

*****January 18, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, January 18, 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; Connie Harmon, Council on Aging Director; Andrew Holder, Legal Counselor; John Richmeier, Leavenworth Times

Residents: Julie and Kenny Eastburn, Kara Lugenbill-Smith, Kyle Smith, Sharon Wagner, Karen Crook, Shawn and Christy Britz, Wes Baker, John Matthews, Eric McMillin, Greg List, Donna Crook-Rogers, John Wagner, Lloyd Crook, Howard Crook

PUBLIC COMMENT:

Julie Eastburn, Kara Lugenbill-Smith, Kyle Smith, Sharon Wagner and Karen Crook commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Commissioner Kaaz reported there will be a vacancy on the NEK-CAP Board indicating they would like a Commissioner to serve on that Board.

A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith that Commissioner Kaaz be reappointed.

Motion passed, 5-0.

Commissioner Stieben read a report on year to date housing.

Mark Loughry reported Senator Roger Marshall's office sent County employees who have work anniversaries in January each a letter of recognition.

Commissioner Doug Smith recognized Wilbur Grisham who was involved with starting the fire department in Basehor as celebrating his 100th birthday.

Commissioner Doug Smith inquired if a work session is needed on public comment in light of the change in Johnson County and the YouTube policies.

Staff will review the YouTube policies and report back to the Board.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, January 18, 2023 as presented.

Motion passed, 5-0.

An employment agreement was presented for the County Administrator.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the employment agreement with the County Administrator.

Motion passed, 5-0.

Bill Noll requested approval of a subdivision roadway inspection policy.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to approve the subdivision roadway inspection policy.

Motion passed, 5-0.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben that this Board recess for a closed executive meeting for the discussion of litigation involving the legal interests of the County as justified by K.S.A. 75-4319(B)(2) for consultation with legal counsel for the Board which would be deemed privileged in the attorney-client relationship and that Board resume open meeting at 10:05 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith and Commissioner Stieben, Senior County Counselor David Van Parys, County Administrator Mark Loughry and Legal Counsel Andrew Holder.

Motion passed, 5-0.

The Board returned to regular session at 10:05 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

A Memorandum of Understanding with Flat Lands Excavating was presented.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve a memorandum of understanding presented by legal counsel addressing issues and setting out conditions regarding the operation of a landfill in Easton, Kansas by Flat Land Excavating.

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

A settlement agreement and mutual release with Flat Lands Excavating was presented.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve a settlement agreement and mutual release as presented by legal counsel resolving and leading to the dismissal of an action currently pending in the U.S. District Court involving Flat Land Excavating and Leavenworth County.

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

Connie Harmon presented the quarterly report for Council on Aging.

Mr. Noll presented the quarterly report for Public Works.

Commissioner Mike Smith will meet with the Mayor of Lansing and will attend the LCDC luncheon along with other Commissioners on Friday.

Commissioner Doug Smith attended the Basehor City Council meeting and attended the MLK celebration in Leavenworth.

Commissioner Stieben attend a town hall meeting in Linwood. He will also attend a meeting today regarding the battery plant and an Elephant Club meeting in Basehor.

Commissioner Culbertson met with Representative Johnson, Buehlar and Senator Tyson about Senate Bill 13 and LAVTR funds. He will also speak at the League of Women Voter's at the Leavenworth Public Library on Saturday.

Commissioner Kaaz attended two MLK celebrations and met with Representative Davids at the KCATA meeting. She attended the Port Authority meeting via Zoom and the Leavenworth City Commission meeting.

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

Motion passed, 5-0.

The Board adjourned at 10:52 a.m.

Final Approved