

*****June 21, 2023 *****

The Board of County Commissioners met in a regular session on Wednesday, June 21, 2023. Commissioner Kaaz, Commissioner Doug Smith, Commissioner Mike Smith and Commissioner Culbertson are present; Commissioner Stieben is present by phone; Also present: Mark Loughry, County Administrator; David Van Parys, Senior County Counselor; Aaron Yoakam, Buildings and Grounds Director; Bill Noll, Infrastructure and Construction Services; Edd Hingula, Leavenworth City Commissioner; David Frese, John Richmeier, Leavenworth Times

Residents: Joe Herring

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

Commissioner Doug Smith mentioned Pat Proctor's recent comments on the County's mill levy and a 14% increase in property taxes.

Mark Loughry stated that statement was not true and briefly explained the taxation system with a flat mill levy.

Commissioner Culbertson spoke about PILOT checks and asked for a consensus of the Board to retain a company to facilitate action to obtain the PILOT checks.

Commissioner Stieben clarified comments that have been made on social media about the Commission lobbying against veteran's taxes.

Commissioner Doug Smith requested to have the check register removed from the consent agenda.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the consent agenda for Wednesday, June 21, 2023 as presented minus the check registry.

Motion passed, 5-0.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept the check register section of the consent agenda.

Motion passed, 4-0 Commissioner Doug Smith abstained.

Resolution 2023-14, declaring a maximum speed limit on non-hard surface roads was presented for approval.

Bill Noll briefed the Board on the costs of reducing the speed specifically on George Road.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Stieben to approve Resolution 2023-14, pursuant to K.S.A. 8-2002, K.S.A. 8-1560 and K.S.A. 19-101 declaring a reasonable maximum speed limit on non-hard surface roads and establishing signage posting procedures on roads under jurisdiction and control of Leavenworth County, Kansas; repealing Resolution 1998-26 and all prior resolutions regarding maximum speed limit on non-hard surface county roads.

Motion failed, 2-3 Commissioners Kaaz, Doug Smith and Culbertson voting nay.

A vacation of a right of way on a section of State Road was presented.

Commissioner Kaaz opened the public hearing.

Commissioner Kaaz closed the public hearing.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to vacate a used section of State Road commonly known as the Leavenworth-Lawrence Road pursuant to K.S.A. 68-102 and find that the road right of way shown on the documents presented no longer serves as a public utility due to the relocation of the public roadway, non-use and lack of any foreseeable use as a public roadway and should be vacated. Further, that all notice required by K.S.A. 68-102a has been provided.

Motion passed, 5-0.

Aaron Yoakam requested approval of awarding bid to Sands Construction for the Cushing Hospital parking lot construction and improvements.

A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to accept Sands Construction for the Cushing Building parking lot construction and improvements.

Motion passed, 5-0.

Mr. Loughry presented a road improvement agreement for approval.

A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to table the road improvement agreement for two weeks.

Motion passed, 5-0.

Joe Herring commented on a non-agenda item.

Commissioner Stieben requested additional 35 mph signs on George Road.

It was the consensus of the Board to have staff follow the regulations in adding additional signage.

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 10:25 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 by phone, Senior County Counselor David Van Parys and County Administrator Mark Loughry and anyone else that may be called by the Board.

Motion passed, 5-0.

The Board returned to regular session at 10:25 a.m. No action was taken and no decisions were made. The subject was limited to the legal interests of the County.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson that the staff be directed to initiate the remediation of the road surface of the Eagle Crossing subdivision and the

vegetative cover required by law on 158th and County Road 2 project and seek recovery of the cost from the responsible parties.

Motion failed, 2-2 Commissioner Stieben abstained.

A motion was made by Commissioner Mike Smith and seconded by Commissioner Culbertson that the staff be directed to initiate the remediation of the road surface of the Eagle Crossing subdivision and the vegetative cover required by law on 158th and County Road 2 project and seek recovery of the cost from the responsible parties.

Motion passed, 4-1 Commissioner Doug Smith voting nay.

Commissioner Kaaz left the meeting at 10:28 a.m. for another event.

It was the consensus of the Board to have Commissioner Culbertson chair the meeting for next week in Commissioner Kaaz's absence.

Commissioner Doug Smith attended the Continuing Construction ceremony for the city of Basehor, attended the unveiling of the plaque at the Richard Allen Cultural Center, attended the Juneteenth celebration and will attend the Fairmount Township Board meeting on Thursday.

Commissioner Stieben and Commissioner Mike Smith attended the League of Women Voter's forum. Commissioner Stieben also attended the Juneteenth celebration.

Commissioners Culbertson and Kaaz participated in a Zoom meeting with Hartwell Consultants regarding PILOT checks.

Commissioner Mike Smith attended the Juneteenth celebration. He also reported TSC will be moving to Towne Center in Lansing.

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

Motion passed, 4-0.

The Board adjourned at 10:31 a.m.