

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
April 5, 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 March 29, 2023
 - b) Approval of the schedule for the week April 10, 2023

- c) Approval of the check register
- d) Approve and sign the OCB's

VII. FORMAL BOARD ACTION:

- a) Consider a motion to approve the authority to award contract commitment of funds for KDOT project bridge replacement grant for bridge ST-100.
- b) Consider a motion to approve Resolution 2023-4, a special use permit for Whiskey Ridge Event Center located at 19051 Tonganoxie Drive.
- c) Consider a motion to approve Resolution 2023-6, regarding formation of Leavenworth County Fire District No. 2.
- d) Consider a motion to approve an interlocal agreement for the establishment of a joint board, a fire district board of trustees and the funding and operation of Fire District No. 2.

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

IX. ADDITIONAL PUBLIC COMMENT IF NEEDED

X. ADJOURNMENT

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, April 3, 2023

Tuesday, April 4, 2023

Wednesday, April 5, 2023

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

Thursday, April 6, 2023

12:30 p.m. JCAB meeting
• Leavenworth Justice Center (conference room), 601 S. 3rd St., Leavenworth, KS

Friday, April 7, 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

*****March 29, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, March 29, 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; Amy Allison, Planning and Zoning Deputy Director; Bill Noll, Infrastructure and Construction Services; John Richmeier, Leavenworth Times

Residents: Eric McMillin, John Matthews, Pat Barnhardt, Chip DeMoss, John Groves, Joe Herring, Cindy Lynch

PUBLIC COMMENT:

Eric McMillin and Chip DeMoss commented on agenda items.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz read a proclamation recognizing April as Child Abuse Prevention Month.

Commissioner Mike Smith indicated he would like to start having work sessions with the cities again.

Commissioner Stieben reported there has been another violation at Flatlands.

Commissioner Stieben inquired about the new process for large developers.

Mark Loughry indicated that any new large development would require a development agreement be approved before the application of a special use permit.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, March 29, 2023 as presented.

Motion passed, 5-0.

Pat Barnhardt with the Leavenworth County-Cities Drug and Alcohol Abuse Council presented recommendations for allocations from the special alcohol funds.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve the recommendation for allocations from the Leavenworth County-Cities Drug and Alcohol Abuse Council as presented.

Motion passed, 5-0.

Mr. Loughry presented an agreement between Leavenworth County and The Guidance Center for mental health services.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the agreement between Leavenworth County and The Guidance Center.

Motion passed, 5-0.

Amy Allison updated the Board on Resolution 2023-4, a request for a special use permit for Whiskey Ridge Event Center indicating the Board of Building Codes denied the request.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve to conditionally approve a special use permit for Whiskey Ridge subject to the resolution being presented next week subject to the contract that was referenced being submitted for staff review.

The Whiskey Ridge special use permit discussion was suspended for the Senior County Counselor to draft a motion.

Commissioner Mike Smith withdrew his motion and Commissioner Doug Smith withdrew his second.

Bill Noll requested authorization to sign and accept the Federal Fund Exchange allocated to Leavenworth County at the state rate of \$0.90 to the \$1.00 federal funds.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to authorize Public Works to sign and accept the Federal Fund Exchange allocated to Leavenworth County at the state rate of \$0.90 to the \$1.00 federal funds.

Motion passed, 5-0.

Mr. Loughry presented an updated public comment policy.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to table this matter for two weeks.

Motion passed, 5-0.

David Van Parys requested approval of an agreement for release of a lease at 1830 S. Broadway building.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson to approve an agreement for the release of a lease at 1830 S. Broadway building.

Motion passed, 5-0.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben that this Board conditionally approve the application by Orison LLC for a special use permit to operate a facility commonly known as Whiskey Ridge. The conditions to which this conditional approval is subject to are as follows: 1.) Compliance with conditions set out by staff in previously submitted resolution regarding this application. 2.) That with respect to compliance with the building codes adopted by the County, Orison LLC be allowed to on a temporary basis only operate without an installed engineered sprinkler system approved by the State Fire Marshall subject to the following conditions: A) that prior to the approval by the State Fire Marshall for a sprinkler system at the facility, not less than two fire fighters along with a township fire truck with firefighting equipment be present on site during all hours of operation. That this presence be confirmed by an agreement to present to staff not later than 5:00 p.m. Friday, March 31, 2023. B) That Orison LCC comply with any directive or order of the State Fire Marshall. C) That Orison undertake affirmative action to have an engineered sprinkler system installed at the premises not later than six months from the date of this motion, subject to extension upon showing good cause. D) That this approval be considered to be a temporary special use permit that expires April 5, 2023 to be replaced by a special resolution granting conditional approval of a special use permit.

Motion passed, 3-1, Commissioner Kaaz voting nay, Commissioner Culbertson abstained

A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to table the consideration of a resolution for a special use permit for Whiskey Ridge to 9:00 a.m. April 5, 2023.

Motion passed, 4-0, Commissioner Culbertson abstained.

Commissioner Mike Smith attended the State of the City address in Basehor.

Commissioner Doug Smith attended the State of the City address in Basehor. He also attended a Fairmount township board meeting and the Basehor City Council meeting. He will also attend Keith Rickard's retirement ceremony at the Guidance Center. He also attended the Leavenworth County Livestock Buyer's Association Event.

Commissioner Stieben attended the Fire District #2 meeting and attended the proclamation signing at Jet Produce for Agriculture Month in Kansas along with Commissioner Kaaz.

Commissioner Kaaz attended the Leavenworth City Commission, participated in the KCATA meeting and will attend the retirement ceremony for Keith Rickard.

Commissioner Stieben mentioned an open house at Jet Produce on April 15th.

Commissioner Culbertson commented he is continuing ways to figure out how to lower taxes on Senator Tyson taskforce.

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

The Board adjourned at 10:46 a.m.

LEAVENWORTH COUNTY COMMISSIONERS MEETING SCHEDULE

Monday, April 10, 2023

Tuesday, April 11, 2023

Wednesday, April 12, 2023

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

Thursday, April 13, 2023

6:30 a.m. Leavenworth County Child Abuse Prevention Council Fundraiser
• The Heritage Center, 109 Delaware St. Leavenworth, KS

12:00 p.m. LCDC meeting

Friday, April 14, 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: 03/25/2023 END DATE: 03/31/2023

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#					
249	AMBERWELL	ATCHISON HOSPITAL	333615	102652 AP	03/31/2023	3-001-5-28-212	HR EMPLOYEE TESTING	375.00	
282	AQUAFLOW	AITKENS CONTRACTING LLC	333616	102653 AP	03/31/2023	3-001-5-31-290	CTHSE IRRIGATION STARTUP,MOVE	650.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-05-215	WASTE MGMT - EMS 9102	173.12	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-05-215	TONGANOXIE CITY WATER EMS 9102	102.72	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-05-215	FREESTATE ELEC SVC EMS 9102	218.77	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-05-280	3-37 MIDWEST MOBILE RADIO MAIN	438.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-06-216	AT&T MOBILITY - CODE ENFORCEME	86.46	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-208	WASTE MGMT - SHF DUMPSE	595.27	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-208	3-37 MIDWEST MOBILE RADIO MAIN	875.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-208	3-37 MIDWEST MOBILE RADIO MAIN	765.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-210	AT&T LVSO 1005	5,742.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-210	AT&T WIRELESS - LVSO 5018	92.46	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-210	AT&T LVSO MONTHLY SVC 1113	286.03	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-216	CHARTER COMMS - INTERNET FOR E	74.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-219	CHARTER COMMS - INTERNET FOR M	182.01	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-07-223	FREESTATE ELEC SVC TO SIRENS	431.38	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-14-210	SPECTRUM COUNTY COMMS/ACCESS	362.57	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-14-210	SPECTRUM COUNTY COMMS/ACCESS	362.57	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-14-220	TONGANOXIE CITY WATER 725 LAMI	63.29	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-14-220	FREESTATE ELEC SVC 725 LAMING	829.42	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-14-247	IRON MOUNTAIN SHREDDING	14.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-18-213	SPECTRUM COUNTY COMMS/ACCESS	2,500.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-18-213	SPECTRUM COUNTY COMMS/ACCESS	2,500.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-19-220	IRON MOUNTAIN SHREDDING	159.20	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-23-209	COSTAR FEB SUBSCRIPTION	400.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-28-301	IRON MOUNTAIN SHREDDING	14.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-49-341	IRON MOUNTAIN SHREDDING	32.31	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-001-5-53-207	WASTE MGMT - TRASH SRVICE NOX	101.40	
							*** VENDOR	648 TOTAL	17,404.91
86	EVERGY	EVERGY KANSAS CENTRAL INC	333620	102658 AP	03/31/2023	3-001-5-14-220	ELEC SVC COURTHOUSE	6,122.17	
86	EVERGY	EVERGY KANSAS CENTRAL INC	333620	102658 AP	03/31/2023	3-001-5-32-392	ELEC SVC JUSTICE CENTER	19,007.25	
							*** VENDOR	86 TOTAL	25,129.42
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	15.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	150.00	
2410	FIRST CALL INC	FIRST CALL INC	333621	102659 AP	03/31/2023	3-001-5-13-211	INV 15590 JANUARY TRANSPORTS	550.00	
							*** VENDOR	2410 TOTAL	2,065.00
17206	FIRST CITY	FIRST CITY PHOTO	333622	102660 AP	03/31/2023	3-001-5-02-301	COUNTY CLERK PHOTO/FRAME	120.99	
9737	KS ROD	KANSAS REGISTER OF DEEDS ASSN	333625	102663 AP	03/31/2023	3-001-5-04-203	ANNUAL ASSOC DUES - TERRILOIS	300.00	
537	LEAV TIMES	CHERRYROAD MEDIA INC	333628	102666 AP	03/31/2023	3-001-5-19-217	24156 DIST CT LEGAL NOTICE 202	41.54	
537	LEAV TIMES	CHERRYROAD MEDIA INC	333628	102666 AP	03/31/2023	3-001-5-19-217	24156 DIST CT LEGAL NOTICE 201	40.74	
							*** VENDOR	537 TOTAL	82.28
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	333629	102667 AP	03/31/2023	3-001-5-02-304	OPL303_K CLERK/ELECTION COPIES	5.76	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	333629	102667 AP	03/31/2023	3-001-5-49-301	OPL303_K CLERK/ELECTION COPIES	7.03	

warrants by vendor

START DATE: 03/25/2023 END DATE: 03/31/2023

TYPES OF CHECKS SELECTED: * ALL TYPES

		P.O.NUMBER	CHECK#						
						*** VENDOR		2059 TOTAL	12.79
2666	MISC REIMBURSEMENTS	FRAN KEPPLER	333598	102647 AP	03/28/2023	3-001-5-49-211	TVL COSTS TO TOPEKA FOR ELECTI	81.22	
2666	MISC REIMBURSEMENTS	FRAN KEPPLER	333598	102647 AP	03/28/2023	3-001-5-49-211	TVL COSTS TO TOPEKA FOR ELECTI	2.50	
						*** VENDOR		2666 TOTAL	83.72
60	NUTRIEN AG SOLUTIONS	NUTRIEN AG SOLUTIONS,INC	333631	102669 AP	03/31/2023	3-001-5-53-305	1692697 LOW VOL 4 2X2	10,260.00	
639	PATTY,KRISTEN	KRISTEN B PATTY	333599	102648 AP	03/28/2023	3-001-5-09-231	COURT APPOINTED ATTORNEY 20CR2	600.00	
427	PEMBLE	JORDAN PEMBLE	333600	102649 AP	03/28/2023	3-001-5-09-231	VARIOUS CINC CASES - CONFLICT	1,762.50	
29720	SCHWINN EL	SCHWINN ELECTRIC	333634	102672 AP	03/31/2023	3-001-5-33-209	CUSHING -REMOVE TIME CLOCKS/EX	190.00	
1830	1830 BROADWAY	1830 BROADWAY LLC	333637	102675 AP	03/31/2023	3-001-5-14-257	SETTLMENT FOR EARLY RELEASE OF	75,000.00	
						TOTAL FUND 001			134,036.61

24545	CDW GOVERN	CDW GOVERNMENT INC	333617	102654 AP	03/31/2023	3-108-5-00-606	3773122 MONITORS FOR WIC	267.58	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-108-5-00-219	AT&T MOBILITY - HEALTH DEPT	165.11	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-108-5-00-601	3-37 MIDWEST MOBILE RADIO MAIN	75.00	
						*** VENDOR		648 TOTAL	240.11
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	333629	102667 AP	03/31/2023	3-108-5-00-301	OPK59_K HEALTH DEPT COPIER MET	38.67	
						TOTAL FUND 108			546.36

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-123-5-00-301	FIRSTNET - ATT MOBILITY (COMM	50.24	
						TOTAL FUND 123			50.24

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-126-5-00-210	FIRSTNET - ATT MOBILITY (COMM	288.70	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-126-5-00-225	IRON MOUNTAIN SHREDDING	10.00	
						*** VENDOR		648 TOTAL	298.70
1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	333619	102657 AP	03/31/2023	3-126-5-00-225	1220762 WATER/COOLER RENTAL	42.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-126-5-00-321	COMMUNITY CORRECTIONS FILE CAB	2,550.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-126-5-00-321	COMMUNITY CORRECTIONS FILE CAB	750.00	
						*** VENDOR		4755 TOTAL	3,300.00
						TOTAL FUND 126			3,640.70

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-133-5-00-207	3-37 MIDWEST MOBILE RADIO MAIN	395.00	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-133-5-00-210	3-15 AT&T MOBILITY	411.11	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-133-5-00-251	3-46 FREESTATE ELEC SVC TONGIE	105.42	
						*** VENDOR		648 TOTAL	911.53
						TOTAL FUND 133			911.53

1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	3,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	4,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	3,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	1,500.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	6,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	6,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	6,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	6,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	6,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	3,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	5,000.00	
1702	LEAV CO CI	LEAV CO-CITIES ALCOHOL	333626	102664 AP	03/31/2023	3-134-5-00-2	PER BOCC 3-29-23	2,500.00	
						*** VENDOR		1702 TOTAL	46,000.00
						TOTAL FUND 134			46,000.00

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-136-5-00-203	IRON MOUNTAIN SHREDDING	4.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-136-5-00-206	FIRSTNET - ATT MOBILITY (COMM	82.86	

Approved 3-29-23

Approved 3-29-23

START DATE: 03/25/2023 END DATE: 03/31/2023

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#					
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-136-5-00-223	IRON MOUNTAIN SHREDDING	4.99	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-136-5-00-226	FIRSTNET - ATT MOBILITY (COMM	82.86	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-136-5-00-236	FIRSTNET - ATT MOBILITY (COMM	100.48	
							*** VENDOR	648 TOTAL	276.18
1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	333619	102657 AP	03/31/2023	3-136-5-00-203	1274542 WATER/COOLER RENTAL	21.00	
1220	CULLIGAN OF GREATER	CULLIGAN OF GREATER KANSAS CIT	333619	102657 AP	03/31/2023	3-136-5-00-223	1274542 WATER/COOLER RENTAL	21.00	
							*** VENDOR	1220 TOTAL	42.00
7098	QUILL CORP	QUILL CORP	333632	102670 AP	03/31/2023	3-136-5-00-301	5645204 COMM CORR OFFICE SUPPL	116.99	
7098	QUILL CORP	QUILL CORP	333632	102670 AP	03/31/2023	3-136-5-00-301	5645204 COMM CORR OFFICE SUPPL	65.98	
7098	QUILL CORP	QUILL CORP	333632	102670 AP	03/31/2023	3-136-5-00-321	5645204 COMM CORR OFFICE SUPPL	116.99	
7098	QUILL CORP	QUILL CORP	333632	102670 AP	03/31/2023	3-136-5-00-321	5645204 COMM CORR OFFICE SUPPL	65.99	
							*** VENDOR	7098 TOTAL	365.95
							TOTAL FUND 136		684.13

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-138-5-00-203	IRON MOUNTAIN SHREDDING	9.98	
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-138-5-00-206	FIRSTNET - ATT MOBILITY (COMM	57.74	
							*** VENDOR	648 TOTAL	67.72
							TOTAL FUND 138		67.72

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-145-5-00-208	IRON MOUNTAIN SHREDDING - COA	55.95	
21239	KS COMM NU	KANSAS COMM NUTRITION SERVICES	333624	102662 AP	03/31/2023	3-145-5-00-258	2023 MEALS ON WHEELS AMERICA D	100.00	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-00-212	CO ON AGING - RETURN COMMAND H	34.30	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-00-345	CO ON AGING CONSUMABLES C1&C2	20.90	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-00-345	CO ON AGING CONSUMABLES C1&C2	58.61	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-05-301	CO ON AGING CONSUMABLES C1&C2	9.05	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-06-301	CO ON AGING CONSUMABLES C1&C2	13.32	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-06-321	CO ON AGING CONSUMABLES C1&C2	8.88	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-07-302	CO ON AGING CONSUMABLES C1&C2	1.25	
4755	LEAV PAPER	LEAVENWORTH PAPER AND OFFICE S	333627	102665 AP	03/31/2023	3-145-5-07-321	CO ON AGING CONSUMABLES C1&C2	7.99	
							*** VENDOR	4755 TOTAL	85.70
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	333629	102667 AP	03/31/2023	3-145-5-00-208	OPK595_K CO ON AGING COPIES	10.12	
2059	MIDWEST OFFICE TECH	MIDWEST OFFICE TECHNOLOGY INC	333629	102667 AP	03/31/2023	3-145-5-00-208	OPK595_K CO ON AGING COPIES	343.85	
							*** VENDOR	2059 TOTAL	353.97
							TOTAL FUND 145		595.62

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-146-5-00-218	IRON MOUNTAIN SHREDDING	64.62	
							TOTAL FUND 146		64.62

648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-160-5-00-204	HAMM - LANDFILL CHARGES - FEBR	62,964.80	
86	EVERGY	EVERGY KANSAS CENTRAL INC	333620	102658 AP	03/31/2023	3-160-5-00-210	ELEC SVC SOLID WASTE TRANSFER	533.46	
86	EVERGY	EVERGY KANSAS CENTRAL INC	333620	102658 AP	03/31/2023	3-160-5-00-210	ELEC SVC SOLID WASTE TRANSFER	75.09	
86	EVERGY	EVERGY KANSAS CENTRAL INC	333620	102658 AP	03/31/2023	3-160-5-00-210	ELEC SVC SOLID WASTE TRANSFER	454.27	
							*** VENDOR	86 TOTAL	1,062.82
2666	MISC REIMBURSEMENTS	AUSTIN MCDANIEL	333601	102650 AP	03/28/2023	3-160-5-00-202	PER DIEM/GAS-CO VEH REQ 24 HR	45.00	
2666	MISC REIMBURSEMENTS	AUSTIN MCDANIEL	333601	102650 AP	03/28/2023	3-160-5-00-202	PER DIEM/GAS-CO VEH REQ 24 HR	78.00	
2666	MISC REIMBURSEMENTS	AUSTIN MCDANIEL	333601	102650 AP	03/28/2023	3-160-5-00-202	PER DIEM/GAS-CO VEH REQ 24 HR	6.11	
							*** VENDOR	2666 TOTAL	129.11
6917	RWD 1	RURAL WATER DIST #1	333633	102671 AP	03/31/2023	3-160-5-00-210	WATER METER AT SOLID WASTE TRA	24.87	
							TOTAL FUND 160		64,181.60

1737	AT&T-CAROL STREAM IL	AT&T	333602	102651 AP	03/28/2023	3-174-5-00-210	913A38-0682 4212 PHONE SVC 4 T	80.15	
1737	AT&T-CAROL STREAM IL	AT&T	333602	102651 AP	03/28/2023	3-174-5-00-210	913A38-0682 4212 PHONE SVC 4 T	80.15	

TYPES OF CHECKS SELECTED: * ALL TYPES

			P.O.NUMBER	CHECK#						
1737	AT&T-CAROL STREAM IL	AT&T	333602	102651 AP	03/28/2023	3-174-5-00-210	913A38-0682 4212 PHONE SVC 4 T		80.15	
1737	AT&T-CAROL STREAM IL	AT&T	333602	102651 AP	03/28/2023	3-174-5-00-210	913A38-0682 4212 PHONE SVC 4 T		160.30	
							*** VENDOR	1737 TOTAL		400.75
648	COMMERCE BANK-COMMER	COMMERCE BANK-COMMERCIAL CARDS	333618	102656 AP	03/31/2023	3-174-5-00-210	FREESTATE ELEC SVC EISENHOWER		772.34	
6636	KANSAS GAS	KANSAS GAS SERVICE	333623	102661 AP	03/31/2023	3-174-5-00-210	510614745 2007004 82 GAS SERVI		68.28	
1962	MOTOROLA	MOTOROLA	333630	102668 AP	03/31/2023	3-174-5-00-261	1000301747 911 MAINT CONTRACT/		52,072.20	
1962	MOTOROLA	MOTOROLA	333630	102668 AP	03/31/2023	3-174-5-00-261	1000301747 911 MAINT CONTRACT/		9,353.00	
							*** VENDOR	1962 TOTAL		61,425.20
							TOTAL FUND 174			62,666.57

86	EVERGY	EVERGY KANSAS CENTRAL INC	333620	102658 AP	03/31/2023	3-195-5-00-290	ELEC SVC COMMUNITY CORRECTIONS		377.56	
2	WATER DEPT	WATER DEPT	333636	102674 AP	03/31/2023	3-195-5-00-290	WATER SVC COMMUNITY CORRECTION		52.68	
							TOTAL FUND 195			430.24

672	SMH CONSULTANTS	SMH CONSULTANTS PA	333635	102673 AP	03/31/2023	3-215-5-12-204	2302-0045 LEAV CO PARKING - CO		9,093.75	
							TOTAL FUND 215			9,093.75

							TOTAL ALL CHECKS			322,969.69

TYPES OF CHECKS SELECTED: * ALL TYPES

FUND SUMMARY

001	GENERAL	134,036.61
108	COUNTY HEALTH	546.36
123	JUVENILE CRIME PREVENTION	50.24
126	COMM CORR ADULT	3,640.70
133	ROAD & BRIDGE	911.53
134	SPECIAL ALCOHOL	46,000.00
136	COMM CORR JUVENILE	684.13
138	JUV INTAKE & ASSESSMENT	67.72
145	COUNCIL ON AGING	595.62
146	COUNTY TREASURER SPECIAL	64.62
160	SOLID WASTE MANAGEMENT	64,181.60
174	911	62,666.57
195	JUVENILE DETENTION	430.24
215	CAPITAL IMPROVEMENTS	9,093.75
	TOTAL ALL FUNDS	322,969.69

Consent Agenda 4-5-23

Checks 3/25 - 3/31

**Leavenworth County
Request for Board Action
Federal Fund Exchange Agreement**

Date: March 30, 2023

To: Board of County Commissioners

From: Public Works

Department Head Review: Bill Noll, Reviewed

Additional Reviews as needed:

Budget Review Administrator Review Legal Review

Action Requested: Approval of the Authority to Award Contract Commitment of Funds for KDOT Project 52C-5144-01.

Analysis: This project was let by KDOT as part of the Off-System Bridge Replacement Grant for ST-100. The original grant was an 80/20 cost share. KDOT increased their allocation amount to \$1,000,000. Inflation increased further after the additional agreement was signed. The project had two competitive bids. Low bid was Ebert Construction at \$1,524,018. This made the required county funding to increase to \$637,000.

Recommendation: Approval.

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:

NA

Additional Attachments: KDOT Agreement

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
http://www.ksdot.gov

Calvin E. Reed, P.E., Acting Secretary
Tod L. Salfrank, Chief

Laura Kelly, Governor

March 23, 2023

**Project Number: 052 C-5144-01
STP-C514(401)**

Leavenworth County
Mr. Bill Noll
Infrastructure and Construction Services Direct
300 Walnut, Suite 7
Leavenworth, KS 66048-2765

Dear Mr. Noll:

We are listing below the bidder and the low bid received at Topeka, KS on 3/22/2023 for the above numbered project.

CONTRACTOR	TYPE OF WORK	AMOUNT
EBERT CONSTRUCTION CO, INC. & SUBSIDIARY	Leavenworth County: 2.9 mi W of Fairmount	\$1,524,018
WAMEGO, KS		

This is considered satisfactory when compared with the engineer's estimate, and we believe that contracts should be awarded to the low bidder. If this bid is acceptable to the County, please sign the enclosed resolution and return it to this office. In order to guarantee the low bid, we must receive the expected resolution on or before 4/14/2023. Upon receipt of the signed resolution and approval by the Secretary of Transportation the contract will be awarded.

A combination of bid items and construction engineering less a maximum of \$1,000,000 Federal funds will require County matching funds in the amount of \$637,000. The County remittance should be made on or before 5/11/2023.

Sincerely,

for Tod L. Salfrank, Chief
Bureau of Local Projects

tls/cch
Enclosures
c Board of County Commissioners
Ms. Pam Anderson, Chief of Fiscal Services
Mr. Leroy Koehn, P.E., District One Engineer

**AUTHORITY TO AWARD CONTRACT
 COMMITMENT OF COUNTY FUNDS
 3/23/2023**

2 Copies to County
 Project Number: 052 C-5144-01
 STP-C514(401)

WHEREAS bids were received at Topeka, KS on 3/22/2023 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and the low bid or bids on work covered by this project were:

CONTRACTOR	TYPE OF WORK	AMOUNT
EBERT CONSTRUCTION CO, INC. & SUBSIDIARY	Leavenworth County: 2.9 mi W of Fairmount	\$1,524,018
WAMEGO, KS		

WHEREAS bids are considered satisfactory and have been recommended by the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY, for consideration and acceptance of the work on this project as covered by such bid or bids.

**A combination of bid items and construction engineering less a maximum of \$1,000,000
 Federal funds will require County matching funds in the amount of \$637,000.**

BE IT FURTHER RESOLVED that County funds in the amount of \$637,000 which are required for the matching of Maximum Federal funds are hereby pledged by the County to be remitted to the Chief of Fiscal Services of the Department of Transportation of the State of Kansas on or before 5/11/2023 for use by the SECRETARY in making payments for construction work and engineering on the above designated project with final cost being determined upon completion and audit of the project.

The County certifies that no known or foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with all applicable codes, standards and/or regulations required for completion.

Adopted this _____ day of _____, 20____, at _____, Kansas.

Recommended for Approval:

_____, Chairman
 County Engineer/Road Supervisor

Attest: _____, Member

(Seal)

_____, Member

 County Clerk

INVOICE

Keep for your Records
Due on or before 5/11/2023
 PRELIMINARY STATEMENT OF COSTS
 052 C-5144-01
 STP-C514(401)

Leavenworth County: 2.9 mi W of Fairmount

Please Remit Payment to:
 Kansas Department of Transportation
 Bureau of Fiscal Services
 700 SW Harrison Street, 3rd Floor West
 Topeka, KS 66603

Construction and CE Breakdown	
Actual Bid	\$1,523,563
Water (for grading)	\$455
Sub-Total Actual Bid Amount	\$1,524,018
LPA CE Contract	\$112,517
Sub-Total Construction and CE	\$1,636,535
Federal-aid Non-Participating Const. Costs	\$1,531
Federal-aid Non-Participating CE	\$113
Participating PE Costs	\$0
Participating Railroad Costs	\$0
Participating ROW Costs	\$0
Participating Utility Costs	\$0
Federal Participating Project Costs	\$1,634,891
Total Project Costs	\$1,636,535

Federal/County Funding Summary	
Total Project Costs	\$1,636,535
100% County Funds Due to Non-Participating	\$1,644
Federal Participating Project Costs	\$1,634,891
CE Paid by KDOT	\$0
Fund 1- Available Funding	\$1,250,000
80% Federal Funds	\$1,000,000
20% County Funds	\$250,000
100% County Funds Due to Max Funding	\$384,891

CE Breakdown	
Total LPA CE	\$112,517
Federal Non-Participating CE Costs	\$113
Federal Participating CE	\$112,404
County Participating CE	\$112,404
80% Federal Funds	\$89,923
20% County Funds	\$22,481
CE Paid by KDOT	\$0

Fund 1- Maximum Federal Funds 80/20	\$1,000,000
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Key	
KDOT	Kansas Department of Transportation
LPA	Local Public Authority
CE	Construction Engineering (Inspection)
Const.	Construction

Totals				
	County Funds	Federal Funds	State Funds	Total Funds
Federal Non-Participating Construction	\$1,531			\$1,531
Federal Non-Participating CE	\$113			\$113
CE Paid by KDOT			\$0	\$0
Fund 1- 80% Federal Funds		\$1,000,000		\$1,000,000
Fund 1- 20% County Funds	\$250,000			\$250,000
County Funds Due to Max Funding	\$384,891			\$384,891
Total	\$636,535	\$1,000,000	\$0	\$1,636,535

Amount to Bill County (Rounded Up)	\$637,000
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BUREAU OF CONSTRUCTION & MATERIALS

As Read By Project (Bidders List by Individual Project)

Date: 03/22/2023

Contract Number: 523034131

Project Number: 052 C-5144-01

Federal Number: STP-C514(401)

Description: GRADING, BRIDGE AND SURFACING

County: LEAVENWORTH

State Ties: --

Total Records: 2

[Helpful Definitions](#)

Contractor Name	Bid Amount
EBERT CONSTRUCTION CO INC & SUBSIDIARY	\$1,523,563.00
REECE CONSTRUCTION COMPANY, INC.	\$1,636,630.00

TRAVELER INFORMATION

TRAFFIC & TRAVELER INFO
KANDRIVE
SAFETY INFORMATION
STATE MAPS
TOURIST INFORMATION
KANSAS BYWAYS
ROAD WEATHER STATIONS
KANSAS CITY METRO
TOPEKA/LAWRENCE METRO
WICHITA METRO

DOING BUSINESS

PERMITS
BIDDING & LETTING
COMMERCIAL VEHICLES
DESIGN CONSULTANTS
HIGHWAY CONTRACTORS
LOCAL GOVERNMENTS
OFFICE OF CONTRACT COMPLIANCE
BRIDGE INSP. PORTAL
LOCAL PROJECTS

INSIDE KDOT

ABOUT KDOT
KANSAS CITY METRO
TOPEKA/LAWRENCE METRO
WICHITA METRO
DISTRICTS
PERFORMANCE

PROJECTS/PUBLICATIONS

T-WORKS
PROJECTS/STUDIES
TRANSPORTATION PLANNING
PUBLICATIONS

PUBLIC INFORMATION

NEWS
OPEN RECORDS
MEDIA CONTACTS
PROPERTY DAMAGE CLAIMS

CONNECT WITH KDOT

MEDIA CONTACTS
CONTACT
FACEBOOK
TWITTER
YOUTUBE
DIRECTORY



RESOLUTION 2023-4

A resolution of the Leavenworth County Kansas Board of County Commission, approving the issuance of a Special Use Permit to Orison LLC (“operator”) for the operation of an Event Center to be located on the following described real 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, Kanas more commonly known as 19051 Tonganoxie Drive.

WHEREAS, An application for a Special Use Permit for the above real property 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 said application for a Special Use Permit on the 11th day of January, 2023; and

WHEREAS, the Leavenworth County Planning Commission, upon the conclusion of its public hearing on the application, and based upon specific findings of fact incorporated by reference herein, did recommend that the Special Use Permit be approved, subject to conditions as set forth herein; and

WHEREAS, the Board of County Commission considered, in session on the 5th day of April, 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:

Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and, based upon the findings of fact adopted by the Board of County Commission in regular session on the 5th day of April, 2023, and incorporated herein by reference;

That the application submitted in Case No. DEV-22-155, a Special Use Permit for an Event Center, is hereby approved subject to the following conditions:

1. Events shall be limited to the hours of 8:00 AM until 11:00 PM. All business operations in the Event Center shall cease by 12:00 AM.
2. A commercial building permit, to include a detailed site plan, must be filed for the Event Center building.
3. A report from a licensed engineer, and report of the State Fire Marshall, shall be submitted verifying that the Event Center structure meets the 2006 Commercial Building Codes as adopted by the county, to include the installation of a fire suppression system. Said report shall be filed in the Office of Planning Zoning not later than six (6) months from the date of this Resolution, provided that for good cause shown, the board of county commissioners may grant additional time for the submission of said reports.

Prior to the filing of said reports, at all times of operation of the Event Center, operator shall ensure that not less than two (2) members of the township fire department shall be on the premises along with a fire department vehicle with fire fighting equipment. Operator shall provide to the Office of Planning and Zoning a copy of an agreement with the township fire department to provide the services outlined above.

4. The SUP shall be limited to four full-time employees and unlimited seasonal employees.
5. The applicant shall submit an approved NOI & SWPPP from the Kansas Department of Health and Environment Bureau of Water.
6. An engineered on-site waste water treatment system is required or authorization from a licensed engineer that the existing system is compatible with the proposed use and acceptance by the Kansas Department of Health and Environment.
7. 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.
8. No on-street parking shall be allowed.
9. This SUP shall be limited to the Narrative and accompanying documents dated November 8, 2022, December 6, 2022 (received), December 15, 2022 and January 5, 2023 (received) submitted with this application.
10. 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.
11. Any noise generated from the proposed business shall be limited to 60 dB, as measured from the property line.
12. Any light generated from the proposed business shall be limited to 0 foot-candles, as measured from the property line.
13. No outdoor storage of materials shall be allowed.
14. All waste generated from the proposed business shall be disposed of in a manner that meets all local, state and federal requirements.
15. That developer must comply with the following memorandums:
 - a. Email – Karen Armstrong, RWD 9, dated November 17, 2022
 - b. Email – Mark Billquist, Stranger FD, dated November 27, 2022
 - c. Memo – Mitch Pleak, Olsson, dated January 5, 2023
16. This SUP shall comply with all local, state, and federal rules and regulations that may be applicable.
17. 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.
18. That no public nuisance be allowed or created upon the subject real property.
19. 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. Orison LLC, 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.

Adopted this 5th day of April, 2023
Board of County Commissioners
Leavenworth, County, Kansas

Vicky Kaaz, Chair

ATTEST

Jeff Culbertson, Member

Janet Klasinski, County Clerk

Mike Smith, Member

Doug Smith, Member

Mike Stieben, Member

[DRAFT] RESOLUTION NO. 2023-6

**A [PROPOSED] RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEAVENWORTH, KANSAS REGARDING FORMATION OF LEAVENWORTH
COUNTY FIRE DISTRICT NO. 2**

WHEREAS, the Board of County Commissioners is committed to providing adequate fire-fighting resources using a fiscally responsible approach that meets the needs of the citizens of the County; and

WHEREAS, K.S.A. section 19-3601 authorizes and empowers a Board of County Commissioners to organize one or more fire districts and to include within the fire district a city of the third class, pursuant to procedures set forth in statute; and

WHEREAS, the Boards of both Reno Township and Sherman Township, as well as the City Council of the City of Linwood, have requested and proposed formation of a new Leavenworth County Fire District No. 2 to efficiently provide fire-protection services to the areas encompassed by those entities; and

WHEREAS, pursuant to K.S.A. 19-3612a, the Board of County Commissioners has determined that it is in the best interests of the county to place the supervision of the anticipated Fire District No. 2 under the supervision of a fire district board of trustees; and

WHEREAS, pursuant to K.S.A. 19-3612a(b), the Board of County Commissioners intends to delegate its authority to appoint the members of the fire district board of trustees to a joint board appointed by the governing bodies of cities and townships located within the fire district, such board of trustees to be vested with all of the powers vested in the Board of County Commissioners pursuant to K.S.A. 19-3601 through 19-3606, and amendments thereto; and

WHEREAS, pursuant to K.S.A. 19-3612a, the Board of County Commissioners intends to enter into an interlocal agreement, in substantially the form attached hereto as Exhibit "A," to accomplish the purpose of delegating its authority to appoint the board of trustees of said Fire District No. 2, which board shall be vested with all of the powers of this Board of County Commissioners with regard to supervision and operation of said Fire District No. 2, to the fullest extent allowed by statute;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF LEAVENWORTH COUNTY, KANSAS, SITTING IN REGULAR SESSION, DOES HEREBY RESOLVE:

1. That the formation of Fire District No. 2, County of Leavenworth, Kansas, encompassing the entirety of Reno Township and Sherman Township (including the City of Linwood) is advisable in the public interest for protection of lives and property from the hazards of fire; and

2. That the boundaries of said Fire District No. 2, County of Leavenworth, Kansas, are coextensive with the boundaries of Reno and Sherman Townships, including the City of Linwood.
3. That, upon formation of said Fire District No. 2 the Board of County Commissioners shall, pursuant to interlocal agreement as authorized by K.S.A. 19-3612a, delegate its authority to appoint the Fire District No. 2 Board of Trustees to a Joint Board consisting of the governing bodies of Reno and Sherman Township Boards and the City of Linwood, as further detailed in the parties' proposed interlocal agreement;
4. That, as provided for in the Attached Exhibit "A," it is the intent of the parties to the Interlocal Agreement, by and through the Fire District 2 Board of Trustees, to levy a tax not to exceed 5.7 mills as a baseline of funding for the Fire District 2 operations; provided, however, that Reno and Sherman Townships will not separately levy any tax for purposes of fire protection that would be duplicative of, or in addition to, the Fire District 2 mill levy.
5. That a public hearing on this resolution shall be held ____, following publication of this resolution and a map of the proposed boundaries pursuant to statute.

Staff is directed to prepare and publish the statutory notices and prepare all other necessary and appropriate documentation to accomplish the formation of said Fire District No. 2, County of Leavenworth, KS, as described above.

ADOPTED the __ day of __, 2023.

BOARD OF COUNTY COMMISSIONERS
OF LEAVENWORTH COUNTY, KANSAS

ATTEST:

[County Clerk]

**AN INTERLOCAL AGREEMENT FOR THE ESTABLISHMENT OF A JOINT BOARD,
A FIRE DISTRICT BOARD OF TRUSTEES AND THE FUNDING AND OPERATION
OF FIRE DISTRICT NO. 2, COUNTY OF LEAVENWORTH, KANSAS**

COME NOW THE PARTIES TO THIS INTERLOCAL AGREEMENT: the Board of County Commissioners of Leavenworth County, Kansas, hereinafter, "County Commissioners" or "Board of County Commissioners,"; Reno Township, Leavenworth County, Kansas, hereinafter "Reno Township"; Sherman Township, Leavenworth County, Kansas, hereinafter "Sherman Township" and the City of Linwood, Leavenworth County, Kansas, hereinafter "City of Linwood." The aforementioned parties recite and agree to the following:

1. AUTHORITY

This agreement is entered into pursuant to the provisions of K.S.A. 12-2904 and amendments thereto.

2. TERM

The term of this agreement shall be for an initial period of 25 years from the date of execution. Execution of this agreement shall be accomplished by the signing of this agreement by all parties. Date of execution will be the date the last signature is inscribed on this agreement. Upon the expiration of the initial term of this agreement the agreement shall automatically renew for three succeeding 25-year terms unless terminated by any party using the procedure provided for in this agreement.

3. PURPOSE AND NAME

That the purpose of this agreement is to provide for the operation and funding of a Fire District to be formed in the County of Leavenworth pursuant to the provisions of K.S.A. 19-3601 et seq. The name of the Fire District shall be "Fire District No. 2, County of Leavenworth, Kansas," hereinafter, "Fire District 2" or the "Fire District."

4. AREA OF SERVICE

The Fire District 2 shall encompass and service the area within the boundaries of Reno Township and Sherman Township, inclusive of the City of Linwood, all located in Leavenworth County, Kansas.

5. APPOINTMENT OF JOINT BOARD TO NAME FIRE DISTRICT 2 BOARD OF TRUSTEES

The Board of County Commissioners, pursuant to K.S.A. 19-3612a and amendments thereto, agrees to delegate its authority to appoint the members of the Fire District 2 Board of Trustees to a Joint Board consisting of the governing bodies of Reno

Township, Sherman Township, and the City of Linwood (hereinafter “Joint Board.”) The Joint Board shall have the authority to appoint a seven-member Fire District 2 Board of Trustees (“Board of Trustees”) as follows: 3 members shall be appointed by Reno Township Board from among its duly elected or appointed members; 3 members shall be appointed by Sherman Township Board from among its duly elected or appointed members; and 1 member shall be appointed by Linwood City Council from among its duly elected or appointed members.

The length of term to be served by a Fire District 2 Board of Trustees member shall be coextensive with that member’s term as an elected or appointed member of the respective governing body.

6. FIRE DISTRICT GOVERNING BOARD

The Fire District 2 Board of Trustees, as duly appointed pursuant to the procedures set out above, shall be granted all powers vested in the Board of County Commissioners pursuant to K.S.A. 19-3601 et seq. and amendments thereto, to the fullest extent contemplated by K.S.A. 19-3612a, with regard to management and governance of the affairs of Fire District 2.

a. Qualifications

Any appointee to the Fire District 2 Board of Trustees must be a duly elected or appointed member of the elected bodies constituting the Joint Board (Sherman and Reno Township boards; Linwood City Council).

b. Ex Officio member

The Fire Chief of Fire District 2 shall serve as a non-voting advisor to the Fire District 2 Board of Trustees.

c. Quorum

A quorum of the Fire District 2 Board of Trustees shall consist of four members.

d. Voting Requirements

Conducting official business of/by the Fire District 2 Board of Trustees shall require a quorum present. Attendance via Zoom, telephone or other electronic means shall constitute presence, to the maximum extent allowed by the Kansas Open Meetings Act.

A simple majority of a quorum is required for approval or disapproval of official business of the Fire District 2 Board of Trustees, unless such action is otherwise limited herein.

e. Special Voting Requirements

A vote by five members of the seven-member Fire District 2 Board of Trustees shall be required prior to any of the following acts being undertaken by the Board of Trustees:

1. Levy of taxes, subject to paragraph 7 below.
2. Entry into contracts for property or services in excess of \$5,000, or such other amount as may be deemed appropriate by a five-member majority of the Fire District 2 Board of Trustees.
3. Acquisition or disposition of real property.
4. Issuance of any bonds, including general obligation bonds and no-fund warrants.
5. Entry into any lease purchase agreement.
6. Creation of any indebtedness on the part of Fire District 2.
7. Expenditure of Fire District 2 funds in excess of \$5,000, or such other amount as may be deemed appropriate by a five-member majority of the Fire District 2 Board of Trustees.
8. Execution of any agreement with any entity other than the parties to this agreement for fire protection services.
9. The establishment of any permanent employee positions with Fire District 2, including any that may be filled by prior Township employees.
10. The hiring and/or termination of any permanent employee of Fire District 2, including any prior Township employees.
11. Establishment of salaries and other employment benefits to compensate Fire District 2 employees.
12. The adoption or modification of the operational policies and bylaws of Fire District 2.
13. Exercise of eminent domain.

f. Representation of Entire Fire District No. 2

Each member of the Fire District 2 Board of Trustees so appointed shall represent the whole of the District and shall act in the best interests of the entire Fire District.

g. Vacancies on the Fire District Board of Trustees

In the event a vacancy occurs on the Fire District 2 Board of Trustees, the entity that appointed the Board member causing the vacancy shall within thirty (30) days, convene and appoint a new member in accordance with the terms of this agreement.

h. Creation and Adoption of Bylaws

Within thirty (30) days of the establishment of the Fire District 2 Board of Trustees, the members shall meet to establish bylaws for the Fire District, which shall include provisions for Officers from among the Board of Trustees' membership, including a Treasurer as described herein.

7. FUNDING

It is the intent of the parties to this agreement, by and through the Fire District 2 Board of Trustees, to levy a tax not to exceed 5.7 mills to fund the Fire District 2 as a

baseline of funding, pursuant to K.S.A. 19-3612d. Provided, however, that Reno and Sherman Townships will not separately levy any tax for purposes of fire protection that would be duplicative of, or in addition to, the Fire District 2 mill levy.

Public notice of the proposed Fire District 2 mill levy shall be included in the publication of the Board of County Commissioners' resolution proposing the formation of Fire District 2, pursuant to K.S.A. 19-3602 and 19-3612d. Only in the event that Fire District 2 does not levy a tax to provide funding for the Fire District 2 will Reno Township or Sherman Township levy any future tax for fire-protection services.

Subject to the foregoing paragraphs, the ongoing operation of the Fire District from year to year shall be funded through the provisions of K.S.A. 19-3601 et seq., including K.S.A. 19-3610; through any additional contributions to the Fire District by any of the parties to the agreement; and through any other method provided for by law. A Treasurer for the Fire District shall maintain the financial records of the Fire District and assist the Fire District 2 Board of Trustees in the preparation of the budget for the Fire District. The budget shall be submitted and approved pursuant to K.S.A. 19-3606.

8. TITLE TO PROPERTY

a. Title in name of Fire District.

On or after January 1, 2024 any equipment, vehicle, building, personalty or real property acquired by the Fire District, by purchase, contribution or otherwise, except as otherwise provided below, shall be owned solely by the Fire District.

b. Lease by Fire District

Reno and Sherman Townships agree to lease to the Fire District 2 Board of Trustees, for use by the Fire District 2, the buildings, equipment and vehicles previously utilized by the Township Fire Departments, for the duration of this agreement, on such terms as may be set by the Fire District 2 Board of Trustees. The Fire District 2 Board of Trustees may also elect to purchase property belonging to the Townships as the Board deems appropriate, subject to paragraph 6(e).

In addition, the Fire District 2 Board of Trustees shall be responsible, during the term of this agreement, for the payment of any debt service on the equipment, buildings and vehicles so leased and shall adequately insure and maintain such equipment, buildings and vehicles. In the event that any leased equipment, building or vehicle is damaged or destroyed the insurance proceeds shall first be applied to any repairs, where appropriate, then to the payment of any outstanding

debt attributable to the item; any remaining proceeds shall become the property of the Fire District.

c. Inventory

Upon entry into this agreement, an inventory of items owned by the parties and leased to the Fire District shall be conducted by the Fire District 2 Board of Trustees and a copy of such inventory shall be provided to each of the parties. An inventory shall be undertaken each year on the 31st day of December by the Fire District, as to items which belong to Reno Township or Sherman Township, and those which have been purchased by the Fire District. Copies of the annual inventories shall be distributed to the parties and maintained by the Fire District 2 Board of Trustees.

9. INSURANCE

- a. For purposes of this Agreement, the Board of County Commissioners agrees to indemnify and hold harmless the Reno and Sherman Township Boards, the Linwood City Council, their respective individual members, and each individual member of the Fire District Board of Trustees, from any and all liability, of any character whatsoever resulting in any claim or cause of action arising out of any action or failure to act, by Fire District 2 personnel during the performance of fire-protection service or the failure to perform any fire-protection services.
- b. It is agreed that the Fire District 2 Board of Trustees shall maintain liability insurance at all times in an amount determined by the Fire District Board of Trustees to sufficiently protect the Fire District.
- c. The Fire District 2 Board of Trustees shall maintain sufficient insurance on property, both real and personal, utilized by the Fire District to protect such property against loss, theft or damage.

10. TERMINATION

- a. Upon petition pursuant to K.S.A. 19-3604, the Board of County Commissioners may disorganize the Fire District at any time after 4 years from the date of publication of the final resolution for the first organization of the Fire District.
- b. Notice

Upon the expiration of the initial 25-year term set forth in paragraph 2 of this agreement, or at the expiration of any subsequent 25-year term, any party may terminate this agreement by providing to the other parties written notice of its

intention to terminate the agreement. Such notice shall not be effective unless received by the other parties not less than eighteen (18) months prior to expiration of the 25-year term.

c. Disposition of Property

In the event of the termination of this agreement by any Party or the disorganization of the Fire District upon petition pursuant to K.S.A. 19-3604, the property utilized and or owned by the Fire District shall be disposed of as follows:

1. Any real or personal property being leased to the Fire District by either Reno or Sherman Township shall be returned to the leasing Township at the expiration of the agreement's term.
2. All other assets of the Fire District shall be apportioned between Sherman Township and Reno Township based upon the assessed valuation of each Township as compared to the assessed valuation of the Fire District as a whole. In so apportioning the assets, the parties shall utilize accepted accounting and depreciation practices to value the assets of the Fire District and shall attempt to reach an agreement as to the value and apportionment of the assets of the Fire District. The Fire District 2 Board of Trustees may use any other method of apportionment that is agreed upon by a 5-member majority of the Fire District 2 Board of Trustees. In the event that no agreement can be reached, the parties shall submit to binding arbitration on the matter through the American Arbitration Association, with each Township to bear its own costs of such arbitration.

d. Apportionment of Liabilities

In the event that there exists any liability of the Fire District at the time of the termination of this agreement, Reno Township and Sherman Township shall jointly be responsible for the discharge of that liability. In determining each party's respective obligation in discharging said liability, each party shall contribute toward the discharge of the liability of the Fire District based upon a comparison of the assessed valuation of each Township compared to the assessed valuation of the Fire District as a whole, or based on such other method as may be agreed upon by a 5-member majority of the Fire District 2 Board of Trustees.

11. LEGAL SERVICES

The Fire District No. 2 Board of Trustees may hire and retain an attorney, or attorneys, to represent the legal interest of the Fire District. No attorney representing a party to this

agreement shall serve as the attorney for the Fire District without written waiver and consent of the parties and the Fire District.

12. ASSUMPTION OF EXISTING FIRE PROTECTION AGREEMENT

The parties agree that all agreements of Reno or Sherman Township regarding fire protection, existing at the time of entry into this agreement and binding upon any party to this agreement, shall be assumed and honored by the Fire District.

13. MODIFICATION

This Agreement may be modified by the parties only through the adoption and execution of a subsequent interlocal agreement signed by all parties to this agreement. Should the Office of the Attorney General require any modifications to this Agreement as a condition of approval, the Parties will work in good faith to revise this Agreement accordingly and will proceed with the organization of the Fire District 2 until any such requested modifications have been resolved.

14. SEVERABILITY OF AGREEMENT

If any term or provision of this Agreement shall be held invalid or unenforceable, then the remainder of the agreement shall not be affected thereby and each other term and provisions of this agreement shall be valid and enforceable to the fullest extent permitted by law.

15. CHOICE OF LAW

Any dispute arising from this agreement shall be governed by the laws of the State of Kansas.