000

EXPOSURES (ACTIVITIES) NOT LISTED WILL NOT BE COVERED BY THE COMMERCIAL EQUINE OPERATION'S LIABILITY POLICY.

Exposure Code

Exposure (Activity Description)

B02	Commercial High Usage Horses
D21	Equine Assisted Services to Licensed / Certified Therapist
D26	Equine & Animal Assisted Growth & Development Services
E03	Additional Insured Riding Instructor or Horse Trainer
P03	Professional Liability: Equine Assisted Services to Licensed / Certified Therapist
P09	Professional Liability: Equine & Animal Assisted Growth & Development Services

EXCLUSIONS

As per policy contract.

CANCELLATION:

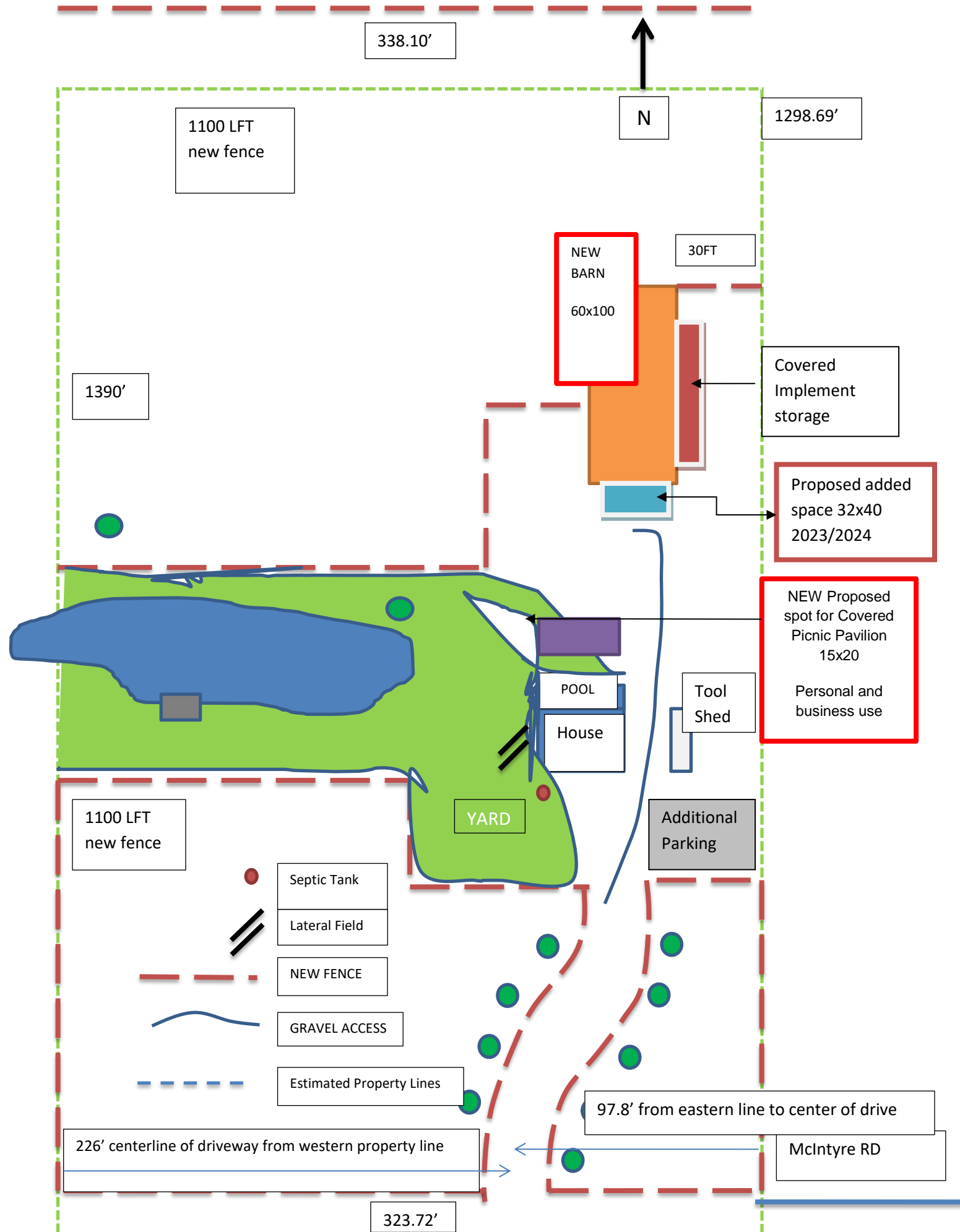
Should any of the described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

NAME AND ADDRESS OF: X - Certificate Holder

County of Leavenworth
 300 Walnut St. Suite 212
 Leavenworth, KS 66048

Date Issued: March 1, 2023
 Authorized Representative:





338.10'



1100 LFT
new fence

1298.69'

NEW
BARN
60x100

30FT

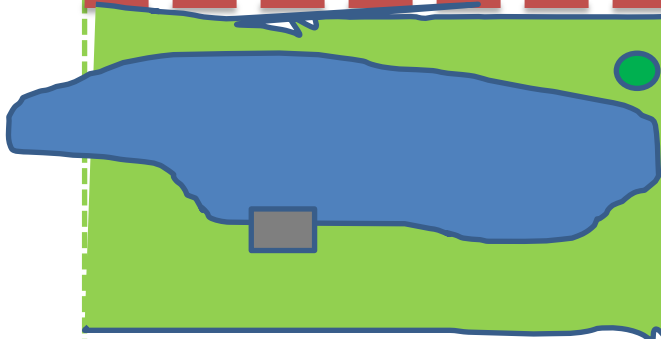
Covered
Implement
storage

1390'

Proposed added
space 32x40
2023/2024

NEW Proposed
spot for Covered
Picnic Pavilion
15x20

Personal and
business use



POOL
House

Tool
Shed

YARD

Additional
Parking

1100 LFT
new fence

● Septic Tank
// Lateral Field

NEW FENCE

GRAVEL ACCESS

Estimated Property Lines

226' centerline of driveway from western property line

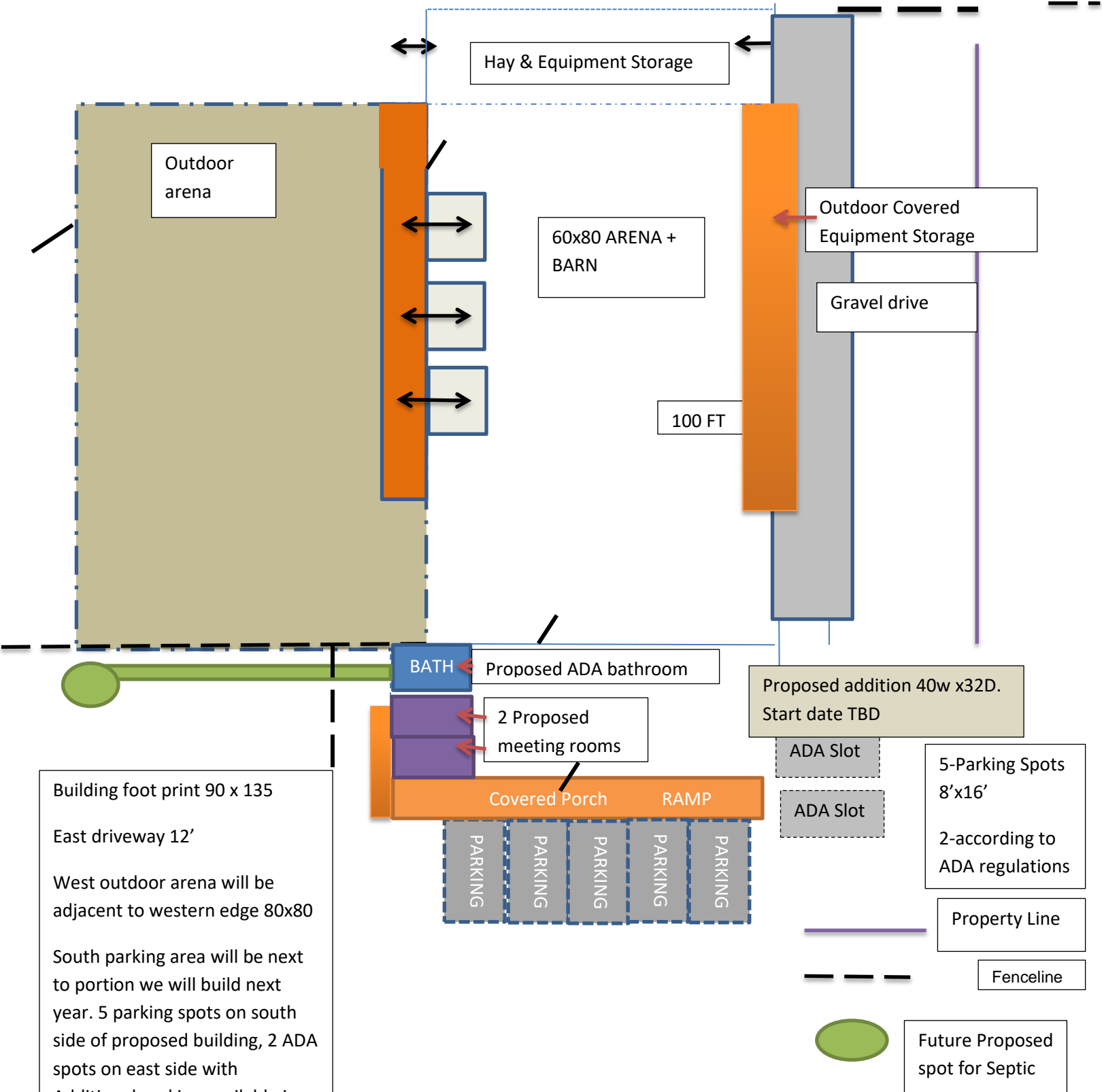
97.8' from eastern line to center of drive

McIntyre RD

323.72'

60x100 FT

60x100 structure completed Feb 2023



Building foot print 90 x 135
 East driveway 12'
 West outdoor arena will be adjacent to western edge 80x80
 South parking area will be next to portion we will build next year. 5 parking spots on south side of proposed building, 2 ADA spots on east side with Additional parking available in parking spaces on south/east corner of house driveway

5-Parking Spots 8'x16'
 2-according to ADA regulations
 Property Line
 Fenceline

Future Proposed spot for Septic

Horses & Heroes
SUP Application
16740 McIntyre Road
Leavenworth, KS 66048

March 25, 2023



The sight distance for an existing entrance located at 16740 McIntyre Road, Leavenworth, KS 66048 was checked for conformance to AASHTO standards.

McIntyre Road is classified as a local roadway with a posted speed limit of 35 mph. There is an advisory speed limit sign posted for west bound traffic east of 16740 McIntyre Rd, see photo below.



A site visit was conducted on March 19, 2023 to field verify the actual sight distances at the entrance. The AASHTO requirements for sight distance are shown in the following exhibits.

Metric				US Customary			
Design speed (km/h)	Stopping sight distance (m)	Intersection sight distance for passenger cars		Design speed (mph)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		Calculated (m)	Design (m)			Calculated (ft)	Design (ft)
20	20	41.7	45	15	80	165.4	170
30	35	62.6	65	20	115	220.5	225
40	50	83.4	85	25	155	275.6	280
50	65	104.3	105	30	200	330.8	335
60	85	125.1	130	35	250	385.9	390
70	105	146.0	150	40	305	441.0	445
80	130	166.8	170	45	360	496.1	500
90	160	187.7	190	50	425	551.3	555
100	185	208.5	210	55	495	606.4	610
110	220	229.4	230	60	570	661.5	665
120	250	250.2	255	65	645	716.6	720
130	285	271.1	275	70	730	771.8	775
				75	820	826.9	830
				80	910	882.0	885

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap must be adjusted and required sight distance recalculated.

Exhibit 9-55. Design Intersection Sight Distance—Case B1—Left Turn From Stop

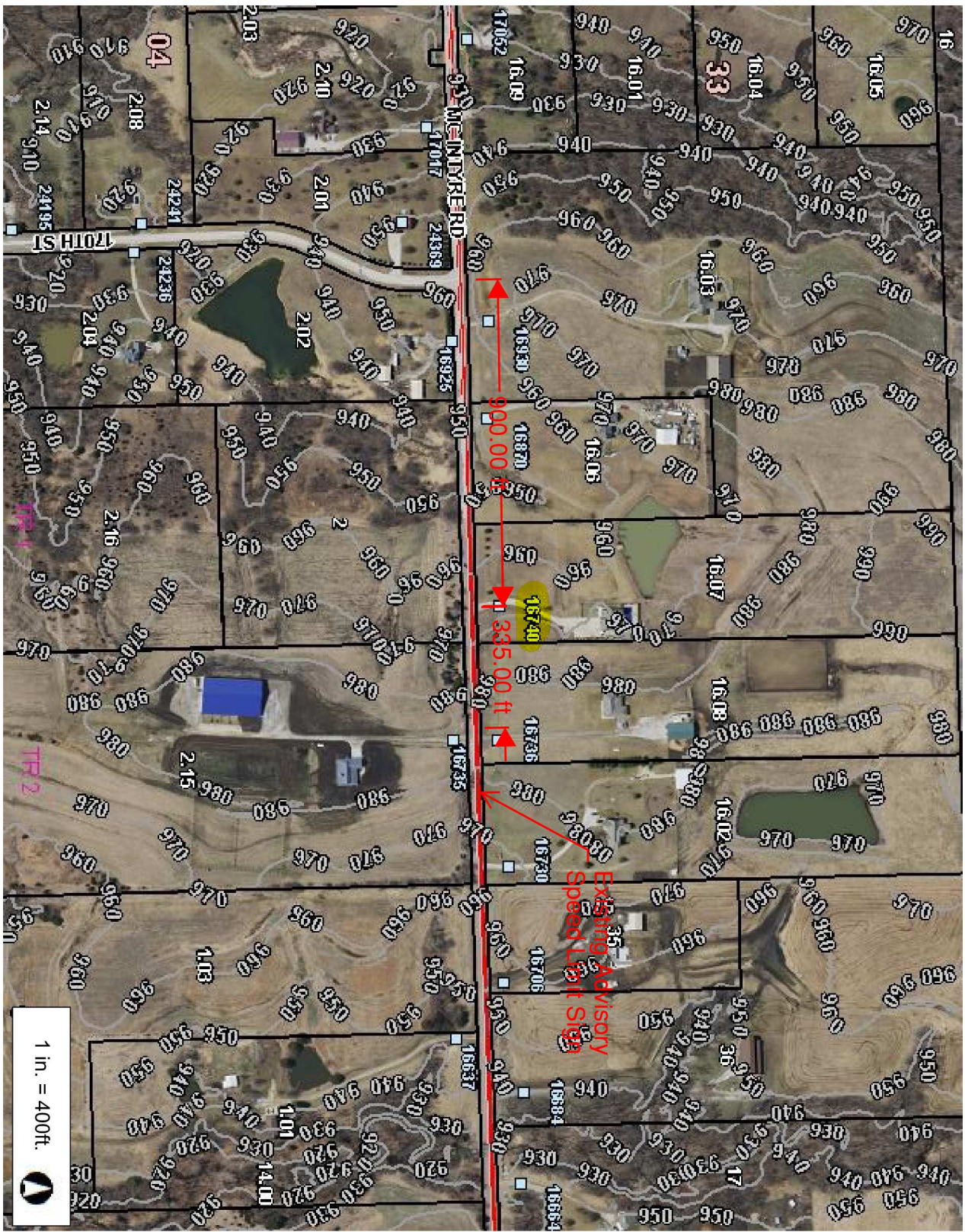
Metric				US Customary			
Design speed (km/h)	Stopping sight distance (m)	Intersection sight distance for passenger cars		Design speed (mph)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		Calculated (m)	Design (m)			Calculated (ft)	Design (ft)
20	20	36.1	40	15	80	143.3	145
30	35	54.2	55	20	115	191.1	195
40	50	72.3	75	25	155	238.9	240
50	65	90.4	95	30	200	286.7	290
60	85	108.4	110	35	250	334.4	335
70	105	126.5	130	40	305	382.2	385
80	130	144.6	145	45	360	430.0	430
90	160	162.6	165	50	425	477.8	480
100	185	180.7	185	55	495	525.5	530
110	220	198.8	200	60	570	573.3	575
120	250	216.8	220	65	645	621.1	625
130	285	234.9	235	70	730	668.9	670
				75	820	716.6	720
				80	910	764.4	765

Note: Intersection sight distance shown is for a stopped passenger car to turn right onto or cross a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap must be adjusted and required sight distance recalculated.

Exhibit 9-58. Design Intersection Sight Distance—Case B2—Right Turn from Stop and Case B3—Crossing Maneuver

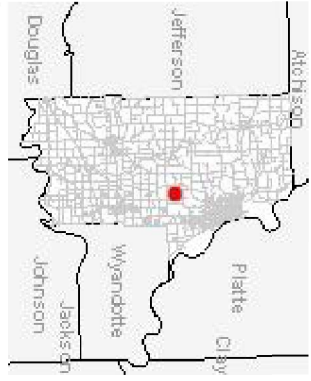
The sight distance at the entrance meets the AASHTO requirements. Vehicles turning left onto McIntyre Road have an unobstructed view that extends approximately 900-ft to 170th Street. For vehicles turning to the right, there is a hill that limits the view but the sight distance does meet the AASHTO recommended minimum sight distance. In addition, the County has installed an advisory speed limit sign of 20 mph on the east side of the hill.

Leavenworth County, KS



1 in. = 400ft.

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries. THIS MAP IS NOT TO BE USED FOR NAVIGATION



- Legend**
- Address Point
 - Parcel Number
 - Lot Line
 - Parcel
 - City Limit Line
 - Major Road
 - <all other values>
 - 70
 - Road
 - + Railroad
 - Contour
 - Section
 - Section Boundaries
 - County Boundary

Notes

Looking WB from 16740 McIntyre Rd



Looking EB from 16740 McIntyre Rd



Top of Hill Looking West

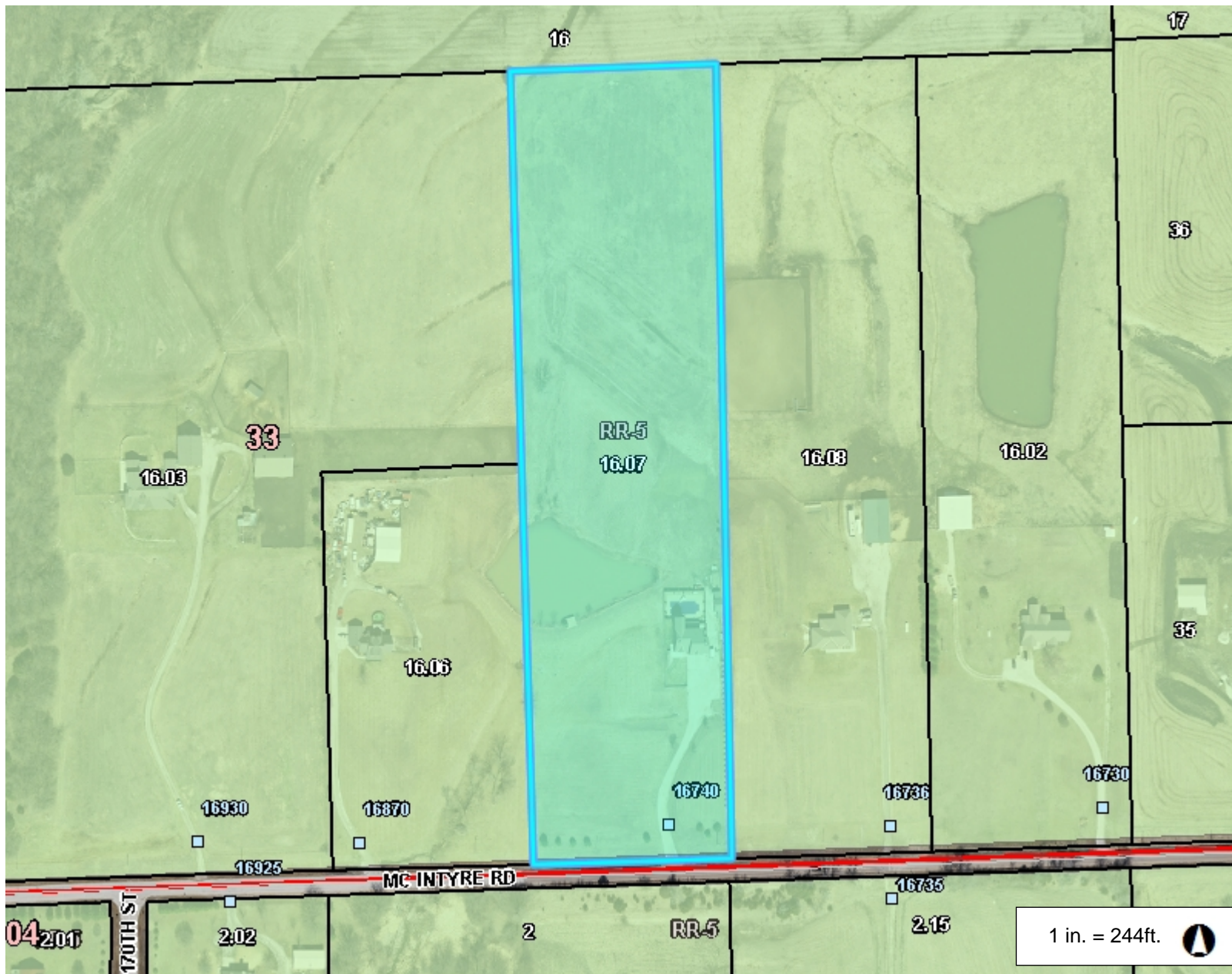


16740 McIntyre Rd



16736 McIntyre Rd

DEV-23-025 Horses & Heroes SUP



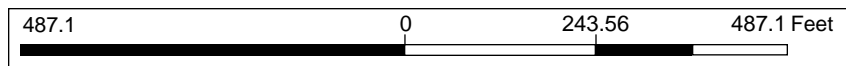
Legend

- Address Point
- Parcel Number
- Lot Line
- Parcel
- ⋮ City Limit Line
- Major Road
- <all other values>
- 70
- Road
- + Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

Notes

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This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Rural Water <rwd8lv@gmail.com>
Sent: Friday, February 17, 2023 10:08 AM
To: Allison, Amy
Subject: Re: DEV-23-025 Special Use Permit – Horses and Heroes

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.

The water district will not have a problem with this residence operating a business at this time. Please let me know if there is anything else you need from me.

Thank you,

On Wed, Feb 15, 2023 at 4:41 PM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a riding stable or track on the property located at 16740 McIntyre Road. The applicant is requesting to operate a non-profit horse therapy facility.

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 Thursday, February 23, 2023.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@leavenworthcounty.gov

Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

913.364.5757

--

*Sandra Heim
Office Manager
Rural Water District #8-LV CO*

Allison, Amy

From: Amanda Tarwater <amanda.tarwater@freestate.coop>
Sent: Monday, February 20, 2023 8:58 AM
To: Allison, Amy
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

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 request.

Amanda Tarwater
Member Accounts Coordinator



1-800-794-1989 | www.freestate.coop

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, February 15, 2023 4:41 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Andrew Holder' <aholder@fpsslaw.com>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; Amanda Tarwater <amanda.tarwater@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

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="">

Good Afternoon,

The Department of Planning and Zoning has received an application for a Special Use Permit regarding a riding stable or track on the property located at 16740 McIntyre Road. The applicant is requesting to operate a non-profit horse therapy facility.

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 Thursday, February 23, 2023.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@leavenworthcounty.gov

Thank you,

Allison, Amy

From: Anderson, Kyle
Sent: Tuesday, February 21, 2023 11:09 AM
To: Allison, Amy
Subject: RE: RE: DEV-23-025 Special Use Permit – Horses and Heroes

We have not received any complaints on this property.

The engineered septic system installed is sufficient for a 5 bedroom home. The home was sold as a 4 bedroom. With the added people working on the property I would recommend we require one of the following:

1. An engineering report stating the current septic system is capable of handling the additional use from the business.
2. A plan in place if the current system is overloaded and becomes in a state of failure from the additional use from the business.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, February 15, 2023 4:41 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Andrew Holder' <aaholder@fpsslaw.com>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Michael Stackhouse' <mstackhouse@fd1lvco.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

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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 Thursday, February 23, 2023.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at Aallison@leavenworthcounty.gov

Thank you,

Allison, Amy

From: Michael Stackhouse <mstackhouse@fd1lvco.org>
Sent: Wednesday, February 22, 2023 1:39 PM
To: Allison, Amy; Magaha, Chuck; Anderson, Kyle; Miller, Jamie; Patzwald, Joshua; Van Parys, David; 'Andrew Holder'; 'Mitch Pleak'; Noll, Bill; 'amanda.holloway@freestate.coop'; 'Rural Water'
Cc: PZ
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

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.

Amy,

I see no issues with the attached plans, provided the new barn is utilized as an agriculture building and not as an assembly. The barn as an agricultural building would have an occupancy load of 24 people. All information provided dictates that it would be considered an agriculture building. Thanks.

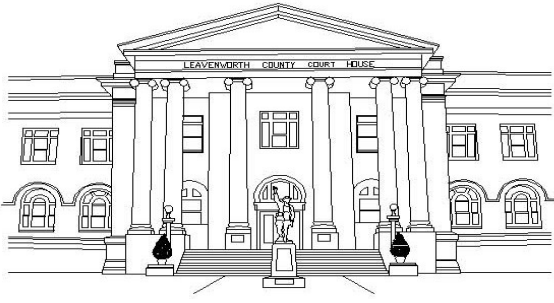
B/R,

Michael L. Stackhouse
Fire Chief
Fire District No. 1, County of Leavenworth
111 E. Kansas Avenue
Lansing, KS. 66043
Office: 913-727-5844
Cell: 913-683-3223



From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, February 15, 2023 4:41 PM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Anderson, Kyle <KAnderson@leavenworthcounty.gov>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Patzwald, Joshua <jpatzwald@lvsheriff.org>; Van Parys, David <DVanParys@leavenworthcounty.gov>; 'Andrew Holder' <aaholder@fpslaw.com>; 'Mitch Pleak' <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; Michael Stackhouse <mstackhouse@fd1lvco.org>; 'amanda.holloway@freestate.coop' <amanda.holloway@freestate.coop>; 'Rural Water' <rwd8lv@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-23-025 Special Use Permit – Horses and Heroes

Good Afternoon,



COUNTY OF LEAVENWORTH

Department of Public Works

300 Walnut, Suite 007

Leavenworth, Kansas 66048-2815

Phone (913) 684-0470

Fax (913) 684-0473

March 9, 2023

Horses and Heroes SUP DEV-23-025 – Public Works Review

The Public Works Department have reviewed the following documents:

- 2023.02.15 SUP Application.
- 2023.02.15 Narrative.
- 2023.02.15 Pamphlet for Program.
- 2023.02.15 Site Plans
- 2023.03.06 16740 McIntyre Rd Lot Diagram
- 2023.03.06 New Barn Diagram
- 2023.03.06 Special Use Permit Application

Below are comments from the received documents listed above. Direct any questions to Amy Allison at aallison@leavenworthcounty.gov.

McIntyre is a two-lane hard surfaced roadway. Routes to the site are hard surfaced roadways.

Improvements including the barn, septic, and lighting to be reviewed under a separate application.

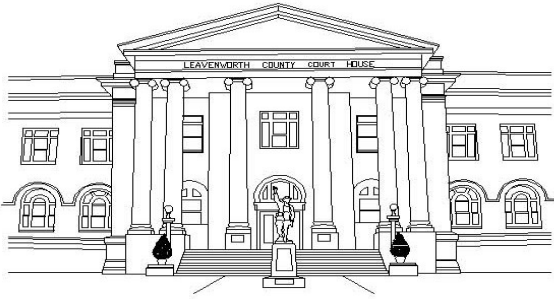
Comment Responses:

1. Olsson Comment (2.28.23): From the application, the SUP includes a seven (7) passenger van 1 time per month. Is the van to bring multiple appointments with the same proposed use or for a different use? Would staff arrive as individual trips to support all clients arriving via passenger van?

Applicant Response (3.06.23): 7- Passenger van will arrive once per month from a local facility. Attendees are all from this facility and will arrive and leave together in the van for the purpose of experiencing an equine session. H&H staff would include one (1) clinician who will arrive in per privately owned vehicle (POV), and one (1) Equine Specialist who will arrive in her POV.

Olsson Response (3.09.23): No further comment.

2. Olsson Comment (2.28.23): From the application, the typical daily trips are +/-5. Typically, vehicle trips are an even number. (1 trip entering and 1 trip exiting). Verify. If daily trips are different from the submitted application, revise the weekly and monthly trips on the application also.



COUNTY OF LEAVENWORTH

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Applicant Response (3.06.23): Daily trips. Verifying that we anticipate:

- One (1) volunteer to arrive and leave daily
- One (1) Clinician to arrive and leave (T, F, S)
- One (1) Equine Specialist to arrive and leave (T,F,S)
- Average of three (3) clients per day arriving and leaving on Tuesdays, Friday and Saturdays
- Total anticipated daily traffic is twelve (12) trips

Olsson Response (3.09.23): No further comment.

3. Olsson Comment (2.28.23): From the application, there is no estimated traffic for commercial trips. Verify no support services like trash collection is proposed.

Applicant Response (3.06.23): During non-construction periods, we anticipate one (1) trash truck once per week to empty 2-yard dumpster located east of the home.

Olsson Response (3.09.23): No further comment.

4. Olsson Comment (2.28.23): With the proposed use involving equine, how often are trailers utilized for transporting equine? What type of vehicles and trailers are utilized for transporting?

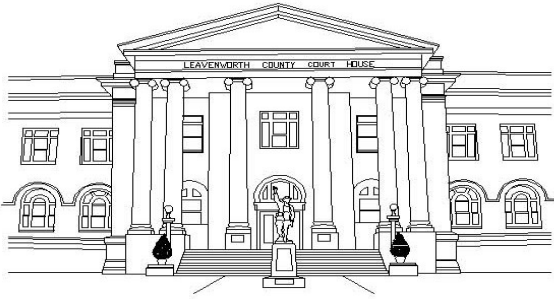
Applicant Response (3.06.23): The horses do not leave the property. The only horse-trailer traffic would be for emergency veterinary visits. H&H owns a 2-horse trailer that will be parked under east-covered storage, once completed.

Olsson Response (3.09.23): No further comment.

5. Olsson Comment (2.28.23): Page 3 of the narrative references an existing operational site. Do the traffic trips presented in the application reflect existing operations of the Shawnee site? Do the trips presented represent the operational use after closure of the western Shawnee location?

Applicant Response (3.06.23): Estimated traffic is based upon historical business load. Previous location in Shawnee is non-operational, therefore, all equine-related business will be conducted at Leavenworth location.

Olsson Response (3.09.23): No further comment.



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-
-
6. Olsson Comment (2.28.23): Is there any anticipated growth (appointments) resulting in an increase in traffic during the duration of the SUP? If so, is future growth estimated traffic trips accounted for in the application?

Applicant Response (3.06.23): Identified days of business, Tuesday, Friday and Sat represent our short-term expected business model. We would like to eventually expand business days to Tuesday-Sat. Additional days of Wednesday and Thursday would add potentially 6-8 clients or 12-16 trips.

Olsson Response (3.09.23): No further comment.

7. Olsson Comment (2.28.23): Confirm POV is an abbreviation for privately owned vehicle.

Applicant Response (3.06.23): Privately Owned Vehicle (POV)

Olsson Response (3.09.23): No further comment.

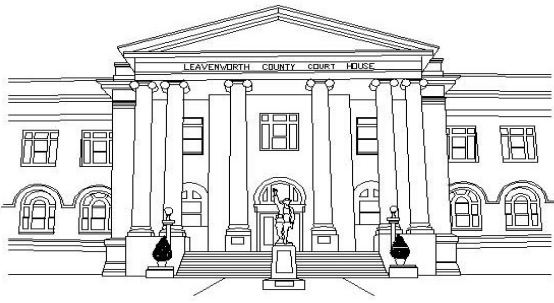
8. Olsson Comment (2.28.23): Page 4 of the narrative discusses traffic volumes of 10-15 POVs per week. Based on question #2 above, reviewer assumes 10-15 POVs are 20-30 trips. Page 3 of the narrative states a client session would include the client, counselor, and equine specialist (three separate vehicles per appointment) that translates to 3-5 appointments per week. Confirm appointments per week. Associated with question #4, confirm expected use when existing site is closed.

Applicant Response (3.06.23): Clarified traffic load in question 2. Number of client sessions can range from 2-4 clients per day (Tuesday, Friday, and Saturday). Expected usage when no clients are scheduled is one (1) staff person and one (1) volunteer daily.

Olsson Response (3.09.23): No further comment.

9. Olsson Comment (2.28.23): Page 5 of the narrative discusses 10-20 parking spaces plus 5 additional. Depending on loading/use 25 spaces could equate to 50+ trips during a peak hour, is there an anticipated typical event or heavy use period that use of these spaces would be maximized?

Applicant Response (3.06.23): We will, on occasion, have a group of corporate volunteers arrive (up to 20 individuals) to work on various projects. We request that they carpool as much as possible. When additional parking is required, we will have them park along the long driveway but



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not block or enter onto the road (McIntyre). Duration of group activity is 3-4 hours. Frequency will be twice per year up to quarterly.

Olsson Response (3.09.23): No further comment.

10. Olsson Comment (2.28.23): Page 5 of the narrative states current residents will oversee equine care. Do all other staff for appointment services arrive separately for appointment only?

Applicant Response (3.06.23): One (1) staff person lives on-site and the second staff person lives off site. Volunteers arrive once per day to help care for horses. Clinical staff only arrives for scheduled appointments.

Olsson Response (3.09.23): No further comment.

11. Olsson Comment (2.28.23): Narrative discusses current staff of organization of 2 full-time employees, 5 volunteers, and 8 contracted agents. Is described staff accounted for in the application for estimated traffic and is this staff on site daily?

Applicant Response (3.06.23): Two people live on site. One is a staff person and her husband. There are 2 POV's owned by onsite personnel. Staff person is onsite daily and will be the acting Equine Specialist for some client sessions. This would reduce traffic to one (1) Clinician and up to four (4) clients. When onsite staff is not acting as the Equine Specialist, there will be an added trip of one (1) Equine Specialist.

Olsson Response (3.09.23): No further comment.

12. Olsson Comment (2.28.23): Applicant to provide a sight distance memo for stopping sight distance and turning movements exiting the property by a professional engineer licensed in the State of Kansas.

Allison, Amy

From: Mitch Pleak <mpleak@olsson.com>
Sent: Tuesday, March 28, 2023 2:34 PM
To: Allison, Amy
Cc: Noll, Bill; McAfee, Joe; 019-2831
Subject: RE: DEV-23-025 Horses & Heroes SUP

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.

Amy,
Good afternoon. The sight distance check memo has been reviewed with no comment. Please let me know of any questions.

Sincerely,

Mitch Pleak, PE
Senior Engineer / Civil

D 913.748.2503

7301 W. 133rd Street, Suite 200
Overland Park, KS 66213
O 913.381.1170



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[View Legal Disclaimer](#)

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Monday, March 27, 2023 8:20 AM
To: Mitch Pleak <mpleak@olsson.com>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>
Subject: FW: DEV-23-025 Horses & Heroes SUP

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This message came from outside your organization. Please take care when clicking links or opening attachments. When in doubt, use the Report Phish button or contact IT to have the message analyzed.

Leavenworth Times Affidavit of Publication

County of Leavenworth
State of Kansas
NOTICE OF PUBLIC
HEARING

Notice is hereby given for the Leavenworth County Planning Commission to hold a public hearing regarding an application (DEV-23-025) for a Special Use Permit for a Riding Stables and Clinic for Horses and Heroes, an equine therapy business; such use being listed in Article 19, Table of Uses, in the Leavenworth County Zoning and Subdivision Regulations.

The Special Use Permit (DEV-23-025) request is for the following described property:

A tract of land in the South ½ of the Southwest ¼ of Section 33, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas. Request submitted by Julie Baker, Horses & Heroes, Inc.

Address: 16740 McIntyre Road

Parcel ID number: 108-33-0-00-00-016.07

The hearing will be held on Wednesday the 10th day of May, 2023 at 5:30 p.m., in the Meeting Room, located on the second floor of the Leavenworth County Courthouse, 300 Walnut Street, Leavenworth, Kansas. Further information is available, including the full legal description, for inspection during regular business hours in the Leavenworth County Planning & Zoning Department.

We encourage public input. If you wish to provide comments in writing instead of in person, written comments must be received no later than noon Tuesday, May 9, 2023.

John Jacobson, Secretary
Leavenworth County Planning Commission Publish by 4/19/2023

Published in the Leavenworth Times, April 18, 2023.

I, Tammy Lawson, of lawful age, being first duly sworn on oath, states, that she is a Legal Representative of the Times, a daily newspaper, printed and published in Leavenworth, Leavenworth County, Kansas, that said newspaper has been published for at least Fifty (50) Times a year and has been so published for at least five (5) years prior to the first publication of the attached Notice that said newspaper has a general paid circulation on a monthly and yearly basis in Leavenworth County, Kansas and is not a trade, religious or fraternal publication and has been printed and published in Leavenworth County, Kansas and has a general paid circulation in said County. The attached Notice was published on the following dates in a regular issue of said newspaper.

Publication was made on the 18th day of April, 2023.

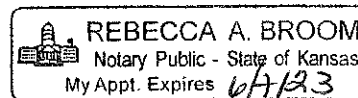
WITNESS my hand this 18th day of April, 2023.

Tammy Lawson
Legal Representative

Subscribe and sworn before me, this 18 day of Apr, 2023.

Rebecca A. Broom
Notary Public

My Commission Expires: 6/7/23



RESOLUTION 2023-12

A resolution of the Leavenworth County Kansas Board of County Commission, issuing a Special Use Permit for a riding stables and clinic - Horses & Heroes, Inc. on the following described property:

A tract of land in the South ½ of the Southwest ¼ of Section 33, Township 9 South, Range 22 East of the 6th P.M., in Leavenworth County, Kansas more commonly known as 16740 McIntyre Road

WHEREAS, it is hereby found and determined that a request for a Special Use Permit as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 15th day of February, 2023, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the granting of such request for a Special Use Permit on the 10th day of May, 2023; and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to special conditions as set forth; and

WHEREAS, the Board of County Commission considered, in session on the 7th day of June, 2023, the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commission of Leavenworth County, Kansas, that:

1. Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,
2. Based upon the findings of fact adopted by the Board of County Commission in regular session on the 7th day of June, 2023, and incorporated herein by reference;

That Case No. DEV-22-025, Special Use Permit for a Riding Stables and Clinic - Horses & Heroes Inc. approved subject to the following conditions:

1. The Special Use Permit shall be subject to the written narrative and site plan provided on March 6, 2023 and additional information provided on March 27, 2023.
2. The business shall operate from 9:00AM until 5:00PM, Monday through Saturday.
3. A commercial building permit shall be obtained for the proposed addition. The building permit application must be submitted with stamped plans that outline all occupancies for the proposed addition.
4. An engineered septic system shall be installed with the proposed addition. The septic system must comply with all permitting and sanitary sewer standards.
5. The applicant must comply with the following memorandums:
 - a. Code Enforcement – Kyle Anderson, dated February 21, 2023
 - b. Fire District 1 – Michael Stackhouse, dated February 22, 2023
5. The applicant shall provide a certificate of general liability insurance in the amount of \$1,000,000 and shall indicate Leavenworth County as the certificate holder prior to

commencement of activities on the site.

6. No signage shall be allowed in the right-of-way. Sign permits may be required for any on-site or off-site signage. The applicant shall provide an owner authorization form for any off-site signs. All signage shall comply with Article 25, Sign Regulations of the Leavenworth County Zoning and Subdivision Regulations. No Attention-getting device shall be permitted with this approval.
7. No on-street parking shall be allowed.
8. Any light generated from the proposed business shall be limited to 0 foot-candles net gain, as measured from the property line.
9. Any noise generated from the proposed business shall be limited to 60 dBs, as measured from the property line.
10. Any dumpster shall be screened from the public right-of-way.
11. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
12. Applicant shall not cause or allow any public nuisance to exist on the subject property.
13. That the Special Use Permit granted herein is subject to revocation upon the breaching of the conditions set forth herein, or any substantial change in the use of the subject property. Horses & Heroes, Inc., and its assigns or successors in interest, hereby consent to, and authorize, entry onto the subject property by employees or agents of the county for the purpose of inspecting the subject property for compliance with the conditions set forth herein.
14. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
16. After approval of this SUP by the Board of County Commissioners all conditions listed shall be adhered to and copies shall be provided to the Planning and Zoning Office before the Special Use Permit shall take effect.

located in Section 33, Township 9 South, Range 22, also known as 16740 McIntyre Road, parcel no. 108-33-0-00-00-016.07 in Leavenworth County, Kansas.

Adopted this 7th day of June, 2023
Board of County Commission
Leavenworth, County, Kansas

Vicky Kaaz, Chairman

ATTEST

Jeff Culbertson, Member

Janet Klasinski

Mike Smith, Member

Doug Smith, Member

Mike Stieben, Member

Leavenworth County Request for Board Action

Date: June 1, 2023

To: Board of County Commissioners

From: Public Works

Department Head Approval: B. Noll

Additional Reviews as needed:

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

Action Requested: Approve the construction contract for the E-48 Bridge Replacement Project on 255th Street north of K-192 Hwy.

Recommendation: Approve the construction contract.

Analysis:

In May, the Board accepted Dondlinger Construction's bid for the replacement of Bridge E-48. We are now requesting the approval for the contract with Dondlinger Construction, not to exceed \$418,513.50

Alternatives: Table, Deny, Approve

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds – 220 Fund
- Non-Budgeted item with available funds through prioritization
- Non-Budgeted item with additional funds requested

Total Amount Requested:

Contract not to exceed \$418,513.50 + 5% Contingency = \$439,439.

Additional Attachments:

Agreement between Leavenworth County, Kansas and Contractor

**AGREEMENT BETWEEN
Leavenworth County, Kansas
and Contractor**

For

PROJECT: Bridge No. E-48 Replacement Project

THIS AGREEMENT is made and entered into this _____ day of _____, 2023.

by and between Leavenworth County, Kansas, hereinafter the "County", and Dondlinger & Sons Construction Co., Inc., hereinafter the "Contractor";

WITNESSETH:

WHEREAS, the County has caused to be prepared, in accordance with the law, Notice to Bidders, Instructions to Bidders, Bid, this Agreement, General and Special Conditions, Plans, Specifications and other Contract Documents, as defined in the General Conditions, for the work herein described, and has approved and adopted these said Contract Documents and has caused to be published, in the manner and for the time required by law, an advertisement inviting sealed Bids for furnishing construction materials, labor, tools, equipment and transportation necessary for, and in connection with, the construction of public improvements in accordance with the terms of this Agreement; and

WHEREAS, the Contractor, in response to the Notice to Bidders, has submitted to the County, in the manner and at the time specified, a sealed Bid in accordance with the terms of this Agreement; and

WHEREAS, the County, in the manner prescribed by law, has publicly opened, examined and canvassed the Bids submitted, and as a result of this canvass has, in accordance with the law, determined and declared the Contractor to be the lowest and best responsible bidder for the construction of the public improvements, and has duly awarded to the Contractor a contract therefor upon the terms and conditions set forth in this Agreement and for the sum or sums named in the Bid attached to and made a part of this Agreement.

NOW, THEREFORE, in consideration of the compensation to be paid the Contractor, and of the mutual agreements herein contained, the parties hereto have agreed, and hereby agree, the County for itself and its successors, and the Contractor for itself, himself/herself or themselves, its, his/her or their successors and assigns, or its, his/her or their executors and administrators, as follows:

ARTICLE I. The Contractor will furnish at its own cost and expense all labor, tools, equipment, materials and transportation required to construct and complete the work as designated, described and required by the Contract Documents, to wit:

Bridge No. E-48 Replacement, all in accordance with the Notice to Bidders, Instructions to Bidders, Bid, this Agreement, General, Supplementary and Special Conditions, Plans, Specifications and other Contract Documents as defined in Article 1 of the General Conditions of the Contract for Construction, on file with Leavenworth County, Kansas, all of which Contract Documents form the Contract, and are as fully a part hereof as if repeated verbatim herein; all work to be done in a good, substantial and workmanlike manner to the entire satisfaction of the County, and in accordance with the laws of the State of Kansas and the United States of America. All terms used herein shall have the meanings ascribed to them in the General Conditions unless otherwise specified.

ARTICLE II. The County shall pay to the Contractor for the performance of the work embraced in this Contract, and the Contractor will accept in full compensation therefor, the sum of

Four Hundred Eighteen Thousand Five Hundred Thirteen and 50/100 DOLLARS
(\$ 418,513.50)

(subject to adjustment as provided by the Contract Documents) for all work covered by and included in the Contract award and designated in the foregoing Article I, payment thereof to be made in cash or its equivalent and in the manner provided in the Contract Documents.

ARTICLE III. The Contractor shall commence work upon the date stated in the Notice to Proceed, and will be complete with all work covered by this Contract and be ready for final payment **90 Calendar Days after that date but no later than October 4, 2023.** Time is of the essence. Accordingly, liquidated damages shall be assessed against Contractor, at a rate of **\$ 500.00/day** for each and every calendar day the work remains incomplete over the specified completion date.

ARTICLE IV. The Contractor shall not subcontract, sell, transfer, assign or otherwise dispose of the Contract or any portion thereof without previous written consent of the County. In case such consent is given, the Contractor shall be permitted to subcontract a portion thereof, but shall self-perform not less than forty percent (40%) of the total Contract Price based upon the unit prices within the Bid submitted to the County by the Contractor. No subcontracts, or other transfer of Contract, shall release the Contractor of its liability under the Contract and Bonds applicable thereto.

ARTICLE V. Contractor specifically acknowledges and confirms that:

- 1.) it has visited the site, made all inspections it deems appropriate and has read and fully understands the Contract Documents, including all obligations and responsibilities undertaken by it as specified herein and in the other Contract Documents and knowingly accepts same;
- 2.) it has furnished copies of all Contract Documents to its insurance carrier(s) and its surety(ies); and
- 3.) its insurance carrier(s) and surety(ies) agree to be bound as specified herein, in the Contract Documents and in the insurance policy(ies) and bonds as to liability and surety coverage.

ARTICLE VI. It is specifically agreed between the parties executing this Agreement that the Contract Documents are not intended to create any third-party beneficiary relationship nor to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement. The duties, obligations and responsibilities of the parties to this Agreement with respect to third parties shall remain as imposed by law.

ARTICLE VII. This Agreement, together with the other Contract Documents, constitutes the entire agreement between the parties and supersedes all prior agreements, whether oral or written, covering the same subject matter. This Agreement may not be modified or amended except as provided herein or in the other Contract Documents.

ARTICLE VIII. This Agreement is entered into, under and pursuant to, and is to be construed and enforceable in accordance with, the laws of the State of Kansas.

ARTICLE IX. Should any provision of this Agreement or the other Contract Documents be determined to be void, invalid, unenforceable or illegal for whatever reason, such provision(s) shall be null and void; provided, however, that the remaining provisions of this Agreement and/or the other Contract Documents shall be unaffected thereby and shall continue to be valid and enforceable.

IN WITNESS WHEREOF, Leavenworth County, Kansas, has caused this Agreement to be executed on its behalf, thereunto duly authorized, and the said Contractor has executed Three (3) counterparts of this Contract in the prescribed form and manner, the day and year first above written.

ATTEST:

Leavenworth County, Kansas

Janet Klasinski, County Clerk

By: _____
Vicky Kaaz, 2nd District & Chairman

ATTEST:

Contractor: Dondlinger & Sons Construction Co., Inc.

A. J. Sankel

By: _____
Mark Lorenz
Mark Lorenz

Title: Secretary

Vice President

CORPORATE SEAL

If Contractor is not an individual, authority for signing contract must be shown or attached.

**CERTIFIED COPY OF RESOLUTION OF THE BOARD OF DIRECTORS
OF Dondlinger & Sons Construction Co., Inc.**

A Kansas Corporation

The undersigned being the duly elected qualified and acting Secretary of
Dondlinger & Sons Construction Co., Inc., a Kansas
Corporation (the "Corporation"), hereby certified as follows:

At a special meeting of the board of directors of the Corporation, which meeting was duly and properly called according to the by-laws of the corporation and at which a quorum of said board was present, the following resolution was passed and adopted:

"WHEREAS, the Corporation desires to contract with Leavenworth County, (the "County") for the construction of certain public improvements; and, "WHEREAS, the Corporation desires to authorize certain officers of the Corporation to execute and deliver to the State all agreements and documents related thereto.

"NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF

Dondlinger & Sons Construction Co., Inc., A Kansas corporation, that
Mark Lorenz (name)

Vice President (title), of the

corporation, be and is hereby authorized to execute and deliver to the State all contracts and documents incidental thereto, including but not limited to statutory bond, construction bonds, insurance agreements and policies, plans and specifications, and any further documents required thereby, relating or pertaining to the following described project:

Leavenworth County Bridge No. E-48 Replacement

"BE IT FURTHER RESOLVED BY THE BOARD OF DIRECTORS OF THE CORPORATION that the authority conferred hereby upon such officer is continuing unless notice in writing be given by the "County."

Dated this 2nd day of May, 2023.

Secretary A. Danbe

BID FORM

Project Name: Bridge No. E-48 Replacement Project

Name of BIDDER: Dondlinger & Sons Construction Co., Inc.

Contact Personnel: Aaron Carter (316)452-0954, acarter@dondlingerconst.com

Address of BIDDER: PO Box 398 Wichita, KS 67201 / 2656 S Sheridan Wichita, KS 67217

TO: The County of Leavenworth, KS

The undersigned, as bidder, declares that he has visited the site of the Work and determined the amount and character of the proposed Work, and is familiar with all the requirements of the Specifications and Plans.

The undersigned proposes and agrees, if this proposal is accepted, to furnish all labor, materials, tools, equipment, supplies and machinery of every description necessary for the proper construction and completion of the Work contemplated in the documents of the Contract in the manner therein specified for the following unit prices and lump sums.

The undersigned agrees, if this proposal is accepted, to fully complete the Work 90 calendar days after issuance of a Notice to Proceed, but no later than October 4, 2023, otherwise to be governed by the stipulations of the accompanying articles of the Contract. The work shall commence with the following timeframe:

Earliest Start Date: May 22, 2023

Latest Start Date: July 5, 2023

Liquidated damages shall be assessed against Contractor, at a rate of \$ 500.00/day for each and every calendar day the work remains incomplete over the specified completion time.

It is understood and agreed that if this proposal is accepted, the prices quoted include all applicable state sales taxes and use taxes, and that said taxes shall be paid by the Contractor.

The undersigned, as Bidder, hereby declares that the only persons or firms interested in the proposal as principal or principals is or are named herein and that no other persons or firms than herein mentioned have any interest in this proposal or in the Contract to be entered into; and this proposal is made without connection with any other person, company or parties making a bid or proposal; and that it is in all respects fair and in good faith, without collusion or fraud.

BID FORM

Project Name: Bridge No. E-48 Replacement Project
Leavenworth County, Kansas

BRIDGE NO. E-48 REPLACEMENT					
No.	Bid Item	Unit	Quantity	Unit Price	Total Cost
Road Items					
1	Contractor Construction Staking	L.S.	1	\$5,600.00	\$5,600.00
2	Mobilization	L.S.	1	\$41,000.00	\$41,000.00
3	Removal of Existing Structure	L.S.	1	\$8,200.00	\$8,200.00
4	Clearing & Grubbing	L.S.	1	\$4,600.00	\$4,600.00
5	Common Excavation (Rural Small)	Cu. Yds.	370	\$19.00	\$7,030.00
6	Compaction of Earthwork (Type A)(MR 5-5)	Cu. Yds.	20	\$2.00	\$40.00
7	Aggregate Ditch Lining (6")	Tons	62	\$90.00	\$5,580.00
8	Fence (Barbed Wire)(Temporary)	Lin. Ft.	481	\$11.50	\$5,531.50
9	Temporary Fertilizer (15-30-15)	Lbs.	1	\$5.00	\$5.00
10	Soil Erosion Mix	Lbs.	0.55	\$70.00	\$38.50
11	Erosion Control (Class 1, Type C)	Sq. Yd.	26	\$10.00	\$260.00
12	Biodegradable Log (20")	Lin. Ft.	56	\$15.00	\$840.00
13	18" Filter Sock	Lin. Ft.	42	\$50.00	\$2,100.00
14	Silt Fence	Lin. Ft.	42	\$7.00	\$294.00
15	Seeding	L.S.	1	\$1,500.00	\$1,500.00
16	Signing Object Marker (Type 3)	Each	4	\$145.00	\$580.00
17	Traffic Control	L.S.	1	\$5,440.00	\$5,440.00
18	Surfacing Material (AB-3)	Tons	79	\$50.00	\$3,950.00
Bridge Items					
19	Class III Excavation	Cu. Yds.	186	\$25.00	\$4,650.00
20	Concrete Grade 4.0 (AE)(SW)	Cu. Yds.	78.1	\$1,000.00	\$78,100.00
21	Reinforcing Steel (Gr. 60)(Epoxy Coated)	Lbs.	14,270	\$2.50	\$35,675.00
22	Structural Steel - A709 Gr. 50W	Lbs.	7,180	\$4.50	\$32,310.00
23	Structural Steel - M270 Gr. 50WT2	Lbs.	31,750	\$3.10	\$98,425.00
24	Elastomeric Bearing Pad	Each	12	\$300.00	\$3,600.00
25	Pile (Steel)(HP10x42)	Lin. Ft.	136	\$100.00	\$13,600.00
26	Predrilled Pile Holes	Lin. Ft.	48	\$360.00	\$17,280.00
27	Cast Steel Pile Points	Each	8	\$120.00	\$960.00
28	Bridge Handrail (Metal)	Lin. Ft.	112.5	\$125.00	\$14,062.50
29	Slope Protection (Riprap Stone)	Cu. Yds.	317	\$86.00	\$27,262.00
Total					\$418,513.50

Four Hundred eighteen thousand five hundred thirteen dollars and fifty cents.

Total Bid in Words

\$418,513.50

Total Bid in Figures


Bidder's Signature

05/02/2023

Date

The undersigned as a bidder declares:

That he is on the **KDOT Prequalified list** and has been regularly engaged in contract work of the class required by the specifications for years, and respectfully invites your attention to the following work that has been completed under his direction:

Leavenworth County Bridge SH-30 Replacement - \$603,966.21

Leavenworth County Bridge E-18 - \$1,020,691.80

Leavenworth County Bridge F-46 - \$689,215.00

The undersigned agrees that the accompanying bid deposit shall become the property of the Owner, should he fail or refuse to execute the Contract or furnish Bond as called for in the Specifications within the time provided.

If written notice of the acceptance of this bid is mailed, emailed, facsimiled or delivered to the undersigned within thirty (30) days after the date of opening of the bids, or any time thereafter before this bid is withdrawn, the undersigned will, within ten (10) days after the date of such mailing, emailing, facsimiled or delivery of such notice, execute and deliver a Contract in the form of Contract attached.

The undersigned hereby designates as his office to which such notice of acceptance may be mailed, emailed, facsimiled or delivered:

PO Box 398 Wichita, KS 67201

It is understood, agreed that this bid may be withdrawn at any time prior to the scheduled time for the opening of bids or any authorized postponement thereof.

Attached hereto is a Bid Bond for the sum of 5% amount of bid

Certified Check

(\$)

Dollars made payable to: **Leavenworth County, Kansas**

ADDENDUM RECIEPT

Addendum No. _____, Date _____.

Addendum No. _____, Date _____.

Addendum No. _____, Date _____.

Signature of Bidder: _____



If and Individual: _____, doing

Business as _____

If a Partnership: _____

By _____, member of firm

If a Corporation: Dondlinger & Sons Construction Co., Inc.

By  Mark Lorenz

Title Vice President

State Kansas

State in which incorporated

Corporation President: Thomas E. Dondlinger

Name and business address

2656 S. Sheridan Wichita, KS 67217

Corporation Secretary: April Taube

Name and business address

2656 S. Sheridan Wichita, KS 67217

Date: 5/2/2023

Address: Dondlinger & Sons Construction Co., Inc.

PO Box 398

Wichita, KS 67201

Leavenworth County Request for Board Action

Date: 06/01/2023

To: Board of County Commissioners

From: Public Works

Department Head Approval: *B. Noll*

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested: Accept the High Risk Rural Roads (HRRR) Program Award for Tonganoxie Road/County Route 5 Safety Improvement Project for FY2025 and approve the Project Programming Request (Form 1302)

Recommendation: Approval

Analysis:

Leavenworth County submitted a proposal for Tonganoxie Road (County Route 5) Project to KDOT for the HRRR Program. The proposal was to correct horizontal curves and steep foreslopes along the Tonganoxie Drive route from 189th Street/Mitchell Road to Dempsey Road. The project begins 0.11-mile south of the intersection of 189th Street and continues to a point 0.15-mile north of the intersection of 187th Street. The project corridor is a major collector between the Cities of Leavenworth and Tonganoxie, Kansas.

On May 24th, Leavenworth County was notified that our project had been selected and awarded the full requested amount for the roadway improvements.

FFY 2023 HRRR program is a 90/10 State/Local match program that includes engineering and construction expenses. Neither ROW acquisition nor utility relocation are expenses included in the program and will require 100% local funding.

Leavenworth County has estimated this project to cost \$1,304,000 in total and has requested \$1,151,000 from KDOT.

Alternatives: Deny, Table

Budgetary Impact:

- Not Applicable
- Budgeted item with available funds
- Non-Budgeted item with available funds through prioritization (Sales Tax Fund)
- Non-Budgeted item with additional funds requested

Total Amount Requested: \$253,000

Additional Attachments:

Award Letter Leavenworth County

LVCO 2025 HRRR Application
1302 Form – Project Programming Request

FFY 2025 HIGH RISK RURAL ROADS (HRRR)

Project Funding Application

County: Leavenworth **KDOT District:** 1

Signed Up for (or Completed) a Local Road Safety Plan (LRSP): Yes No*

*If "No", you are not eligible to apply for an HRRR project.

Local Route(s) or Road Name(s): RS 381, Tonganoxie Drive (600' South of 189th to 800' North of 187th)

Federal Route Number(s) (if applicable): _____

- Route Type:** Paved Major Collectors: .61 miles
- Un-paved Major Collectors: _____ miles
- Paved Minor Collectors: _____ miles
- Un-paved Minor Collectors: _____ miles
- Paved Rural Local Roads: _____ miles
- Un-paved Rural Local Roads: _____ miles

Location description (Attach map showing project location, show railroad crossing locations):

Horizontal curves and steep foreslopes along the Tonganoxie Drive route exist from the 189th Street/Mitchell Road to Dempsey Road. The project begins 0.11-mile south of the intersection of 189th Street and continues to a point 0.15-mile north of the intersection of 187th Street. The project corridor is a major collector between Cities Leavenworth and Tonganoxie, Kansas.

Application Type: Systemic Site-Specific

Please provide at least 3 years of crash data for **site-specific project applications only**.

Current ADT: 3,570 Vehicles/Day Projected ADT: _____ Vehicles/Day (Year _____)

	2021	2020	2019	2018	2017	2016
Number of Fatal Crashes						
Number of Fatalities						
Number of Disabling Injury Crashes						1
Number of Disabling Injuries						1
Number of Injury Crashes				1	3	
Number of Injuries		1		1	5	
Number of Property Damage Only Crashes				4	4	3

Data available from 1/2016 to 12/2022
mm/yyyy mm/yyyy

FFY 2025 HIGH RISK RURAL ROADS (HRRR)

Project Funding Application (Continued)

If an engineering study (other than a Local Road Safety Plan (LRSP) has been conducted, please attach a copy.
Date of Study: 11/15/21

Brief Description of Situation:

- Corridor clear zone includes no shoulders.
- Sharp horizontal curve after extended tangent portion of roadway.
- Standard mainline travel lanes with no shoulder and foreslope grades ranging from 2:1-3.1 (H:V).
- Drainage culverts in the corridor require extension reduce clear zone obstacles. Corridor has one RCB and four crossroad pipes with excessive foreslope grades at structure end points.

Proposed Countermeasures:

- Roadway corridor grading improvements to provide standard 12' travel lanes with a 6' wide asphalt surface shoulder.
- Grading improvements of right-of-way corridor to provide Clear Zone based on R3 Design Criteria.
- Obtain additional corridor right-of-way at crossroad culverts, and temporary easements to complete corridor grading improvements.
- Extend drainage culverts at sag vertical locations to augment shoulder widening and Clear Zone improvements.
- Install edge rumble strips for driver veer warning.

Project Cost Estimate (Rounded to nearest \$1,000.00, please attach a detailed estimate if available):

	Federal Share	Local Share	Phase Total
PE (Design)	141,000.00	16,000.00	\$ 157,000.00 -
Utilities		12,000.00	\$ 12,000.00
ROW		12,000.00	\$ 12,000.00 -
Construction	873,000.00	97,000.00	\$ 970,000.00 -
CE (Inspection)	137,000.00	16,000.00	\$ 153,000.00 -
			Project Total
TOTAL	\$ 1,151,000.00 -	\$ 153,000.00 -	\$ 1,304,000.00 -

Leavenworth County anticipates Bid Letting of January, 2025.

William Noll

Signature

Public Works Director

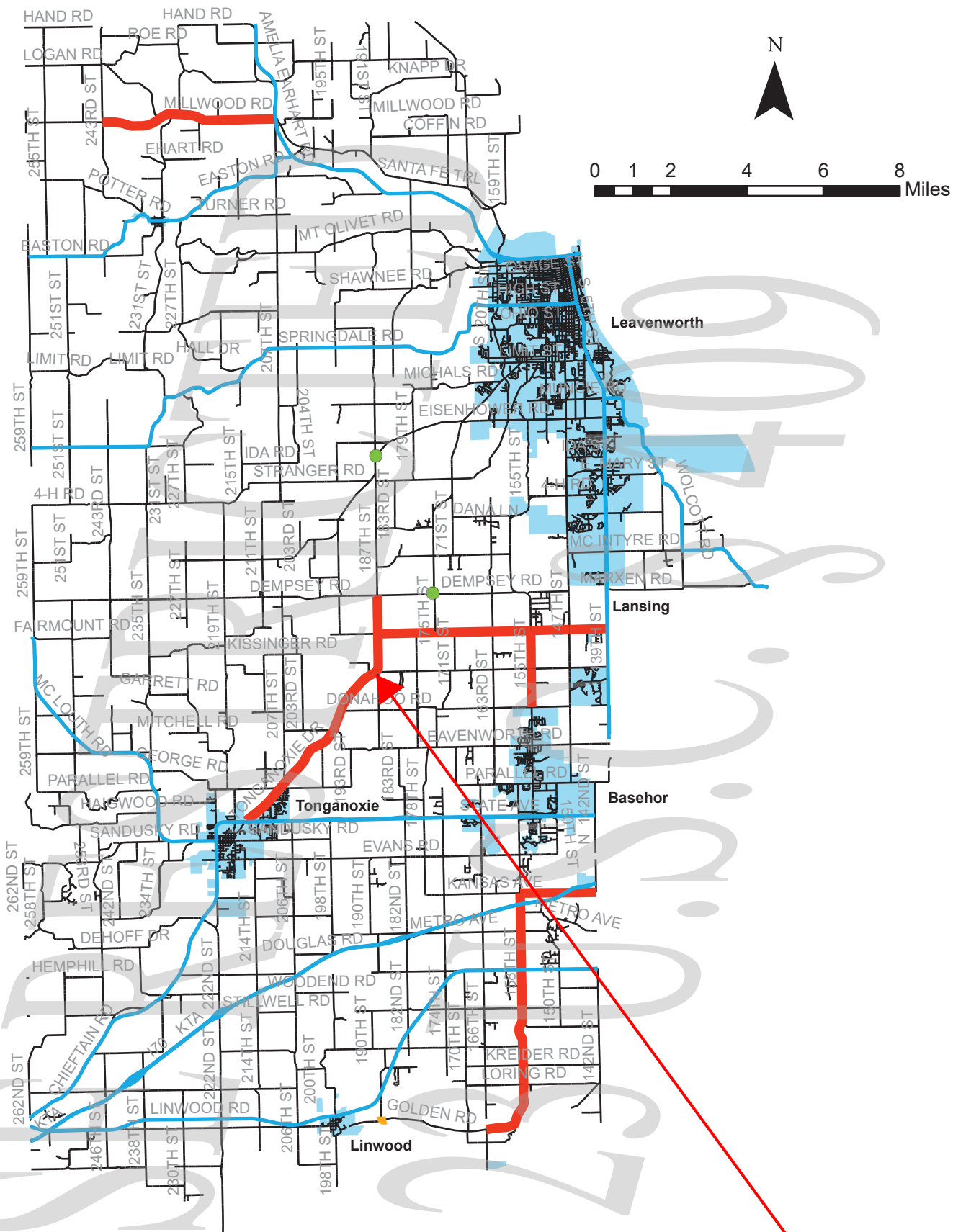
Title

2/10/23

Date

William Noll

Printed Name



Leavenworth County LRSP Project Locations

Legend

- Interstate/US/K Route (Not Part of Study)
- Project Segment
- Project Curve
- Project Intersection

RS381, Tonganoxie Drive (600' South of 189th to 800' North of 187th)

Leavenworth County Local Road Safety Plan
Project Description for Roadway Segment Improvements

Risk Factor Score*: 13



Project Name: Tonganoxie Dr between 195th St/Mitchell Rd and Dempsey Rd
Contact Name: Bill Noll
E-mail: bnoll@leavenworthcounty.gov

Date: 2/11/21
Prepared By: OLW/DJG
Checked By: MMO

SEGMENT

Location Description

Road: **Tonganoxie Dr**
 From: 195th St/Mitchell Rd
 To: Dempsey Rd

GPS ID: 106, 107

Length (miles): 3.96

Project Location Maps



Segment Information and Systemic Ranking Summary

Systemic Ranking Summary	Value	Score*
Average Daily Traffic (ADT)	3,570	6
Access Points per Mile	6.7	0
Edge Condition	2.3	1
Roadside Assessment	2.0	3
Pavement Width (ft)	22.0	0
Shoulder Width (ft)	2.0	1
Lane Departure Crash Rate	0.8	2
Presence of Pavement Markings	Yes	0
Surface Type	Paved	0
Total Risk Factor Score (24 max)		13

Other Information	
Paved Shoulder	Yes
Shoulder Material	Asphalt
Speed Limit (mph)	55
Number of Lanes	2
Lane Width (ft)	11
Edgeline Rumble Strips	Not Present
Centerline Rumble Strips	Not Present
Curves	2
Curves with Warning Signs	1

**Edgeline and Centerline

*Score from highest ranking segment used

Opinion of Probable Cost (Short Term Improvements)

Item Description	Quantity	Unit	Unit Price	Item Cost
Install 6" Retroreflective Edgeline (Both Sides of Road)	3.96	MILE	\$ 4,200	\$ 16,625
Install 4" Retroreflective Centerline	3.96	MILE	\$ 2,100	\$ 8,313
Delineate Roadside Hazards with Retroreflective Markers	40	EACH	\$ 100	\$ 4,000
Clear and Grub (15 Feet Off Edge of Road, If Applicable)	0.30	MILE	\$ 30,000	\$ 9,000
Improve Edge Rut Conditions with Aggregate at Edge Drop-off Locations	0	MILE	\$ 5,000	\$ -
Review Pavement Condition/Type and Install Edgeline Rumble Strips (If Feasible)	3.96	MILE	\$ 5,000	\$ 19,792
Review Pavement Condition/Type and Install Centerline Rumble Strips (If Feasible)	3.96	MILE	\$ 2,000	\$ 7,917
Post-Mounted Delineators	3.96	MILE	\$ 5,000	\$ 19,792
Review and Upgrade Curve Signage to Meet MUTCD and KDOT Standards	1	CURVE	\$ 1,000	\$ 1,000
Install Curve Signage to Meet MUTCD and KDOT Standards (If Needed)	1	CURVE	\$ 3,500	\$ 3,500
Install In-Lane Curve Warning Pavement Markings	2	CURVE	\$ 2,000	\$ 4,000
Retroreflective Strips on Curve Signage	2	CURVE	\$ 100	\$ 200
Short Term Improvements Subtotal:				\$ 94,138

Opinion of Probable Cost (Longer Term Improvements)

Item Description	Quantity	Unit	Unit Price	Item Cost
Remove/Relocate Fixed Objects in Clear Zone	4	EACH	\$ 1,000	\$ 4,000
Install 18-inch Aggregate Shoulder Treatment (With Transition to Earth)	0	MILE	\$ 25,000	\$ -
Pave 2' Shoulder with Safety Edge (Both Sides of Road - Includes Earthwork)	0	MILE	\$ 150,000	\$ -
Install Edgeline Rumble Strips	3.96	MILE	\$ 5,000	\$ 19,792
Install Centerline Rumble Strips	3.96	MILE	\$ 2,000	\$ 7,917
Install/Upgrade Guardrail with Reflectors	1,325	FOOT	\$ 35	\$ 46,375
Flattening and Widening Foreslopes (Excludes Culvert Extensions)	3.96	MILE	\$ 75,000	\$ 296,876
Install High Friction Surface Treatment (HFST) on Curve	0	CURVE	\$ 50,000	\$ -
Longer Term Improvements Subtotal:				\$ 374,959

Continued on back of this page.

Project Location Map Sources:

Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013, DigitalGlobe, GeoEye, i-cubed, USDA, AEX, Getmapping, Aerogrip, IGN, IGP, swisstopo, and the GIS User Community



Use Restricted 23 U.S.C. § 409



Leavenworth County Local Road Safety Plan Project Description for Roadway Segment Improvements

Risk Factor Score*: 13

Project Name: Tonganoxie Dr between 195th St/Mitchell Rd and Dempsey Rd
Contact Name: Bill Noll
E-mail: bnoll@leavenworthcounty.gov

Date: 2/11/21
Prepared By: OLW/DJG
Checked By: MMO

SEGMENT

Opinion of Probable Cost (Additional Potential Improvements)

GPS ID: 106, 107

There are a variety of other safety improvements that could be considered that were not included on the front page of the project sheet due to availability of data, the need for site-specific information, and/or the appetite for the countermeasure to be deployed throughout the county. The following countermeasures could be considered appropriate by the county and included below as additional potential improvements.

Item Description	Quantity	Unit	Unit Price	Item Cost
On-Pavement Markings for Speed Control		EACH	\$ 3,000	\$ -
Remove/Relocate/Combine Driveways		EACH	\$ 40,000	\$ -
Pave Roadway		MILE	\$ 850,000	\$ -
Conduct Road Safety Audit/Assessment (RSA)		EACH	\$ 40,000	\$ -
Transverse Rumble Strips Prior to Curve		CURVE	\$ 3,000	\$ -
Superelevation Correction on Curves		CURVE	\$ 20,000	\$ -
Speed Activated Flashers on Chevron Signs		CURVE	\$ 4,000	\$ -
Speed Feedback Sign on Curve Warning Sign		EACH	\$ 4,000	\$ -
Extend Culverts	12	EACH	\$ 15,000	\$ 180,000
Other:				
Other:				
Other:				
Additional Potential Improvements Subtotal:				\$ 180,000
Short Term Improvements Subtotal:				\$ 94,138
Longer Term Improvements Subtotal:				\$ 374,959
Construction Subtotal:				\$ 649,097

*Mobilization is 10% +/- of the subtotal with a minimum of \$2,500 and a maximum of \$75,000

**To be considered by county as they move forward with design of the recommendations

Mobilization: (% +/-)*	10%	\$ 64,910
Traffic Control: (% +/-)	5%	\$ 32,599
Contingency: (% +/-)	20%	\$ 130,395
Estimated Construction Cost		\$ 877,000

Additional Project Benefits:

The improvements recommended along this segment can also have the benefit of positively impacting the following identified facilities:

- Intersections 129, 255, 258

PE (Design)	12%	\$ 105,240
Utilities**		\$ -
ROW**		\$ -
CE (Inspection)	15%	\$ 131,550
Estimated Project Total		\$ 1,114,000

Crash History Along this 3.96 Mile Roadway Segment

	2018	2017	2016	2015	2014
Number of Fatal Crashes	0	0	0	0	0
Number of Fatalities	0	0	0	0	0
Number of Disabling Injury Crashes	0	0	1	0	0
Number of Disabling Injuries	0	0	1	0	0
Number of Injury Crashes	1	3	0	2	2
Number of Injuries	1	5	0	2	2
Number of Property Damage Only Crashes	4	4	3	2	4

Opinion of Probable Construction Cost Disclaimer:

Kimley-Horn, TranSystems, and WSP have no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Kimley-Horn, TranSystems, and WSP at this time and represent only our judgment as design professionals familiar with the construction industry. Kimley-Horn, TranSystems, and WSP cannot and do not guarantee that proposals, bids, or actual construction costs will not vary from these opinions of probable costs.

Project Description Form Disclaimer:

The recommended improvements contained in this project description form were developed through a Geographic Information System (GIS) database risk assessment and project selection threshold process, as specifically stated in our scope of services. Kimley-Horn has no control over the accuracy of the GIS databases and recommended improvements have been provided for consideration by County Staff. The County Staff may use this project description form to aid in the selection and development of projects, but this project description form should not be used as the sole basis for the County Staff's decision making process. We endeavored to research issues and constraints to the extent practical given the scope, budget, and schedule agreed to with the Client. Our assessment is based in large part on information provided to us by others (DOT, County Staff, etc.) and therefore is only as accurate and complete as the information provided to us. No detailed assessment was made for the improvement recommendations contained on this page. If a recommendation is in question, it is recommended that a study/analysis of this location be made to warrant the above indicated improvements. This project description form is based on our knowledge as of January 2021.

End of Project Description

Back Page



Leavenworth County
 Local Road Safety Plan
 Intersection Risk Factor Points

TSID	Intersection Name	Total Score	Volume Score	Access Density Score	Sight Distance Score	Horizontal Curvature Score	Crash Experience Score	Distance from Previous STOP Score	Skewed Approach Score	Intersection Control Score
96	175TH ST & DEMPSEY RD	21	6	2	3	3	0	3	3	1
90	171ST ST & TONGANOXIE RD	20	6	2	3	3	0	2	3	1
71	167TH ST & SANTA FE TRAIL	19	4	2	3	3	0	3	3	1
255	TONGANOXIE RD & HOLLINGSWORTH RD	18	6	2	3	3	0	0	3	1
117	187TH ST & EISENHOWER RD	17	6	2	3	0	0	2	3	1
45	159TH ST & GILMAN RD	17	3	2	3	3	0	2	3	1
129	189TH ST & TONGANOXIE RD	17	6	1	3	3	0	0	3	1
102	175TH ST & TONGANOXIE RD	17	5	2	3	3	0	0	3	1
258	TONGANOXIE RD & MITCHELL RD	17	6	1	3	0	0	3	3	1
259	TONGANOXIE RD & PARALLEL RD	17	6	2	0	0	3	2	3	1
128	189TH ST & GOLDEN RD	16	5	1	3	3	0	0	3	1
266	161ST ST & GOLDEN RD	16	5	1	3	3	0	0	3	1
220	243RD ST & STILLWELL RD	15	0	2	3	3	0	3	3	1
79	170TH ST & KICKAPOO RD	15	3	2	3	3	0	0	3	1
22	155TH ST & FAIRMOUNT RD	15	6	2	0	0	3	3	0	1
146	199TH ST & TONGANOXIE RD	15	6	2	3	0	0	0	3	1
215	243RD ST & DEMPSEY RD	15	4	1	3	3	0	0	3	1
253	TONGANOXIE RD & EISENHOWER RD	14	6	1	0	3	0	3	0	1
178	207TH ST & TONGANOXIE RD	14	6	2	0	0	0	2	3	1
250	SANTA FE TRAIL & LOWEMONT RD	14	2	2	3	3	0	0	3	1
243	FT RILEY RD & SANTA FE TRAIL (W)	14	2	2	3	3	0	0	3	1
66	167TH ST & DANIEL RD	14	3	2	3	3	0	0	3	0
126	187TH ST & TONGANOXIE RD	14	6	2	0	3	0	0	3	0
156	206TH ST & EVANS RD	14	5	2	0	0	3	3	0	1
241	EISENHOWER RD & BAUSERMAN RD	14	5	2	0	3	0	0	3	1
242	FT RILEY RD & SANTA FE TRAIL (E)	13	2	1	3	3	0	0	3	1
93	172ND ST & MT OLIVET RD	13	1	2	3	3	0	0	3	1
244	JARBALO RD & STRANGER RD	13	2	1	3	3	0	0	3	1
216	243RD ST & FAIRMOUNT RD	13	2	1	3	3	0	0	3	1
263	187TH ST & JARBALO RD	13	5	1	3	0	0	0	3	1
138	195TH ST & SANTA FE TRAIL (W)	13	2	1	3	3	0	0	3	1
136	195TH ST & JARBALO RD	13	2	1	3	3	0	0	3	1
228	246TH ST & SANDUSKY RD	13	4	2	3	3	0	0	0	1
225	246TH ST & EVANS RD	13	1	2	3	3	0	0	3	1
229	246TH ST & STILLWELL RD	13	1	2	3	3	0	0	3	1
127	187TH ST & TONGANOXIE RD/DEMPSEY RD	12	6	2	0	0	0	3	0	1
190	222ND ST & ALEXANDER RD	12	6	2	0	0	0	0	3	1
33	158TH ST & EVANS RD	12	6	2	0	0	0	3	0	1
239	CULBERTSON RD & MILLWOOD RD	12	1	1	3	3	0	0	3	1
18	155TH ST & 4-H RD	12	1	1	3	3	0	0	3	1
139	195TH ST/JARBALO RD & GILMAN RD	12	2	0	3	3	0	0	3	1
234	259TH ST & FAIRMOUNT RD	12	1	1	3	3	0	0	3	1
245	KNIGHT RD & SANDUSKY RD	12	1	1	3	3	0	0	3	1
31	158TH ST & ARCHER RD	12	4	1	0	3	0	0	3	1
13	147TH ST & FAIRMOUNT RD	11	6	2	0	0	0	2	0	1
254	TONGANOXIE RD & FAIRMOUNT RD	11	6	1	0	0	0	3	0	1
63	166TH ST & GOLDEN RD	11	6	1	0	0	0	0	3	1
36	158TH ST & KANSAS AVE	11	6	2	0	0	0	2	0	1
124	187TH ST & SANTA FE TRAIL	11	2	2	3	0	0	0	3	1
105	179TH ST & EISENHOWER RD	11	5	2	0	0	0	0	3	1
14	147TH ST & LEAVENWORTH RD	11	5	2	0	0	3	0	0	1
61	166TH ST & EVANS RD	11	5	2	0	0	3	0	0	1
236	LORING RD & LORING DR	11	3	2	0	3	0	2	0	1
38	158TH ST & LORING RD	10	5	2	0	0	0	2	0	1



Engineer's Estimate of Construction Estimate

RS 381, Tonganoxie Drive (600' S of 189th to 800' N of 187th) HRRR Improvements

Estimator: Joseph McAfee, PE

02/07/23

Note
0,1,2,3

LINE NO.	ITEM ID	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
Section 01 - Common Items						
1	020100	Construction Staking	1	LS	\$18,500.00	\$18,500.00
2	025602	Field Office and Laboratory (Type C)	1	EACH	\$9,200.00	\$9,200.00
3	025323	Mobilization	1	LS	\$89,000.00	\$89,000.00
4	070626	Mobilization (DBE)	1	LS	\$8,900.00	\$8,900.00
5	025200	Removal of Existing Structures	1	LS	\$13,000.00	\$13,000.00
6	012340	Foundation Stabilization (Set Price)	1	CY	\$40.00	\$40.00
7	025168	Granular Backfill (Wingwalls)(Set Price)	5	CY	\$50.00	\$250.00
Subtotal						\$138,890.00
Section 02 - Road Items						
8	030189	Salvaged Topsoil	12,812	SY	\$0.40	\$5,124.80
9	025361	Clearing and Grubbing	1	LS	\$15,000.00	\$15,000.00
10	012410	Common Excavation (Rural Small)	3,037	CY	\$20.50	\$62,258.50
11	012420	Rock Excavation	307	CY	\$78.99	\$24,249.93
12	012319	Compaction of Earthwork (Type AA) (MR-5-5)	2,102	CY	\$13.00	\$27,326.00
13	010114	Water (Grading) (Set Price)	1	MGAL	\$35.00	\$35.00
14	010171	Aggregate Base (AB-3) (4")	4,962	SY	\$10.50	\$52,103.33
15	010107	Water (Aggregate Base) (Set Price)	1	MGAL	\$35.00	\$35.00
16	050374	Entrance Pipe (15") (ACSP)	70	LF	\$51.00	\$3,570.00
17	050500	Cross Road Pipe (18") (RCP)	70	LF	\$60.00	\$4,200.00
18	011064	Cross Road Pipe (24") (ACSP)	70	LF	\$77.61	\$5,432.70
19	051101	Cross Road Pipe (36") (RCP)	60	LF	\$110.00	\$6,600.00
20	054525	End Section (15") (ACS)	4	EACH	\$450.00	\$1,800.00
21	054550	End Section (18") (ACS)	2	EACH	\$736.20	\$1,472.40
22	054600	End Section (24") (ACS)	2	EACH	\$625.00	\$1,250.00
23	054701	End Section (36") (RC)	2	EACH	\$1,500.00	\$3,000.00
24	024071	Rip Rap (Heavy Stone) (1/4 Ton)	7	SY	\$105.00	\$735.00
25	024047	Rip Rap (Light Stone) (200 LB)	5	SY	\$136.00	\$680.00
26	011590	Temporary Surfacing Material (Aggregate)(Set Price)	1	CY	\$35.00	\$35.00
27	070296	Mailbox Installation (Set Price)	3	EACH	\$140.00	\$420.00
28	012083	Concrete (Grade 4.0) (RCB)	10	CY	\$1,111.07	\$11,110.70
29	025100	Reinforcing Steel (Grade 60)	1,000	LBS	\$1.14	\$1,140.00
30	012341	Foundation Stabilization	5	CY	\$62.11	\$310.55
31	012577	Fence (Special) (Vinyl 4 Rail Split Rail Fence)	300	LF	\$50.00	\$15,000.00
32	012577	Fence (Special) (Wood Split Rail Fence)	200	LF	\$33.00	\$6,600.00
33	012500	Fence (Barbed Wire)	1,087	LF	\$16.50	\$17,935.50
34	070563	Fence (Barbed Wire) (Temporary)	1,087	LF	\$13.20	\$14,348.40
Subtotal						\$281,772.81
Section 03 - Surfacing Items						
35	041003	HMA-Commercial Grade (Class A)	1,819	Tons	\$143.05	\$260,207.95
36	081496	Surfacing Material (AB-3)	136	Tons	\$53.00	\$7,208.00
37	025600	Field Office and Laboratory (Type A)	1	EACH	\$6,229.83	\$6,229.83
38	072252	Rumble Strips (Milled) (Asphalt)	64	Sta.	\$36.64	\$2,337.63
Subtotal						\$275,983.41
Section 04 - Temporary Erosion & Pollution Control						
39	000098	SWPPP Design	1	LS	\$2,508.00	\$2,508.00
40	000097	SWPPP Inspection	7	EACH	\$157.15	\$1,100.05
41	000103	Water Pollution Control Manager	7	EACH	\$162.39	\$1,136.73
42	010123	Water (Erosion Control) (Set Price)	1	MGAL	\$35.00	\$35.00
43	072400	Temporary Berm (Set Price)	1	LF	\$1.00	\$1.00
39	040502	Temporary Ditch Check (Rock)	142	CY	\$165.36	\$23,481.12
40	070894	Biodegradable Log (9")	4,800	LF	\$5.16	\$24,768.00
41	070896	Biodegradable Log (20")	400	LF	\$6.26	\$2,504.00
42	071291	Sediment Removal (Set Price)	1	CY	\$35.00	\$35.00
43	072285	Erosion Control (Class 1) (Type C)	1,000	SY	\$4.58	\$4,580.00
44	072222	Temporary Fertilizer (15-30-15)	300	LBS	\$2.57	\$771.00
45	030537	Soil Erosion Mix	23	LBS	\$13.90	\$315.62
46	013589	Temporary Seed (Canada Wildrye)	40	LBS	\$25.30	\$1,012.00
47	013544	Temporary Seed (Grain Oats)	90	LBS	\$1.45	\$130.50
48	061377	Temporary Seed (Sterile Wheatgrass)	90	LBS	\$8.25	\$742.50
49	030638	Mulching	8	TON	\$424.54	\$3,396.32
50	030635	Mulching (Tacking Slurry)	3,700	LB	\$0.50	\$1,850.00
Subtotal						\$68,366.84



Engineer's Estimate of Construction Estimate
RS 381, Tonganoxie Drive (600' S of 189th to 800' N of 187th) HRRR Improvements

Estimator: Joseph McAfee, PE

02/07/23

LINE NO.	ITEM ID	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
Section 05 - Pavement Marking / Signage Items						
51	023140	Pavement Marking (Multi-Component) (White) (6")	6,094	LF	\$0.76	\$4,631.44
52	023143	Pavement Marking (Multi-Component) (Yellow) (4")	5,708	LF	\$0.69	\$3,938.52
53	025500	Sign (Flat Sheet) (High Performance)	100	SF	\$30.00	\$3,000.00
54	026093	Sign Post (2" Perforated Square Steel Tube)	290	LF	\$8.60	\$2,494.00
55	026096	Sign Post Footing (2" Perforated Square Steel Tube)	30	EA	\$97.43	\$2,922.90
56	026494	Sign (Remove and Reset)	1	LS	\$2,100.00	\$2,100.00
57	026052	Signing Delineator (Type A) (White Flexible) (Type 1 Anchor)	7	EA	\$100.00	\$700.00
Subtotal						\$19,786.86

Note
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Section 06 - Traffic Control Items						
58	025324	Traffic Control	1	LS	\$20,200.00	\$20,200.00
59	070580	Flagger (Set Price)	1	HR	\$40.00	\$40.00
60	013019	Pavement Marking Removal	11,802	LF	\$0.62	\$7,317.24
Subtotal						\$27,557.24

0
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3

Section 07 - Seeding Items						
61	030563	Fertilizer (13-13-13)	400	LBS	\$1.50	\$600.00
62	030374	Seed (Blue Grama Grass) (Lovington)	1	LBS	\$50.00	\$50.00
63	030401	Seed (Buffalo Grass) (Treated)	9	LBS	\$50.00	\$450.00
64	030382	Seed (Fescue) (Tall) (Endophyte-Free)	90	LBS	\$5.00	\$450.00
65	030152	Seed (Prairie June Grass)	5	LBS	\$5.00	\$26.00
66	030515	Seed (Ryegrass) (Perennial)	90	LBS	\$10.00	\$900.00
67	030373	Seed (Side Oats Grama) (El Reno)	13	LBS	\$10.00	\$126.00
68	030569	Seed (Western Wheatgrass) (Barton)	12	LBS	\$13.00	\$156.00
Subtotal						\$2,758.00

2
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2

Subtotal						\$815,115.17
+ 15 % Contingencies						\$122,267.28
KDOT Inflation Factor for 2024 Construction Year (3.5%)						\$32,808.39
TOTAL ESTIMATED CONSTRUCTION COST						\$970,190.83

Notes

- ⁰ KDOT Bid Tab Averages Not Used - Engineer's Judgement
- ¹ KDOT 2022 3rd Quarter Wage Area 4 Bid Tab Averages Used
- ² KDOT 2022 3rd Quarter Wage Area 2 Bid Tab Averages Used
- ³ KDOT 2022 3rd Quarter Wage Area 1 Bid Tab Averages Used



STA. 20+65, TONGANOXIE DR.
CONSTRUCT PROPOSED
ROAD SECTION WITH 6' SHOULDERS.

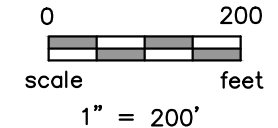
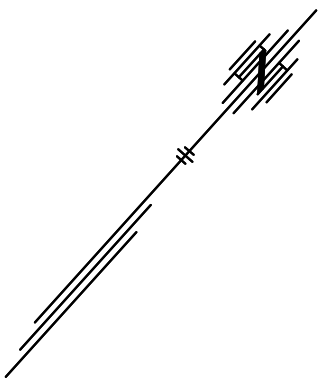
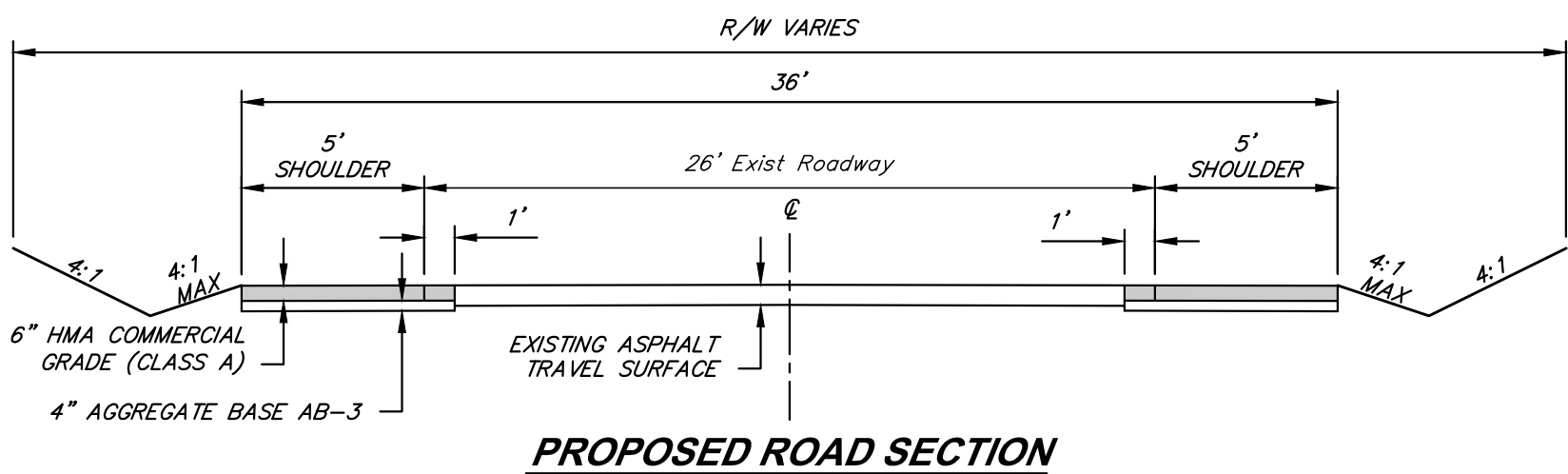
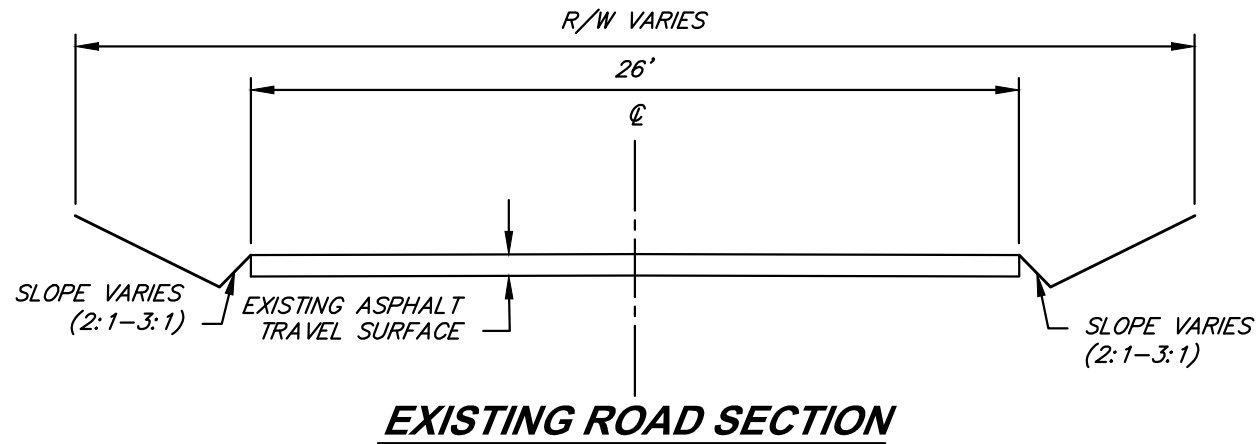
STA. 20+25, TONGANOXIE DR.
BEGIN TAPER TO 6' SHOULDER WIDTH

STA. 20+00, TONGANOXIE DR.
BEGIN PROJECT.

STA. 51+75, TONGANOXIE DR.
BEGIN TAPER OF 6' SHOULDER TO
EXISTING ROADWAY SECTION.

STA. 52+15, TONGANOXIE DR.
END TAPER
MATCH EXISTING ROADWAY WIDTH.

STA. 52+40, TONGANOXIE DR.
END PROJECT.



KDOT HRRR Application
RS381 Tonganoxie Drive (600' South of
189th to 800' North of 187th)
Leavenworth County, KS



McAFEE HENDERSON SOLUTIONS, INC.
 Civil Engineering ♦ Land Surveying
 309 Jefferson Street, Oskaloosa, KS 66066
 Ph: (785) 863-2647 Fax: (785) 863-2603

Drawing Path: I:\4021 - TOP Engineering\4021-022 - 2024 KDOT HRRR\Leavenworth County HRRR\eng\Draw.dwg
 Plotted on: Dec 01, 2024 - 8:27am

KDOT HRRR APPLICATION SEGMENT – RS 381 Tonganoxie Drive (600' S of 189th Street to 800' N of 187th Street)
LEAVENWORTH COUNTY, KANSAS
PRELIMINARY ENGINEERING REPORT COMPLETED by McAfee Henderson Solutions, Inc.
November 15, 2021

Engineering Study Overview: McAfee Henderson Solutions, Inc. (MHS) staff completed a field investigation of the proposed improvement section during the week of November 14, 2021. The following information represents results of the field study. The Engineer's Estimate of Construction Cost accompanies the study report.

Tonganoxie Drive is a Leavenworth County Major Collector that connects the cities of Leavenworth and Tonganoxie. Leavenworth County recently received the preliminary KDOT Local Road Safety Plan (LRSP) for the county road system. The section of the route is referred to in the study as "Tonganoxie Drive, 195th/Mitchell Street to Dempsey Road." The LRSP study segment is 3.96 miles in length and has a Risk Factor Score of 14.

Leavenworth County received 2022 HRRR Program funding for the most severe 1.08-Mile section in the route, located immediately south of the current request. The current 2024 HRRR funding request consists of the 2nd Rank risk segment in the 3.96-mile corridor. The proposed project segment length is 0.61-mile. Improvement of this segment will complete all potential improvements in the LRSP Study segment. The engineering study focuses only on the 0.61-mile segment. It includes the intersections of 189th Street, Hollingsworth Road, and 187th Street. Each of these intersection elements was noted in the LRSP study.

Roadway Corridor Information: The posted speed limit for the corridor is 55 mph with a 3,570 ADT count. The segment includes two horizontal curves that meet the requirements of HRRR Systemic corrections. The curves are located from Sta 21+29 to 50+39. See attached Exhibit Map for location. The pavement section consists of asphalt surfacing with an average width of 26'. The roadway has no visual shoulders. Foreslope grades throughout the study area vary from 2:1 to 3:1.

Storm Drainage Corridor Information: The study area includes three crossroad culverts of Tonganoxie Road and two crossroad culverts of Hollingsworth Road. Tonganoxie Road culverts will require extension to conform to the shoulder and foreslope grading improvements. Culverts located on the connecting Hollingsworth Road links will require relocation to conform to new roadside ditch drainage location due to the shoulder additions. Culvert sizes and locations are as follows:

- 33+83 Tonganoxie Drive: 30" Corrugated Metal Culvert
- 41+15 Tonganoxie Drive: 36" Reinforced Concrete Culvert
- 49+20 Tonganoxie Drive: Single Barrell 2' x 3' RCB Culvert
- Hollingsworth Road (West): 18" CMP Side Road Culvert
- Hollingsworth Road (East): 24" CMP Side Road Culvert

The corridor also includes five driveway entrances; the entrances are mound type entrances with no culvert due to the absence of roadside concentrated ditch flow.

HRRR Deficiencies: MHS Engineering staff identified the following HRRR deficiency factors for the corridor.

- Corridor clear zone includes no shoulders.
- Corridor clear zone includes deficient foreslopes that range from 2:1 to 3:1 (H:V) slope.
- Crossroad culverts and RCB endpoints are located within the clear zone and show excessively steep foreslopes/erosion near the structure end points.
- Pavement markings do not meet MUTCD and KDOT retroreflective standards.

HRRR Proposed Improvements: Improvements identified on the application are based on the KDOT LRSP and Guidelines for HRRR Improvements. Construction cost data for the following proposed HRRR corridor improvements is included in the submittal.

- Revise the roadway section to include 12' travel lanes and 6' shoulders.
- Corridor foreslope grading shall be revised to be 4:1 maximum.
- Crossroad storm drainage culverts require extension to facilitate the shoulder addition.
- Sideroad crossroad culverts require replacement to facilitate the addition of the shoulder improvements along Tonganoxie Road.
- Pavement marking for the corridor shall be updated to meet MUTCD and KDOT retroreflective standards.
- Existing corridor signage shall be removed and reinstalled to conform with the shoulder improvements.
- Edge Lane Rumble Strips shall be added to improve driver veer warning.

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Calvin E. Reed, P.E., Acting Secretary
Tod L. Salfrank, Chief



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
<http://www.ksdot.gov>
Laura Kelly, Governor

Memo To: County Engineers/Road Supervisors/Highway Administrators/
City Engineers/Street Superintendents/Public Works Directors and Consultants

Date: September 14, 2021

Subject: KDOT Bureau of Local Projects - Pre-Project Certification Program (PPCP)

RE: BLP Memo 21-06

We are excited and pleased to announce a new certification program to help our local partners. To better acquaint Local Public Agencies (LPAs – cities and counties) with KDOT-Bureau of Local Projects (BLP) procedures and to identify actions required by LPAs associated with KDOT-funded projects, BLP has developed the Pre-Project Certification Program (PPCP).

This program consists of web-based training developed in association with the Kansas Local Technical Assistance Program (LTAP). The user will view a slide presentation and take an online test consisting of 25 questions based on the presentation. The user must answer 22 questions correctly to become “Certified”. We anticipate it should only take approximately an hour to view the presentation and take the test.

Certification will be required of the person-in-responsible-charge or project manager (must be a full-time employee) of the LPA sponsoring the project. If the LPA has more than one project and/or more than one project manager, each person must be certified.

The requirements associated with this BLP memo will take effect on any project for which KDOT-BLP has not received a Request for Project (Form 1302) beginning November 1, 2021. Certification under this program must be renewed every three years. KDOT will not allow the programming of any State or Federal-Aid projects until the LPA are certified through the PPCP. Please navigate to the [KU Transportation Center webpage](#) to register to complete the PPCP training.

If you have any questions or need assistance, please call Bill Legge at 785-289-7200.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod Salfrank". The signature is stylized and cursive.

Tod Salfrank, Chief
Bureau of Local Projects

Attachments
c: File

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Calvin E. Reed, P.E., Acting Secretary
Tod L. Salfrank, Chief



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
<http://www.ksdot.gov>
Laura Kelly, Governor

May 24, 2023

Mr. Bill Noll
Leavenworth County
300 Walnut, Suite 7
Leavenworth, KS 66048

Dear Mr. Noll:

Congratulations! Your application has been selected to be eligible for funding as part of the Kansas Department of Transportation (KDOT) Federal Fiscal Year (FFY) 2025 High Risk Rural Roads (HRRR) program. Funding will be provided for a total of \$1,151,000 for this project.

Nineteen projects utilizing an estimated \$8.8 million of Federal funds were selected for FFY 2025 HRRR funding.

In order for us to program your project, you must have completed the Pre-Project Certification Program (PPCP), and you must return a completed 1302 form (attached) before **July 1, 2023**. See the attached memo for information and explanation of the PPCP requirement. Please note that the link for the PPCP training has been changed to <https://www.events-kutc.ku.edu/kutc/KDOT.asp>.

Once your 1302 form is received, KDOT will verify your PPCP certification and program the project and send a project schedule as a reference in developing the project in accordance with KDOT's procedures and requirements. The Project Manager in KDOT Bureau of Local Projects will contact you to schedule the field check subsequent to receipt and review of field check plans.

If you have any questions, please do not hesitate to contact us. Questions may be directed to Bill Legge at (785) 289-7200 or Bill.Legge@ks.gov.

Your interest in this program is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod L. Salfrank". The signature is written in a cursive style.

Tod L. Salfrank, Chief
Bureau of Local Projects

Cc: Scott King, Interim Director of Engineering and Design
Leroy Koehn, KDOT District Engineer

PROJECT PROGRAMMING REQUEST

<input checked="" type="checkbox"/> New Project		<input type="checkbox"/> Amend Existing Project		Date:	6/1/2023
Program Year: 2025		Funding Program:		HRRR (High Risk Rural Roads)	
KDOT District		MPO		MPO TIP #	
1		N/A			
County	City	Route / Corridor	Functional Classification		
Leavenworth	Tonganoxie	RS 381 / RT 5	5 = Major Collector		
Project Sponsor / Lead Agency					
Leavenworth County					
Project Mgr / Contact		Phone		E-mail Address	
Bill Noll		913-684-0470		bnoll@leavenworthcounty.gov	
Project Title					
RS 381, County Route 5 Tonganoxie Drive, 0.1-Mile South of 189th to 0.2-Mile North of 187th					
Project Length: 0.610 miles		Desired Letting Date:		February, 2025	
Letting Type:		<input checked="" type="checkbox"/> KDOT		<input type="checkbox"/> LPA	
				<input type="checkbox"/> Force Account	
Location, Project Limits, Description, Scope of Work					
The project is located on County Route 5, beginning 0.1-mile south of 189th Street and continuing 0.61-mile to 0.2-mile north of 187th Street. The project will include culvert extensions, addition of 1' of travel lane and 5' paved shoulders. Regrading of right-of-way corridor will provide clear zone improvements.					
Purpose and Need					
The section of roadway has been identified through the initial findings from the Leavenworth County Local Road Safety Plan as the section of roadway with the occurrence of accidents remain on the list.					
Project Benefits					
The project will correct edge drop-off and clear zone deficiencies.					
RR within 1/2 mile?	RR Company Name	No. of Tracks	Existing Crossing Protection		
No					

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP), to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments. Please show your estimate of the cost for all work phases below:

Project Cost Estimate			
	Participating	Non-Participating	Total
PE (Design)	\$ 141,000.00	\$ 16,000.00	\$ 157,000.00
Utilities	\$ -	\$ 12,000.00	\$ 12,000.00
ROW	\$ -	\$ 12,000.00	\$ 12,000.00
CE (Inspection)	\$ 137,000.00	\$ 16,000.00	\$ 153,000.00
Construction Total	\$ 873,000.00	\$ 97,000.00	\$ 970,000.00
Grading and Surfacing	\$ 870,046.00	\$ 96,671.00	\$ 966,717.00
Seeding	\$ 2,954.00	\$ 329.00	\$ 3,283.00
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
Project Totals	\$ 1,151,000.00	\$ 153,000.00	\$ 1,304,000.00

PROJECT PROGRAMMING REQUEST

BE IT RESOLVED: That sufficient funds from Leavenworth County

are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the LPA are ineligible for federal funding and remain the responsibility of the LPA. Upon cancellation of the project by the LPA, the LPA shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

Please sign below in accordance with your local policy.

Recommended for Approval:

Appropriate Local Officials

Title

Title

ATTEST:

Title

Title

Title

RESOLUTION 2023-____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LEAVENWORTH, KANSAS, PURSUANT TO THE HOME RULE POWERS GRANTED THEM BY THE PROVISIONS OF K.S.A. 19-101 AND 19-101a, ADOPTING CERTAIN REGULATIONS REGARDING HIGH PRESSURE NATURAL GAS PIPELINES LOCATED WITHIN LEAVENWORTH COUNTY, KANSAS.

WHEREAS the board of county commissioners of the county of Leavenworth, Kansas (“County”), has the power to transact all county business and perform all powers of local legislation and administration it deems appropriate; and

WHEREAS the County has a duty and obligation to exercise those powers granted it to protect the safety and welfare of the citizens of the county; and

WHEREAS the County has the authority to, when circumstances warrant, to adopt local legislation, to include regulatory control, in order to protect the safety and welfare of the citizens of the county; and

WHEREAS the county has determined that the regulatory control and supervision currently exercised by state and federal agencies over high-pressure natural gas pipelines located within Leavenworth county, Kansas, is insufficient to ensure the safety and welfare of the citizens of the county,

NOW BE IT THEREFORE RESOLVED:

1. That this Resolution is adopted pursuant to the authority granted the County by K.S.A. 19-101 and 19-101a.

2. That the provisions and regulations adopted herein are supplementary to those state and federal laws and regulations relating to high pressure natural gas pipelines located within the county.

3. That the County adopts herein, by reference, the provisions of CFR 40, § 192.327, and 35 FR 13248, subject to the interpretation of those provisions by the County as needed to protect the safety and welfare of the citizens of the county.

4. That the County hereby interprets the provisions of CFR 40 § 192.327 and 35 FR 13248, as adopted by the County herein, to require that all pipelines originally installed as buried shall be maintained by the operator of said pipeline (“operator”) as a buried pipeline. This requirement shall include the acceptance by the operator of a buried pipeline of reports of the pipeline losing its covering and the prompt reburial of said pipeline by the operator.

5. That “prompt reburial” shall mean the completion of the reburial of the pipeline by the operator within five (5) business days of notice to the operator that the pipeline has lost its covering. In recovering said pipeline, the operator shall rebury the pipeline to the depth of its original installation.

6. That for the purpose of this Resolution notice to the operator shall be provided by notice to the operator of the location of the pipeline requiring reburial, that notice sent by e-mail

and registered letter sent via the U.S. Mails and addressed to the agent for the operator as listed by the Kansas Corporation Commission or the Kansas Secretary of State.

7. That any violation of this Resolution shall be subject to prosecution by the County under the provisions of K.S.A. 19-101d and 19-4701, et eq., and upon conviction considered to constitute and be punishable as a class C misdemeanor offence.

8. That the County may seek injunctive relief to enforce the provisions of this Resolution.

The County Administrator and other County officers, agents, and employees are hereby authorized and directed to take such further action, and execute such other documents, certificates, and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

ADOPTED the _____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS
OF LEAVENWORTH COUNTY, KANSAS

VICKY KAAZ, CHAIR

JEFF CULBERTSON, MEMBER

MIKE SMITH, MEMBER

DOUG SMITH, MEMBER

MIKE STIEBEN, MEMBER

ATTEST:

JANET KLASINSKI, CLERK

**WORK SESSION
MATERIAL ONLY**

222nd Street: Kansas Avenue to County Route 1



LEAVENWORTH COUNTY, KANSAS OPINION OF PROBABLE PROJECT COSTS

March 28, 2022 Prepared By: J McAfee, PE

No.	Description	Unit	Quantity	Unit Price	Extension
1	Mobilization	LS	1	90,235.00	\$90,235.00
2	Construction Staking	LS	1	24,480.00	\$24,480.00
3	Traffic Control	LS	1	18,000.00	\$18,000.00
4	Removal of Existing Structures*	LS	1	5,000.00	\$5,000.00
5	Clearing and Grubbing	LS	1	16,750.00	\$16,750.00
6	Unclassified Excavation	CY	11,450	10.00	\$114,500.00
7	Haul Off of Excess Excavation	CY	7,500	2.00	\$15,000.00
8	Compaction of Earthwork (Type A)(MR 3-3) 6"	CY	2,800	4.00	\$11,200.00
9	Compaction of Earthwork (Type AA)(MR 3-3) 6"	CY	3,750	5.00	\$18,750.00
10	Temporary Surfacing Material (Aggregate)	TON	1,800	25.00	\$45,000.00
11	KDOT HMA Commercial Grade (Class A) (SR-12.5A)	TON	8,710	110.00	\$958,100.00
12	Aggregate Surfacing (AS-1)(8")	TON	1,225	55.00	\$67,375.00
13	Aggregate Base (AB-3)(6")	TON	7,335	40.00	\$293,400.00
18	Field Office & Laboratory (Type A)	EA	1	5,500.00	\$5,500.00
19	Potential Storm Culvert Additions	LS	1	15,000.00	\$15,000.00
20	Silt Fence	LF	3,700	2.00	\$7,400.00
21	9" Diameter Bio Log	LF	850	2.30	\$1,955.00
22	20" Diameter Bio Log	LF	960	8.00	\$7,680.00
23	Temporary Ditch Check (Rock)	CY	25	165.00	\$4,125.00
24	Erosion Control (Class 1)(Type C)	SY	300	2.50	\$750.00
25	Erosion Control (Class 2)(Type E)	SY	11,600	2.50	\$29,000.00
26	Temporary Seeding (5.7 Acres)	LS	1	8,807.40	\$8,807.40
	<i>Fertilizer (15-30-15)</i>	<i>LB</i>	<i>860</i>	<i>4.00</i>	
	<i>Temporary Seed (Canada Wildrye)</i>	<i>LB</i>	<i>114</i>	<i>25.30</i>	
	<i>Temporary Seed (Grain Oats)</i>	<i>LB</i>	<i>256</i>	<i>1.45</i>	
	<i>Temporary Seed (Sterile Wheatgrass)</i>	<i>LB</i>	<i>256</i>	<i>8.25</i>	
27	Sediment Removal (Set Price)	CY	1	35.00	\$35.00
28	Water (Erosion Control) (Set Price)	MGAL	1	35.00	\$35.00
29	SWPPP Design	LS	1	3,000.00	\$3,000.00
30	SWPPP Inspections	EA	10	300.00	\$3,000.00
31	Permanent Seeding (5.7 Acres)	LS	1	9,095.00	\$9,095.00
	<i>Fertilizer (13-13-13)</i>	<i>LB</i>	<i>1,140</i>	<i>2.25</i>	
	<i>Seed (Turf Type Fescue) (3-Way Blend)</i>	<i>LB</i>	<i>110</i>	<i>6.75</i>	
	<i>Soil Erosion Mix</i>	<i>LB</i>	<i>275</i>	<i>12.00</i>	
	<i>Mulching (2 TON/AC)</i>	<i>TON</i>	<i>4</i>	<i>425.00</i>	
	<i>Mulching Tacking Slurry (900 LBS/AC)</i>	<i>LB</i>	<i>2,250</i>	<i>0.35</i>	
32	Pavement Marking (Epoxy)(White)(4")	LF	8,000	1.05	\$8,400.00
33	Pavement Marking (Yellow)(White)(4")	LF	8,000	1.05	\$8,400.00
34	Permanent Signing	LS	1	5,000.00	\$5,000.00
Subtotal Construction Cost =					\$1,794,972.40
Contingency - 10% =					\$179,497.24
Inflation Factor for 4/1/2024 Construction Commencement - 1.0625 =					\$123,404.35
ESTIMATE OF CONSTRUCTION COST =					\$2,097,874

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Traffic Impact Policy	Board of County Commissioners	02.17.2021	1.0

Gravel Roadways:

A. Passenger Vehicles Only:

1. 0-24 vehicles per day (48 vehicle trips) is \$0.
2. 25 vehicles per day (50 vehicle trips) and more is \$72.00/passenger vehicle.

Note: Public works budgets \$7,200 per mile for gravel roadways. Acceptable volume on a gravel roadway is 200 trips per day (Kansas State University Gravel Road Paving Guidelines – November 2016) before consideration in improving the roadway including hard surfacing. $\$7,200/200=\36.00 . Fee is based on 1 mile of impacts. One (1) vehicle to the site is equal to two (2) trips per day. $\$36.00 \times 2 = \$72.00/\text{vehicle}$

B. Commercial Vehicles (Vehicles with a greater classification than 12,000 lbs including trailer or daily combined gross vehicle(s) weight including trailer(s) greater than 60,000 lbs):

1. 0-4 vehicles per day (8 vehicle trips) is \$0.
2. 5-20 vehicles per day (10-40 vehicle trips) is \$216.00/vehicle.

Note: Fee is based on 3 times the passenger vehicle fee.

3. County Engineer shall determine if a Drainage Structure Assessment is required based upon load rating information available from bridge and culvert inspections of record.

C. 50 and more Passenger Vehicle trips per day or 10 or more Commercial Vehicle trip per day requires a Traffic Impact Study to include physical roadway assessment along the proposed gravel road traffic route. If the applicant’s traffic study indicates that the traffic generated by their proposed use will have a detrimental impact on the safety of the public or will require the county to subsidize the business as a result of the degradation of the roadway created from the additional traffic, roadway improvements will be Staff’s recommendation as part of the approval of the Special Use Permit.

Hard Surfaced Roadways:

A. Passenger Vehicles Only:

1. 0-49 vehicles per day (98 vehicle trips) is \$0.
2. 50 – 149 vehicles per day (100 – 298 vehicle trips) is \$72.00/vehicle.

Note: Asphalt pavement life cycle cost for replacement per year is \$83,101 per mile. Public Works recommends the following existing roadways to set fee schedule (see below). Average trips per day is 2,250. $\$83,101/2,250 = \$36.93/\text{passenger vehicle}$. $\sim \$36.00$

- a. CR 29 (187th Street) – vehicles per day: 1650-1750
- b. CR 5 (Tonganoxie Rd) – vehicles per day: ~ 2300
- c. CR 10 (Eisenhower Rd) – vehicles per day: 1800-2200
- d. CR 2 (158th Street) – vehicles per day: ~ 3000

B. Commercial Vehicles (Vehicles with a greater classification than 12,000 lbs including trailer or daily combined gross vehicle(s) weight including trailer(s) greater than 60,000 lbs):

1. 0-4 vehicles per day (8 vehicle trips) is \$0.
2. 5-20 vehicles per day (10-40 vehicle trips) is \$216.00/vehicle.

Note: Fee is based on 3 times the passenger vehicle fee.

3. County Engineer shall determine if a Drainage Structure Assessment is required based upon load rating information available from bridge and culvert inspections of record.
- C. 50 and more Passenger Vehicle trips per day or 10 or more Commercial Vehicle trips per day requires a Traffic Impact Study. 299 or more Passenger Vehicles trips per day or 10 or more Commercial Vehicle trips per day requires a physical roadway assessment along the proposed traffic route. If the applicant's traffic study indicates that the traffic generated by their proposed use will have a detrimental impact on the safety of the public, or will require the county to subsidize the business as a result of the degradation of the roadway created from the additional traffic, roadway improvements will be Staff's recommendation as part of the approval of the Special Use Permit.

General Requirements:

1. Traffic Impact Study, Road Assessment, and Drainage Structure Assessment shall be completed by a professional engineer registered in the State of Kansas. The County will engage an engineering firm to complete the required referenced studies and assessments. The Applicant is responsible for the costs incurred by the County for said studies. All improvements are to be paid by the Applicant and shall be built per County and/or State standards and specifications. County Staff acceptance/approvals of studies and/or assessments does not guarantee acceptance by KDOT or other jurisdictional agencies. County Staff acceptance/approvals of studies and/or assessments is one factor in the Board of County Commissioners consideration of a Special Use Permit and does not guarantee approval of the proposed use.

Initially, the application will be reviewed by the County Engineer for applicability to County Standards to determine if studies and/or assessments, based on sound engineering judgement, are required.

Note: The conclusion of said studies and assessments may recommend and warrant further investigations, studies, and assessments to be completed. Applications may be subject to different investigations, studies, and/or assessment mentioned above due to the proposed use and existing site/route conditions. County Engineer will determine if additional requirements are necessary.

2. KDOT's Access Management Policy (<https://www.ksdot.org/accessmanagement>) shall provide guidance on generating a traffic impact study. 50 and more total vehicle trips either commercial or passenger or combination (commercial and passenger) per day requires a traffic impact study.
3. Improvement costs as of a result of recommendations from any studies or assessments will qualify for a credit to the Traffic Impact Fee schedule.
Fee reduction amounts will be determined prior to Special Use Permit approval and will be documented as part of the conditions of approval of the permit.
4. Trip is a single-or one-directional vehicle movement with either the origin or the destination being the site. A vehicle leaving the public roadway and entering the site is one trip, and the vehicle leaving the site is a second trip. One (1) vehicle to the site is equal to two (2) trips per day.

5. Applications that may not produce consistent traffic in the form of “vehicles per day” due to the nature of business, shall provide a quantitative calculation to a “vehicle per day” unit. The calculation of vehicles per day shall be approved by the County Engineer prior to any studies commencing.
6. Drainage Structure Assessment Minimum Requirements: The Applicant shall inspect and complete a structural health assessment for the structures along the route. This assessment shall evaluate the condition and ability for all drainage structures under the public roadway to satisfactorily carry the anticipated truck loadings. The structures shall be defined as all bridges (including those with a length less than FHWA’s 20-foot bridge length), culverts, and storm pipes greater than 15 inches in diameter. The assessment shall include a photo log of each structure, condition assessment (utilize NBI ratings criteria, where applicable), tabulation of deficiencies, and recommendation for suitability to sustain the proposed traffic loadings. The assessment shall be signed and sealed by a professional engineer registered in the State of Kansas. The photo log shall include two structure end elevations, one photo looking in each direction along the roadway at the structure, one photo looking upstream, one photo looking downstream, and at least one photo through the opening of the structure.
7. Road Assessment Minimum Requirements: The assessment shall be signed and sealed by a professional engineer registered in the State of Kansas. The Applicant shall inspect and complete an assessment to include the following: A layout of the proposed route (Assessment route will be defined by County Engineer). The existing traffic data for the route. Anticipated vehicles per day including number of trucks, type of trucks and loads. Growth factor of traffic along route. Perform a visual pavement assessment analysis of the route (Typically use ‘Distress Identification Manual for the Long-Term Pavement Performance Program, by US DOT FHWA-RD-03-301). Perform pavement cores at approximately 1/4-mile increments along the route and at the intersections. Perform borings at the core locations, where the subgrade is sampled using thin walled tubes to a minimum depth of 5 feet. Perform laboratory testing on the thin walled tubes and observations of the core samples. Laboratory testing should be used to provide minimum CBR for the weakest subgrade conditions. Provide calculation of the existing pavement structural number for the existing pavements using AASHTO Flexible Design Procedure (hard surface only). Provide required structural number for additional traffic. Compare existing to required structural number. Determine what, if any, road improvements are necessary to meet the calculated structural number or need to be made to meet the calculated structural number for the anticipated additional traffic. Evaluate gravel roadways per Unified Facilities Criteria (UFC) 3-250-09FA “Aggregate surfaced Roads and Airfields Areas”. Determine what, if any, road improvements are necessary to meet UFC 3-250-09FA.
8. Upon initial review of the application, the County Engineer has authority to require a Traffic Impact Study, Road Assessment, and Structures Assessment on utilized roadways as part of the application even if such application is below the detailed limits requiring such to ensure the safety of the general public and the protection of the existing infrastructure.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION
Professional Review Fees Reimbursement	Board of County Commissioners	11.25.2020	1.0

A. PURPOSE:

Leavenworth County has recently experienced significant increases in growth and development within the unincorporated areas of the County. As such, the County has obtained outside consulting services in order to effectively and efficiently review development applications. These services have proven to be effective and necessary to the orderly and safe development of Leavenworth County. Due to the increase in developments and the magnitude of many of these developments, the County has incurred significant review fees which have been paid out of the Planning and Zoning Budget and the Public Works Budget. The intention of this policy is to continue to provide quality reviews of development applications while holding the developer/applicant responsible for costs incurred which are greater than \$2,500.

B. POLICY:

Development applications submitted to the Planning and Zoning Department shall be assessed an application fee per the adopted Fee Schedule. The application fee is intended to account for the public notification process, initial Staff review and writing of the Staff Report. The applicant shall be responsible for the cost of the Professional Review Fees whenever the fees exceed \$2,500.

C. PROCEDURES:

Upon submittal of an application the developer shall pay an application fee. The developer should expect to incur additional fees if the development has unusual conditions that warrant extensive engineering review or is a subdivision with an internal roadway. The applicant will be responsible for paying all incurred fees (over \$2,500) prior to the application for development being executed. Further, in the event an applicant does not pay the fees, the County shall accept no further development applications from said applicant until all delinquent fees have been paid.

Effective 11.25.2020

BOCC Chairman – Doug Smith

11.25.2020
Date of Adoption