

\*\*\*\*\*September 1, 2021 \*\*\*\*\*

The Board of County Commissioners met in a regular session on Wednesday, September 1, 2021. Commissioner Mike Smith, Commissioner Kaaz, Commissioner Culbertson, Commissioner Doug Smith 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; John Richmeier, Leavenworth Times

Residents: Joe Herring, Greg Ledford, Curtis Witt, Tony and Julie Sheets, Randy Evans, Tyler Kendrick

PUBLIC COMMENT:

There were no public comments.

ADMINISTRATIVE BUSINESS:

David Van Parys requested ratification of a motion for the Special Other Funds budget approval.

***A motion was made by Commissioner Mike Smith and seconded by Commissioner Doug Smith to approve the County's Special Other Funds 2022 budget as presented.***

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

Mark Loughry reported the meeting for the week of October 18<sup>th</sup> will need to be moved due to three Commissioners attending the Kansas Association of Counties conference.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to move the meeting date for the week of October 18<sup>th</sup> to be October 19<sup>th</sup>.***

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

Commissioner Mike Smith asked staff to schedule a work session to discuss the job description for an economic developer position.

Commissioner Mike Smith recognized the loss of lives and those left behind during the Afghanistan withdrawal.

Commissioner Doug Smith stated that during a work session it was mentioned about fire hydrants indicating he thought it was decided that if water districts provide fire protection that that is what would happen not that we have to provide fire protection for subdivisions.

Mr. Van Parys recalls that the Board made a policy decision that where the infrastructure existed for the installation of fire hydrants in a subdivision that that would be required but in instances that there was no current availability of that infrastructure that fire hydrants would not be required.

Commissioner Doug Smith inquired about the trailer park in Tonganoxie allowing RV's to park there.

Mr. Van Parys indicated staff's interpretation of the regulations did not allow for the parking of RV's at that site.

***A motion was made by Commissioner Stieben and seconded by Commissioner Culbertson to direct staff to accommodate the parking of RV's at the Paradise Trailer Court for the change in current regulations or 60 days whichever occurs later.***

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

Commissioner Kaaz requested the check registry be 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, September 1, 2021 as provided except the check registry.***

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

***A motion was made by Commissioner Culbertson and seconded by Commissioner Stieben to accept the check registry section of the consent agenda.***

***Motion passed, 4-0, Commissioner Kaaz abstained.***

Bill Noll requested approval of an agreement between MHS, Leavenworth County and KDOT for construction engineering and inspection services for high-risk rural road projects.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Kaaz to approve the agreement for construction engineering for project 505801 services between MHS, Leavenworth County and KDOT.***

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

Mr. Noll requested approval of a contract between LEXECO and Leavenworth County for rock crushing at the Tonganoxie Quarry.

Commissioner Kaaz clarified she has no ownership or interest in LEXECO and will not be voting on this because she does not want any appearance of impropriety.

***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to approve the agreement for rock crushing and quarry operations between LEXECO and Leavenworth County for the Tonganoxie Quarry inserting the appropriate insurance provisions.***

***Motion passed, 4-0, Commissioner Kaaz abstained.***

Amy Allison presented Resolution 2021-33, a request for a special use permit for a contractor's yard for Westland Construction located at 20510 163<sup>rd</sup> St.

***A motion was made by Commissioner Kaaz and seconded by Commissioner Stieben to approve Resolution 2021-33, a special use renewal for a contractor's yard for Westland Construction, Inc. for a period of five years.***

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

Ms. Allison presented Resolution 2021-34, a request for a special use permit for a contractor's yard for Schuetz Construction located at 14833 142<sup>nd</sup> St.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Doug Smith to approve Resolution 2021-34, a special use permit for Schuetz Construction for 15 years.***

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

Ms. Allison presented Resolution 2021-35, a request for a special use permit for a contractor's yard for Dave's Plus Construction, LLC located at 18429 166<sup>th</sup> St.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Stieben to approve Resolution 2021-35, a special use permit for Dave's Construction for the amount of 15 years.***

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

Ms. Allison presented Resolution 2021-36, a request for a special use permit for a boat and RV storage for Ledford Boat and RV Storage located at 28910 207<sup>th</sup> St.

***A motion was made by Commissioner Culbertson and seconded by Commissioner Mike Smith to approve Resolution 2021-36, a special use permit for a boat and RV storage located at 28910 207<sup>th</sup> St.***

***Motion passed, 4-1, Commissioner Kaaz voting nay.***

Ms. Allison presented Resolution 2021-37, a request for a special use permit for a boat storage facility for Dusselier Boat Storage located at 15829 174<sup>th</sup> St.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve Resolution 2021-37, a special use permit for a boat storage facility for Dusselier Boats located at 15829 174<sup>th</sup> St.***

***Motion failed 3-2, Commissioners Mike Smith, Doug Smith and Vicky Kaaz voting nay.***

***A motion was made by Commissioner Stieben and seconded by Commissioner Doug Smith to return this back to the Planning Commission for them to review the Golden Factors that might support this SUP.***

***Motion passed, 3-2 Commissioner Mike Smith and Vicky Kaaz voting nay.***

Ms. Allison presented Resolution 2021-38, a request for a rezone from RR-5 to RR-2.5 located at 25800 Linwood Road.

***A motion was made by Commissioner Doug Smith and seconded by Commissioner Mike Smith to approve Resolution 2021-38, a request to rezone a tract of land from RR-5 to RR-2.5 located in the northeast intersection of K-32 and I-70.***

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

Ms. Allison presented Resolution 2021-39, to amend the article 19, the table of uses of the 2006 Zoning and Subdivision Regulations.

***A motion was made by Commissioner Stieben and seconded by Commissioner Kaaz to approve Resolution 2021-39, a text amendment to the Leavenworth County Zoning and Subdivision Regulations, Article 19, Table of Uses.***

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

Ms. Allison presented Resolution 2021-40, to amend Articles 3, 19 and 57, definitions, table of uses and renewable energy conversion systems.

***A motion was made by Commissioner Stieben and seconded by Commissioner Mike Smith to approve Resolution 2021-40, a text amendment to the Leavenworth County Zoning and Subdivision Regulations, Articles 2, 19 and 57, solar farms.***

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

Commissioner Mike Smith reported the city of Lansing is moving forward on designs for Bernard Park.

Commissioner Doug Smith reported the city of Basehor and Fairmount Township held public hearings for the revenue neutral rates.

Commissioner Kaaz clarified that a letter sent on what appeared to be County letterhead to support decisions or opinions of the school board regarding their decisions on masks was an individual declaration and not the opinions of the Board of County Commissioners as a whole.

Commissioner Stieben clarified the contents of the letter simply states that the schools have the authority to make their decisions for their students and their communities indicating he spoke with the Attorney General on the contents of that letter.

Mr. Loughry reminded the Board about the Price Chopper ribbon-cutting ceremony on September 15 at 8:00 a.m.

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

*Motion passed, 5-0.*

The Board adjourned at 10:26 a.m.

Final Approved