

*****March 25, 2026*****

The Board of County Commissioners met in regular session on Wednesday, March 25, 2026. Commissioner Smith, Commissioner Reid, Commissioner Culbertson, Commissioner Dove and Commissioner Stieben are present; Also present: Mark Loughry, County Administrator; Misty Brown, County Counselor; Dave Martin, Information Systems Director; John Jacobson, Planning and Zoning Director; Amy Allison, Planning and Zoning Deputy Director

PUBLIC COMMENT:

Colonel Sunday presented the Board a draft agreement for EMS services on Fort Leavenworth.

Laura Wyckoff, Ben Morgan, EJ Fike; Ted Grinter, Kevin Gruer, Alicia Boswell , Stacey Schmitt and Nancy Carpenter commented.

ADMINISTRATIVE BUSINESS:

Commissioner Reid inquired if the Board received a letter from Senator Klemp regarding Kaw Valley special use permit.

Commissioner Stieben indicated the letter expresses interest in rail spur from Union Pacific Railroad.

Misty Brown indicated the letter should not be considered since it was not presented at the public hearing.

Commissioner Reid read the letter from Senator Klemp.

A motion was made by Commissioner Culbertson and seconded by Commissioner Smith to accept the consent agenda for Wednesday, March 25, 2026, as presented.

Motion passed, 5-0.

John Groves requested allocation of funds from the Leavenworth County Special Alcohol Funds.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to distribute funds from the Leavenworth County Special Alcohol Fund as recommended.

Motion passed, 5-0.

Dave Martin requested approval of the purchase of vulnerability maintenance software.

A motion was made by Commissioner Smith and seconded by Commissioner Culbertson to approve the purchase of Tenable Vulnerability Management Software in the amount of \$19,000.00.

Motion passed, 5-0.

Amy Allison presented Resolution 2026-7, a request for a special use permit for Kaw Valley, LLC.

A motion was made by Commissioner Smith and seconded by Commissioner Dove that since the Planning Commission's original recommendation in November, the applicant has suggested substantial changes for the Commission's consideration. These suggested changes include moving their operation into Leavenworth County and allowing retail sales on site, a new primary haul route, and royalty payments to the County. These changes, if implemented, could affect the intensity of use, the traffic patterns and materially alter the nature, scope, and potential impacts of the proposed use. The current record does not reflect the applicant's proposed changes to the application, and that makes it difficult for the Commission to properly evaluate the request. Simply put, the original public hearing record is no longer adequate for the County Commission to make a fully informed decision. In addition, due process and fundamental fairness require that neighboring property owners and the public have an opportunity to review and comment on the revised proposal. If the Commission includes the suggestions the applicant has brought forward, the changes could affect key considerations such as compatibility with surrounding uses, the traffic impact, the overall effect on the relative gain to economic development, public health, safety, and welfare which would require an updated analysis consistent with the Golden factors. Given the potential impacts to local roads, I'd encourage the applicant to consider evaluating alternatives to exclusive road use, including the feasibility of incorporating a rail loop. Understanding whether rail service is viable could help address traffic, safety, and road maintenance concerns, while still keeping the decision grounded in what's practical and achievable. The Planning Commission has not evaluated or made a recommendation on the proposed changes to the application, and I cannot either vote to approve or disapprove this matter at this time so I move that Case DEV-25-021 matter be remanded back to the Planning Commission with direction to the Planning to:

- 1. conduct a new public hearing and consider the newly proposed haul route, retail sales from the site, the applicant's reclamation plan, and the proposed royalty payment as well as any other proposed changes,*
- 2. Evaluate the application as modified under all applicable criteria, including the Golden factors; and*
- 3. develop an updated record and recommendation for consideration by the County Commission.*

Commissioner Reid read a letter from the Union Pacific Railroad.

Aaron March, counsel for Kaw Valley, LLC commented.

Motion passed, 4-1, Commissioner Culbertson voting nay.

Commissioner Stieben presented a list small businesses and special use permits that have been approved in the last seven years.

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

Motion passed, 5-0.

The Board adjourned at 10:02 a.m.

Final Approved