

\*\*\*\*\*June 12, 2024 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, June 12, 2024. Commissioner Culbertson, Commissioner Kaaz, Commissioner Mike Smith and Commissioner Doug Smith are present; Commissioner Stieben is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Misty Brown, Deputy County Counselor; Bill Noll, Infrastructure and Construction Services; Lisa Haack, LCDC Director; Edd Hingula, Leavenworth City Commission; George Brajkovic, Tonganoxie City Manager; Ann Krstulic, Attorney; John Richmeier, Leavenworth Times

Residents: John Matthews, Dave Breuer, Joe Wilson

**PUBLIC COMMENT:**

There were no public comments.

**ADMINISTRATIVE BUSINESS:**

Commissioner Doug Smith read an article from 1974 that indicated the county had paid the last road improvement bond and was out of debt.

Commissioner Stieben commented about an email received from an individual wanting to open an air bnb indicating they would need a special use permit. Commissioner Stieben reported there are several air bnb's operating without a special use permit at this time and each case needs to be treated the same.

Commissioner Mike Smith read from the email and indicated he felt there was not an issue.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, June 12, 2024.***

***Motion passed, 5-0.***

A request for an annexation from the city of Tonganoxie was presented.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Culbertson to deny the annexation request, as it currently stands, by the city of Tonganoxie. Reasons are that the city, while having addressed several of the issues first identified by the County, has not resolved the issue of road access, maintenance and responsibility for the necessary future improvements of 222<sup>nd</sup> Street, and the other public roads that surround the proposed annexation area. The citizens of the county have, over the years, invested well in excess of 10 million dollars towards improving road access to this area. Leaving the future road access, maintenance and improvement of these same roads will, in my opinion, that opinion based upon the totality of the record before us, hinder proper growth and development of the area sought to be annexed. Not knowing, how, when or by whom, access and necessary improvements will occur is a hinderance to the proper growth and development of the area.***

***Motion passed, 4-1 Commissioner Stieben voting nay***

Bill Noll requested equipment presented be placed on the surplus list and sold on Purplewave.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve equipment as presented by Public Works be placed on the surplus list and sold on PurpleWave.***

***Motion passed, 5-0***

Mr. Noll requested approval of the proposal and fee from Bliss Associates for on call real property appraisal services.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Mike Smith to approve the proposal and fee from Bliss Associates for on call real property appraisal services in accordance with FHWA right of way acquisition requirements.***

***Motion passed, 4-0 Commissioner Doug Smith abstained.***

Commissioner Culbertson read a proclamation recognizing Juneteenth.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to recess for a closed executive meeting for the discussion of potential 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 9:55 a.m. in the meeting room of the Board. Present in the executive meeting will be Commissioners Culbertson, Kaaz, Mike Smith, Doug Smith and Mike Stieben, Senior County Counselor David Van Parys, Deputy County Counselor, Misty Brown and County Administrator Mark Loughry and others that may be called by the Board.***

***Motion passed, 5-0.***

The Board returned to regular session at 9:55 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

Commissioner Doug Smith indicated a stop property fraud meeting will be held June 18<sup>th</sup> in Platte City. He also reported the Kansas Livestock Association will hold their annual fundraiser on June 22<sup>nd</sup>.

Commissioner Kaaz attended the Leavenworth City Commission meeting. She reported the Deeper Window Association will hold a fundraiser on June 15<sup>th</sup>. The Historical Society will hold a garden tour fundraiser on Saturday.

Commissioners Mike Smith and Culbertson met with staff from Parkville regarding the 152 bridge.

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

***Motion passed, 5-0.***

The Board adjourned at 10:00 a.m.