

\*\*\*\*\*November 18, 2020 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, November 18, 2020. Commissioner Schimke and Commissioner Stieben are present; Commissioner Kaaz and Commissioner Culbertson are present by phone; Commissioner Smith is absent; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Bill Noll, Infrastructure and Construction Services; Krystal Voth, Planning and Zoning Director; Jamie Miller, EMS/Health Department Director; Paul Kramer, Leavenworth City Manager; John Richmeier, Leavenworth Times

Residents: Tim and Hazel Brown, Robert Harris, Joe Herring

***A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz to elect Mike Stieben as temporary chair.***

***Motion passed, 4-0.***

Jamie Miller updated the Board regarding the COVID-19 virus.

***A motion was made by Commissioner Kaaz that the Board of County Commissioners rescind Board Order 2020-3 in order to allow Executive Order 52 become effective in Leavenworth County and those areas subject to the jurisdiction to the Executive Order.***

***Motion dies for lack of a second.***

PUBLIC COMMENT:

Joe Herring commented on an agenda item.

Diana Morrisey commented on an agenda item.

ADMINISTRATIVE BUSINESS:

Krystal Voth requested direction from the Board regarding the County Road 1 rezone.

***A motion was made Commissioner Schimke and seconded by Commissioner Culbertson to move forward with the notifications and a date set certain for the County Road 1 rezone for December 16.***

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

Commissioner Kaaz requested to remove the check registry from the consent agent.

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to accept the consent agenda less the check register.***

***Motion passed, 4-0.***

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the check register as presented.***

***Motion passed, 3-0 Commissioner Kaaz abstained.***

Mr. Loughry requested direction from the Board on the distribution of \$50,000.00 of funding for the historical societies and museums.

Several representatives from local historical societies and museums spoke.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to use the same formula as last year with Basehor Historical receiving \$1,560.00 and other requests would receive \$8,073.00 each.*

*Motion passed, 4-0.*

Ms. Voth presented Resolution 2020-39, adopting building codes.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke to table Resolution 2020-39.*

*Motion passed, 3-0. Commissioner Culbertson abstained.*

Ms. Voth presented Resolution 2020-46, the adoption of the professional development fee and amendments to the Planning and Zoning fee schedule.

*A motion was made by Commissioner Kaaz and seconded by Commissioner Schimke that the Board of County Commissioners approve Resolution 2020-46, adoption of the development fees and amendments to the Planning and Zoning fee schedule with the proposed \$2500.00 professional review fee.*

*Motion passed, 4-0.*

Ms. Voth presented a temporary special use permit for a borrow/crushing and storage area for King's Construction for the Eisenhower Road project.

*A motion was made by Commissioner Culbertson and seconded by Commissioner Schimke to approve the temporary special use permit for King's Construction for the borrowing and crushing quarry contingent on proctor study.*

*Motion passed, 4-0.*

Bill Noll requested approval of the contract with King's Construction for the construction of the Eisenhower Road project.

*A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the Eisenhower project as presented in an amount not to exceed \$6,178,421.55 and authorize Bill Noll to sign for the chairman.*

*Motion passed, 3-1, Commissioner Kaaz voting nay.*

A motion was made by Commissioner Schimke to bring alternate 2 back to the Board for consideration for fully funded or partial funded.

Commissioner Schimke was asked to restate his motion.

*A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to request that a proposal be brought to the Board for fully funding alternate 2 as part of the Eisenhower project.*

*Motion passed, 4-0.*

The Board recessed at 11:34 a.m. until 12:30 p.m. for the work session.

The Board reconvened at 12:55 p.m.

Mr. Noll requested to withhold the 10% retainage from McAnany on dust abatement group 2.

Eric Vossman with McAnanay Construction and Mark Breuer with Schalagel and Associations were available by phone for questions.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Culbertson to hold the remainder of the retainage until such time as the study is completed.***

***Motion passed, 4-0.***

***A motion was made by Commissioner Schimke and seconded by Commissioner Kaaz that if the problem is identified as a failure as a result of construction issues then the County pursues those charges against the contractor and if they are part of failures on the County side that they have been identified it and we can come in and resolve the rest of it.***

***Motion passed, 4-0.***

Mr. Noll requested approval of an agreement for maintenance of roads in cities for Leavenworth County and the city of Linwood.

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the MOU with the city of Linwood and Leavenworth County.***

***Commissioner Schimke amended his motion and Commissioner Culbertson amended his second to state "agreement", not MOU.***

***Motion passed, 4-0.***

Mr. Noll requested approval of a bid from Halco Construction Equipment for a shoulder machine for the amount of \$31,914.00.

***A motion was made by Commissioner Schimke and seconded by Commissioner Culbertson to approve the bid pricing for one front mounted motor grader roadside shoulder conveyer for the Public Works Road and Bridge Department not to exceed \$31,914.00.***

***Motion passed, 4-0.***

Mr. Noll requested to accept the Fall 2020 cost share program award for 158<sup>th</sup> Street roadway safety improvement project in the amount of \$900,000.00.

***A motion was made by Commissioner Schimke and seconded by Commissioner Stieben to accept the Fall 2020 cost share program award for 158<sup>th</sup> Street roadway safety improvement project for 2022.***

***Motion passed, 4-0.***

Commissioner Culbertson announced Millwood Rd bridge will be open Friday.

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

***Motion passed, 4-0.***

The Board adjourned at 1:58 p.m.