The board reconvened after recessing Thursday, August 28, 2003. All three commissioners are present. Also present: Connie Parish, Leavenworth Times

Public Comment: None.

Administrative Business:

Commissioner Navinsky read a letter from the Kansas Department of Transportation requesting right-of-way easement on the creek bed alongside the north parking lot in order to repair the bridge on 4th Street. The board is concerned about erosion of the creek bed that may be affecting the parking lot adjacent to it, as the parking lot is splitting. The board contacted KDOT by phone, and asked if they would be willing to fix the erosion rather than pay the easement. The lady they spoke to stated she thought the problem area was further east than where they needed to work but the board could contact the engineer assigned to the project.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the following OCB and authorize the chairman to sign.
- OCB#2002-785-15220, Dean Owens and Brenda L. Folsom, Addition

At 9:32 a motion was made by Commissioner Navinsky and seconded by Commissioner Adams to go into executive session for a period of ten minutes to discuss personnel. The motion passed, 3-0.

At 9:42 the board resumed its regular session.

Now present at 10:00 a.m.: Letty Hinds, resident of Leavenworth County.

Ms. Letty Hinds is requesting the commissioners consider paving her road, which is Donahoo Road. She stated that there is only one road in the grid that is not paved and that is her road. The board explained that paved areas are determined by traffic counts. Commissioner Daniels also explained to Ms. Hinds that the county only gets approximately 27% of the taxes paid and the remainder is distributed to other entities, such as the school district. The 27% the county does receive is distributed to the various county offices, not just the Road and Bridge budget. The board discussed with Ms. Hinds the concept of a road benefit district. She remarked that she would speak with the homeowners in her area to see how they would feel about that.

Tape 3046

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to declare the microfilm processor in ROD excess property as they have no use for it and expects not to have any use for it and will accept bids for the processor for ten days. The motion passed, 3-0.

Now present at 1:30 p.m.: John Zoellner, Planning & Zoning; David Lutgen, Public Works; Lois Fulkerson, Consolidated Water District; Rustum Fernandi; Everett Smith; Mike Hooper, City of Basehor; Henry Kenega; county resident.

Mr. Fernandi addressed the board regarding a problem he has been having with KDOT. He is the property owner and developer of Falcon Lake Estates on K-7 Highway. He stated that when he initially purchased the property, he received a letter from KDOT agreeing to allow him an entrance onto the highway from Falcon Lakes. Since that time, the state has evidently changed their mind and has denied him highway access due to safety issues. He is losing a great deal of his investment on the sale of new homes due to their not being an entrance from the highway. Mr. Fernandi said they have invested 19 million dollars since acquiring the property, and will invest almost a half billion dollars by the time the project is done. The City of Basehor and the Consolidated Water District has also invested a great deal of money by providing commercial size water lines and gas lines to accommodate the anticipated business. Lois Fulkerson stated they designed the water system for commercial use and if that is not allowed, they would have to relocate the main, which is very expensive.

Mr. Fernandi has requested this meeting because he was told the state would be contacting LV County, Basehor, Shawnee, Bonner Springs, and Olathe to find out what their position is on whether they would want K-7 to be a freeway with no stoplights or a commercial highway, which would allow for businesses and would require a
lower speed limit. Mr. Fernandi would like to know what the county’s position is before going to the meeting. Mr. Fernandi wants the state to remain with the original plan, which called for a commercial highway.

Commissioner Daniels asked what would be so negative about the use of the Hollingsworth and Donahue as collector roads? Mr. Fernandi said the county does not have the money to fix the roads to accommodate the amount of traffic that would be using the road. Commissioner Adams asked what transpired between the time he got the agreement from the state and the time they were denied the entrance. Mr. Fernandi said he did not know, other than the state says there are safety issues. Commissioner Daniels asked how much support the City of Basehor has given. Mike Hooper said they have supported Mr. Fernandi as much as they could and have tried to put some political pressure on them also.

Commissioner Navinsky asked if there is a frontage road in the plan. Mike Hooper said no, but when the Zarda property develops, there will be a frontage road that will access Donahoo and Hollingsworth, but the Zarda property shows the primary exit out of Falcon Lakes Drive, which was designed to be the thoroughfare because there are no stop signs, which he said obviously is not going to happen.

Mr. Fernandi remarked that he will wait until the end of the month to find out what transpires at the meeting, but will probably end up suing the state.

Mr. Fernandi said he did not need an answer right away, but would like to know before going into the meeting. It was the consensus of the board that they understood where he was coming from and understood his frustration, but until they heard the KDOT’s side, all they could do was support the need for him to have timely assistance and the support the fact that his needs fits into the needs of the county.

Meeting adjourned at approximately 3:00 p.m.

Janice Dickson
Deputy County Clerk
Tape 3046

The board reconvened after recessing Tuesday, September 2, 2003. All three commissioners are present. Also present: Connie Parish, Leavenworth Times; from the Clerk’s Office: Linda Scheer, Helen Klinkenberg, Janet Klasinki, Debbie Cox; Carolyn Donald; from Human Resources: Diane Collins, Wanda Doty, Jennifer Anderson. Also present Robert Doyle, Director of Juvenile Detention Center; Cameron Howell, County Survey; and Chuck Magaha, Director of Emergency Preparedness; Don Aaron, Jr., county resident.

Public Comment: Don Aaron Jr., addressed the board regarding what he thinks to be an illegal occupancy in a trailer owned by Clarence Jenkins on 187th Street. Commissioner Daniels said that he had previously looked into the situation and that it was initially put in as a tool shed and then later, Mr. Jenkins upgraded his permit to be a domicile permit for a farm hand. Tom Olson, Planning & Zoning, is checking the circumstances of it being domicile, but Commissioner Daniels stated that as far as he knew, it was authorized to be living quarters for farm-hand purposes. Mr. Aaron stated he is using the property for rental property not for farm use. Tom Olson said they could write another letter, but Mr. Jenkins still claims that it is for farm hands, which would be hard to manage/control.

Administrative Business:

The board presented a plaque for 25 years of service to Helen Klinkenberg of the County Clerk’s office. She was congratulated on her years of service. Employees from the Clerk’s office and Human Resources attended to congratulate her.

Tape 3047

Bob Doyle addressed the board regarding the day school program. He stated that he met with the Leavenworth Superintendent of Schools and Judge Bednar. Bob was notified yesterday by the superintendent that they have found the funds to continue the program. A motion was made by Commissioner Adams and seconded by Commissioner Navinsky to allow the JDC Director to proceed with his investigation of bringing back the dayschool program in cooperation with USD 453 with the intent to reinstitute the program should things work out. The motion passed 3-0.

Cameron Howell requested authorization from the board to go out for bid on a new transit, which could cost approximately $10,000.00. It was the consensus of the board to allow him to do so.

The board was made aware by Jack Rogers, Building Maintenance, that there are 2-3 vault doors upstairs that are being removed due to courthouse renovation that people are interested in purchasing. A motion was made by Commissioner Navinsky and was seconded by Commissioner Daniels to declare the vault doors excess property to be put for bid. The motion passed, 3-0.

Chuck Magaha explained the error made on the 911-tariff tax from Sprint, explaining that Sprint has dropped the ball for the last five years. No one in the northern part of the county is being charged the tariff. Chuck also said each city and entity has had or will be receiving a package called Urban Area City Initiative, which is a survey. Completing the survey qualifies the cities for a portion of the $9.7 million in federal money. The money can be used for bioterrorism equipment, exercises, and planning.

Tim Goetz addressed the board regarding the bids for the snow guard and guttering system for the Juvenile Detention Center. Tim received one other bid from a company out of KC-St. Joseph, which is a 30% reduction in price from what was quoted from American Roofing. The bids are as follows:

<table>
<thead>
<tr>
<th>Gutters</th>
<th>Snow Guards</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Roofing</td>
<td>10,733.00</td>
<td>2,937.00</td>
</tr>
<tr>
<td>W. Scott &amp; Company</td>
<td>9,460.00</td>
<td>Included</td>
</tr>
</tbody>
</table>

The difference in the quotes is that W. Scott & Company uses a 6” gutter rather than a 7” gutter. The gutter size was not part of the bid specification. Otherwise, the bids were identical. It is Tim Goetz’s recommendation to proceed with a contract with W. Scott & Company, Inc in the amount of $9460.00. Bob Doyle said he had $5000.00 to put towards the project. Tim Goetz said the remainder will come out of capital improvement. A motion was made from Commissioner Navinsky and seconded by Commissioner Adams to accept the proposal from W. Scott & Company pending the availability of funds. The motion passed, 3-0.
A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the minutes of August 28 and September 2 as amended. The motion passed, 3-0.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the following travel requests. The motion passed, 3-0:
- Ed Sass and Debbie McRill to Salina, KS to attend the MSWLF & SAL Operators’ Training Course & Rode-O on 09/18 through 09/20. Cost to the county is $339.66.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to send a letter allowing Time Warner Cablevision to be released from putting the franchise contact information on the monthly statements, but to also send a letter explaining that there needs to be a point of contact. The motion passed, 3-0.

Now present at 10:00 a.m.: Cameron Howell, Survey Department.

Cameron Howell gave the monthly report and budget status for the survey department. No action was taken.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the minutes of August 28 and September 2 as amended. The motion passed, 3-0.

Now present at 11:00 a.m.: Anne deShazo, Juvenile Justice Authority.

Anne deShazo gave the monthly report and budget status for the Juvenile Justice Authority. No action was taken.

A motion was made by Commissioner Adams and seconded by Commissioner Navinsky to appoint Mildred McMillon to serve on the Juvenile Corrections Advisory Board for a three-year term from 06/03 to 06/06. She will represent the first district in the general category. The motion passed, 3-0.

Now present at 1:30 p.m.: Cameron Howell, County Surveyor; John Zoellner and Linda Bohnsack, Planning & Zoning; John and Ruth Straton; David Foley; Kevin Schimke; Bryan Albers; Mike Hooper, City of Basehor.

Item #1: Consideration of an application to rezone property the following described property under Rural Residential 2.5 Acre District to B-1, also known as 19913 139th Street (K-7 Highway), Leavenworth, KS 66048. Request submitted by Kevin and Joy Schimke. The County Commissioners have received a valid petition, which requires a unanimous vote by the board.

Staff Report: John Zoellner gave the staff report. He stated the applicant is currently operating a business without a permit. There was much opposition to the rezoning at the planning commission with the main issue being traffic. The Planning Commission is recommending approval, 7-0. The area is one that has been considered by the county as a change to high intensity, which Basehor is also considering. Mr. Schimke is currently being taxed as residential and agricultural. It is the recommendation of John Zoellner that they pay back taxes at the commercial rate to the point of the time they started their business.

Those in Favor: Mr. Schimke spoke in favor of the rezoning. He has approximately twelve employees and does not feel he is really impacting the surrounding property or property owners, stating there are businesses all around them and it is just a matter of time before the whole area is rated as business.

Those in Opposition: Mr. Bob Beall is appearing on behalf of Mr. and Mrs. McBride. Mr. Beall stated the property has been being used illegally due to the zoning and the reason it came to the attention of the commissioners is the speed of the vehicles going in and out of there. The traffic on the service road has begun to be a problem. He stated that rezoning would change the structure of the surrounding property to business, to where now it is a residential atmosphere. Mr. Beall stated that Mr. Schimke would be eligible for a SUP if he was running a small business and did not have 12 employees, but this is a big business and obviously will be getting bigger. Mr. Beall suggested the board redefine/expand the definition of Special Use Permit, which would allow the Schimbkes to operate under that category without having to rezone.

Linda McBride: Another concern is that they are not on the highway; they are on a service road off the highway. They have a one-lane street that is 17 feet wide. There are trucks going up and down it, with a 300%
increase in use. She stated the road couldn’t handle the amount of traffic the business does and will produce in the future.

Edith Burback: Visibility on the road is not good and the trees hang over the road. There is definitely a safety issue.

Corie and Debbie Smith: Mr. Beall covered their concerns very well.

Commissioner Daniels asked Mr. Hooper what the City of Basehor’s position was: Mr. Hooper stated it is in Basehor’s growth area because it is along 7-Highway. They currently have a high-intensity use corridor along K-7 just north of the frontage road, clear to Hollingsworth Road and knowing the development that is occurring in the area, they feel it is a good choice to make it high-intensity and anticipate making it a commercial area.

Mr. Burback asked what the timeline was in making K-7 a commercial area and Mike Hooper did not have a definite date. Mike said there are a number of people that have expressed interest in the surrounding area. He is looking at the corridor to start at Parallel to run north to possibly Fairmont Rd.

Commissioner Daniels asked if the applicant is requesting to rezone the entire 18 acres he owns or just the land the business sits on. Mr. Schimke stated he thinks it is just a matter of time before it is all business, but would be happy with a smaller portion. Commissioner Daniels asked John Zoellner if an SUP would be more in order and is it required that you live on the property? John Zoellner stated that the norm is the people have to reside on the property and the employees are only family members, which would limit the number. John also stated a lot will depend on whether the highway will be a freeway or commercial highway. If it turns out to be a freeway, the property being commercial would not be beneficial. Commissioner Daniels read the use regulations for B-1 district to the group, which emphasized that it can be no larger than 2500 square feet.

Bryan Albers, partner in the business stated they employ sales people and computer programmers. He also remarked that most of their future growth will be in the form of “virtual offices” that will not even be on the property, but people working out of their own homes from different locations. Commissioner Adams asked what tax support or benefit is he providing to Leavenworth County currently. Mr. Schimke stated he has paid the traffic impact fee and he is providing employment to residents in Leavenworth County, which includes 12 people.

Tape 3049

Commissioner Daniels asked if we need to provide information on how to prepare a petition to ensure petitions are valid. John Zoellner stated it is not the county’s job to provide legal advice on how to prepare a petition, when we have to remain neutral. Commissioner Adams expressed concern that the application requires a 3-0 vote, and then if the petition is challenged in court, it could be considered “invalid” for one reason or another. Commissioner Navinsky reminded the board that the planning commission did approve the application 7-0, and the fact that a valid petition had been received, the vote will have to be unanimous or the board could send it back to the planning commission with the recommendation to make it Special Use Permit. John Zoellner informed the board they did not have to send it back to the planning commission to make it a special use permit, the board has the authority to change it to a special use permit.

Commissioner Navinsky asked if the first 200-300 feet of the property could be zoned commercial rather than all 18 acres. John Zoellner stated the board did have the authority to do that, but that it may not be the best solution.

A motion was made by Commissioner Daniels and seconded by Commissioner Navinsky to deny the request for rezoning and instruct the applicant to try and get a special use permit in the future. The motion passed, 3-0.

Item #2: Consideration of an application to rezone property under Rural Residential 5 acres to Rural Residential 2.5 acres. Request is submitted by David Foley and Gus Koerth.

Staff Report: John Zoellner gave the staff report. He stated there was one person in opposition to the application. The planning commission recommended approval 7-0. He stated engineered systems would be required and there is no negative effect on surrounding property. Property taxes would be increased. It does comply with the comprehensive plan.

Those in Favor: David Foley, applicant, spoke in favor of the rezoning from 5 acres to 2.5 acres. He will be putting in eleven nice houses. No interior streets.
Ruth Straton stated she was under the impression the zoning commission would require improvement of the north and west roads of the property. John Zoellner said, no, Public Works said that, not the planning commission. Commissioner Daniels reminded those attending the hearing that the purpose of the hearing is for rezoning not platting, that will be done at a later point. John Straton remarked that they had received a lot of calls and that the main concern is traffic. The Stratons also stated their concern that their lake will be used a marketing tool to sell the property and it is private property that is privately funded with homes association dues.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the rezoning of property from R5 to 2.5. The motion passed, 3-0.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve Resolution 2003-45. The motion passed, 3-0.

RESOLUTION 2003-45

A resolution to amend the official Zoning Map for Leavenworth County from Rural Residential Rural Residential 5.0 District to Rural Residential 2.5 District for property described as a 22.87 acre tract of land in the Northeast Quarter of the Southwest Quarter of Section 7, Township 12 South, Range 22 East of the 6th PM, and located at the southwest corner of the intersection of Linwood Road and Kreider Road, except that part taken or used for road, in Leavenworth County, Kansas. Request submitted by Dave Foley and Gus Koerth.

WHEREAS, it is hereby found and determined that a request to rezone the property described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 2nd day of July 2003, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the issuance of such permit on the 20th of August, 2003 and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and,

WHEREAS, the Board of County Commissioners meeting in session on the 4th day of September, 2003, did consider the application for an amendment and the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

1.) Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,

2.) Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 4th day of September, 2003, and incorporated herein by reference;

the requested amendment to the official Zoning Map for Leavenworth County be approved to change the zoning from Rural Residential 5.0 District to Rural Residential 2.5 District for the tract of land described above.

Adopted this 4th day of September, 2003

Board of County Commissioners
Leavenworth, County, Kansas

/s/Joseph Daniels Jr., Chairman

/s/Donald Navinsky, Member

/s/Robert Adams, Member

ATTEST:
Item #3: Public Hearing: Consideration of a proposed amendment to the Leavenworth County Zoning and Subdivision Regulations concerning the subdivision of land by lot/tract split or by platting. The purpose of the changes are to bring the regulations in line with state statutes concerning the subdivision of land in the county.

By approving the amendment, it would remove any reference to 79-405 and will be handled by the Chapter 12 Zoning Series, which will alleviate the problems they have in checking prior deeds on whether the property is described in aliquots or metes and bounds.

Tape 3050
A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to amend article 85 Tract Splits, and Article 3 Definition Section of the Leavenworth County Zoning and Subdivision. The motion passed, 3-0.

A motion was made by Commissioner Adams and seconded by Commissioner Navinsky to approve Resolution 2003-46 to amend by reference, Article 3 and Article 85, Lot Split Regulations.

RESOLUTION 2003 - 46

A resolution to amend by reference Article 3, Section 2 Definitions and Article 83 Lot Splits of the Leavenworth County Zoning and Subdivision Regulations.

WHEREAS, it was found that the current regulations governing lot splits were ambiguous and difficult to enforce and were in need of revision to effectively enforce the intent of the governing body and serve the best interests of the citizens of Leavenworth County;

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon proposed amendments to the Leavenworth County Zoning and Subdivision Regulations on the 20th day of August 2003.

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and,

WHEREAS, the Board of County Commissioners meeting in session on the 4th day of September 2003, did consider the proposed amendments and the recommendation of the Leavenworth County Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

1.) Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission; and,

2.) Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 4th day of September 2003, and incorporated herein by reference;

That the amendments to Article 3 Definitions, Section 2 Definitions and Article 83 Lot and Tract Splits be adopted by reference and the Zoning and Subdivision Regulations for Leavenworth County be updated accordingly.

Adopted this 4th day of September, 2003
Board of County Commissioners
Leavenworth, County, Kansas

/s/Joseph Daniels, Jr., Chairman
A motion was made by Commissioner Daniels and seconded by Commissioner Navinsky to appoint Sylvia Burns as the Director of the Health Department. The motion carried, 2-1 with Commissioner Adams voting Nay.

The meeting adjourned at approximately 3:45 p.m.

Janice Dickson
Deputy County Clerk

********September 8, 2003********

Tape 3050

The board reconvened after recessing Thursday, September 4, 2003. All three commissioners are present. Also present: Connie Parish, Leavenworth Times; Diane Collins, Human Resources; Stacy Driscoll, Register of Deeds; Linda Scheer, County Clerk; Donna Graf, County Appraiser; David Van Parys, County Counselor.

Public Comment: None.

Administrative Business:

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the August Bills as reviewed. The motion passed, 3-0.

Stacy Driscoll informed the commissioners that on Wednesday the construction workers will be working in her office and she would like to close her office to the public, though the employees will be working. Commissioner Navinsky suggested she put a sign on the door. Linda Scheer stated that on Thursday the construction workers will be working in her front office and they will need to work in the back.

David Van Parys presented the bids for financing of the road benefit district of Roger, Brandt, and Lynn. He stated the bids came in significantly higher than what David Lutgen, Assistant County Engineer, was anticipating, partly due to an increase in interest rates. The annual payment will be approximately $180.00 per year per household.

Linda Scheer is requesting authorization to reclassify Debbie Cox to a range 17 with a two-step increase. Linda had two openings in her department, a data entry operator and a secretary. Debbie Cox has assumed some of the duties of the data entry operator. The remainder of those duties will be combined with the duties of the secretarial position, thus eliminating a position. Linda is also requesting authorization to fill a position, reclassified, as data entry/secretary, Range 17. Commissioner Daniels was concerned that the title was too broad and that a specific title was in order. Diane Collins will review the job description and determine the title for the reclassified position.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to instruct Human Resources to pursue reorganization and reclassification of jobs in the clerk’s office due to the elimination of a position and to authorize the County Clerk to replace the open position with a newly reclassified position with an acceptable title and job description. The motion passed, 3-0.
Diane Collins addressed the board regarding the new contract to be offered to Sylvia Burns as Director of the Health Department. Sylvia currently has annual leave as an employee and Diane is requesting authorization to pay Sylvia her annual leave due. It was the consensus of the board to allow payroll to do so.

Tim Goetz addressed the board regarding the contract for repair of the roof at the Juvenile Detention Center contract with W. Scott to perform the work. Tim is requesting the board sign the contract. A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to accept a contract with W. Scott to repair the roof on the Juvenile Detention Center and authorize the chairman to sign. The motion passed, 3-0.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the following OCBS and authorize the chairman to sign. The motion passed, 3-0.

OCB#2002-786-15221, Charles and Pauline Nichols, Abatement
OCB#2002-787-15222, Charles and Pauline Nichols, Abatement
OCB#2002-788-15223, Harry and Nancy Nichols, Addition
OCB#2002-789-15224, Harry and Nancy Nichols, Addition
OCB#2002-776-15208, James and Janet Dewberry, Addition

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the following travel requests and authorize the chairman to sign. The motion passed, 3-0.

Chuck Magaha to Manhattan, Kansas, to attend Kansas Emergency Management Conference. Cost to the county is $337.00, to be reimbursed by the State of Kansas.

Now present at 10:00 a.m.: John Zoellner, Planning & Zoning.

John Zoellner met with the board for his monthly report. John discussed the following topics with the board:

Highway 7: John briefly discussed with the board the future plans for K-7 and whether it should be freeway or commercial. John feels there needs to be a general consensus of the board prior to meeting with the planning commission on 09/17/03. David Mahoney feels that if Falcon Lakes Drive is used as a primary entrance onto K-7, that Hollingsworth and Donahoo can be closed. As the Falcon Lakes gradually develops, Public Works is anticipating there will eventually be three stoplights due to traffic. Commissioner Daniels expressed concern about the golf carts that will also using the road as a crossing. (Tape 3051)

Regulations on Platting: John is proposing the Planning Commission meet twice a month, one for plats and a study session; and the other for special use permits and zoning. Previously, when they had met bimonthly, they had a hard time getting a quorum due to lack of participation in the meetings. John feels that the board would be more receptive to meeting bimonthly if one meeting was designated for plats and the other for special use permits.

Sewer District #2, down 150th Street: John suggested the board meet with John Price to discuss compensation for allowing other people to use the lagoon he built. John said there should have been an agreement on how he would be compensated if he were not to use all the hookups. Otherwise, every time someone wants to develop, Mr. Price will threaten lawsuits and no one will develop. John is also concerned that when interest goes back up the building permits will decrease. He remarked that in 2002, his department brought in $78,000 and now in 2003, he is currently at $90,000, partially due to building permits. They budgeted $120,000 for the year and are currently $12,000 ahead of last year at this time.

Now present at 11:00 a.m.: Sylvia Burns, Interim Director of the Health Department.

The board met to evaluate Sylvia Burns as interim Director of the Health Department. Commissioner Adams excused himself from the evaluation process. A motion was made by Commissioner Navinsky and seconded by Commissioner Daniels to approve going into executive session to evaluate the interim director of the Health Department for a period of 30 minutes. The motion passed, 2-0.

At 11:30 a.m., the board resumed its regular session.

At 11:30 a.m., a motion was made by Commissioner Navinsky and seconded by Commissioner Daniels to go back into executive session for a period of ten minutes. The board resumed its regular session at 11:40.

Now present at 1:30 p.m.: Bob Doyle, Director of the Juvenile Detention Center.

Bob Doyle gave the monthly report and budget status for the JDC. No action was required.
Now present at 2:30 p.m.: Bob Beall, Attorney; Dawn Borman, Kansas City Star; Connie Parish, Leavenworth Times; Vauhn Stoner; Gary McRill; L. W. Keister, Jr.; Mike Jeannin; Steve Lynch; Jeannie Cash; Judy Lynch; Caryle Carr; Rhonda Dankin; Scott Evrard; Dan Carr; Brian and Julia Stoner; and William Katone.

The above individuals met for an application for a Special Use Permit for the operation of a horse arena located at 24710 195th Street in Leavenworth, KS 66048. Request was submitted by Vaughn and Betty Stoner.

Staff Report: John Zoellner gave the staff report for Planning & Zoning and stated that the request was approved by the planning commission, 5-0.

Those in Favor: Brian Stoner, son of the applicant, spoke in favor of the application. Vauhn Stoner stated this a sport that is practiced around the country and there is plenty of space and water for the animals.

Those in Opposition: Bob Beall is here to represent Mr. Scott Evrard. Mr. Beall stated that the location of the arena is in the same position as when he applied for an application in 1995, which was denied by the planning commission at that time. Mr. Beall stated the horse arena does not fall within the classification of a special use permit. Some of the concerns are noise, traffic, lights, and waste disposal. People are concerned about contamination of well water if the waste disposal system is not used properly. Mr. Beall also stated that the applicant plans to have a concession stand, which would indicate there could be quite a few people attending the events. Mr. Beall is requesting the commission deny the request for SUP.

William Katone: Mr. Katone said he lives .2 miles from the location of the proposed horse arena and on the day of a recent event, he had CLOUDS of dust that rolled into his yard. He stated that until last Friday, the traffic speed was fast and the quantity has increased.

Dan Carr: His house actually looks at the property. When he spoke to the planning commission, he said he knew little about the project. Since then, he and his wife has made an effort to find out the history of the project, pointing out that a previous application was denied and the project was built anyway. The planning commission recommended sprinkling the roads with water around the applicants home, which in no way helps the neighbors. Road congestion is a concern. The neighbors are concerned that large amounts of water for 150 horses and 50 head of cattle will effect the ground water pool as several thousands gallons will be used to dampen the sand arena. A few wells in the area have already gone dry. He also was concerned that there would be a negative impact on the character of the neighborhood if the arena was allowed to proceed. He also noted that many recent residents have signed the protest petition.

Commissioner Daniels asked Mr. Carr if he was on rural water. Mr. Carr said “no”, everyone is on well water.

Scott Evrard stated concern of decreased property value if the arena were to be approved.

Julie Stoner asked to speak in defense of the statement that her rig was ever driven over 30 miles an hour.

Mr. Stoner gave the commissioners a letter by Ray Brewer on the status of his well. The well is what they call a glacier well, which is rare in Kansas. He also added that the well was a very reliable source of water.

Commissioner Daniels asked if the staff had any further comments. John Zoellner stated that there is not always a category under special use permits that would apply to all requests.

The planning commission voted 5-2, with two people voting against it because of the lights, which seemed to be the main issue. Commissioner Daniels stated the board has received a valid petition, requiring a unanimous vote of the board to approve the application for SUP.

Commissioner Daniels asked how important having the lights are. Mr. Stoner said pretty important for evening events.

Tape 3052

Mr. Stoner said he would be lucky to get in four events in a year due to the weather.

A motion was made by Commissioner Adams and seconded by Commissioner Navinsky to deny SUP 03-13. The motion failed 2-1 with Commissioner Adams voting ney.
A motion was made by Commissioner Navinsky and seconded by Commissioner Daniels to approve the application limited to one event per month without lights. The motion carried 2-1 with Commissioner Adams voting nay. Due to the fact that there was a valid protest petition, the vote requires the petition to have a unanimous vote, thus the request is denied.

Now present: Mike Hooper, City of Basehor; Mark Himple and Jamie Moore.

Item #2: Consideration of an application for rezoning to B-3 for the operation of an auction service at 17610 State Avenue in Leavenworth County. The request is submitted by Moore Auction Service.

Staff report: Linda Bohnsack gave the staff report and stated that the public hearing was held and there was no opposition at the hearing. She remarked that the applicant will need a sewer pump station in 2-3 years. Linda said there is no auction use permit in the Special use Permit Category and that the Planning Commission approved the request 7-0. Mike Hooper stated it is in the growth area for the City of Basehor. Commissioner Daniels asked what the city’s position was as far as for future plans. Mike Hooper stated that right now they are looking at low density commercial. Linda Bohnsack suggested the board issue a temporary use permit due to the auction only occurring a couple times a year in which Commissioner Daniels said he would prefer to do that because once it is zoned commercial it stays that way even if the owners sell the property. Linda also said that the only problem with that is that “temporary use permits” are a short term, very specific permit. John Zoellner asked the Himble’s if they would be satisfied with a one-year temporary use permit. The Himple’s remarked that this was the perfect time to rezone. Commissioner Daniels expressed concern that there was not enough setback from the center of the road.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the request for rezoning from Rural Residential-5 to B-3 for Moore Auction Service at 17610 State Avenue. The motion passed, 2-1 with Commissioner Daniels voting against the motion because he thinks they should wait on zoning to see what the City of Basehor does.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve Resolution 2003-47 rezoning Rural Residential-5 to B3. The motion passed, 2-1 with Commissioner Daniels voting against the motion.

RESOLUTION 2003-47

A RESOLUTION amending the Zoning Regulations for Leavenworth County, Article 4, Growth Management Areas, Zoning Districts and Boundaries, by rezoning certain property described as a tract of land in the SE ¼ of Section 5, Township 11 South, Range 22 East of the 6th PM, in Leavenworth County, Kansas, described as follows:

Beginning at the Southeast corner of said quarter section; thence South 89°06'34" West along the South line of said quarter section, 1381.43 feet; thence North 01°41'15" West, 472.66 feet; thence North 88°00'33" East, 1380.26 feet to the East line of said quarter section; thence South 01°48'31" East along said East line, 499.18 feet to the point of beginning. Contains 15.402 acres, more or less.

from Rural Residential 2.5 District to B-3 General Business District zoning.

WHEREAS, it is hereby found and determined that a request for a rezone as described above was filed with the Secretary of the Leavenworth County Planning Commission, on the 9th day of July 2003, and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, after notice as required by law, did conduct a public hearing upon the amendment request on the 20th day of August, 2003 and

WHEREAS, it is hereby found that the Leavenworth County Planning Commission, based upon specific findings of fact incorporated by reference herein, did recommend that the amendment be approved, as set forth; and,

WHEREAS, the Board of County Commissioners meeting in session on the 8th day of September, 2003, did consider the application for an amendment and the recommendation of the Leavenworth County Planning Commission.
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leavenworth County, Kansas, that:

3.) Based upon the recommendation and findings of fact of the Leavenworth County Planning Commission, and,

4.) Based upon the findings of fact adopted by the Board of County Commissioners in regular session on the 8th day of September, 2003, and incorporated herein by reference;

That the amendment be approved to change the zoning from Rural Residential 2.5 District to B-3 General Business District for the tract of land described above.

Adopted this 8th day of September, 2003
Board of County Commissioners
Leavenworth, County, Kansas

Joseph Daniels Jr, Chairman

/s/Donald Navinsky, Member

/s/Robert Adams, Member

ATTEST:

/s/Linda A. Scheer, County Clerk

The meeting adjourned at approximately 4:00 p.m.

Janice Dickson
Deputy County Clerk
The board reconvened after recessing Monday, September 8, 2003. Commissioner Daniels and Commissioner Adams are present. Commissioner Navinsky is absent. Also present: Connie Parish, Leavenworth Times; David Lutgen, Public Works; David Van Parys, County Counselor; and Mr. Narvinsky.

David Van Parys stated bids were received for the financing of the Fairmont Road Benefit District. David recommends the board approve the bid submitted by First State Bank of Tonganoxie in the amount of $86,800, which includes principal and interest. Mr. Narvinsky asked if people would have the option of paying their assessment up front. David Lutgen stated that they would have 30 days to pay the assessment or have their real estate taxes assessed over ten years. David Van Parys stated that in order for the county to proceed, a public hearing must be held.

A motion was made by Commissioner Daniels and seconded by Commissioner Adams to proceed with the road benefit district with the information provided and to accept the bid provided by First State Bank of Tonganoxie for a total amount of $86,800 with a 5.5% interest rate and to accept the proposal by First State Bank of Tonganoxie. The motion passed, 2-0.

A motion was made by Commissioner Adams and seconded by Commissioner Daniels to set up a hearing on 09/29 at 1:30 p.m., allowing two weeks for notification of homeowners. Commissioner Daniels seconded the motion. The motion passed, 2-0.

David Lutgen is requesting authorization by the board to make design changes to County Route 2 for erosion control. He also recommends the board approve the design change contingent upon getting right-of-way easement at no cost.

A motion was made by Commissioner Daniels and seconded by Commissioner Adams to authorize the county engineer to pursue negotiations with the homeowners association and owner of property in question, and if the owners are in agreement of donating easement, to proceed with the project, contingent upon donation of easement. The motion passed, 2-0.

Tim Goetz and Jack Rogers addressed the board regarding the vault doors. Jack is requesting the board set a time for showing the doors and set a deadline for receiving bids. It was the consensus of the board to accept bids through September 30.

Jack has two other pieces of excess property to be sold at an auction. He has a 4 foot 3 point hitch blade and a John Deer 8-horse snow blower. A motion was made by Commissioner Daniels and seconded by Commissioner Adams to declare the items as excess property as belonged to special building. The motion passed, 2-0.

Tape 3053

Commissioner Adams opened a bid from Mid-Continent on surplus equipment in the ROD office for $200. A motion was made by Commissioner Daniels and seconded by Commissioner Adams to accept the bid on the Kodak Prostar Microfilmer owned by the Register of Deeds, Serial Number 3859, in the amount of $200. The motion passed, 2-0.

A motion was made by Commissioner Adams and was seconded by Commissioner Daniels moved to approve the voiding the following outstanding warrants, though it is not the intent to cancel the obligation. The motion passed, 2-0.

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**ROAD & BRIDGE**

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The Board of County Commissioners of Leavenworth County, Kansas hereby cancels the above listed outstanding warrants. It is the express intent of the Board not to cancel the underlying obligation giving rise to the issuance of the cancelled warrant.

Dated this 8th day of September, 2003

By Order of the Board of County Commissioners
and the County Counselor

______________________________
Joseph Daniels, Jr, Chairman

______________________________
David C. VanParys, County Counselor

The meeting ended at approximately 10:00 a.m.

Janice Dickson
Deputy County Clerk
The board reconvened after recessing Monday, September 8, 2003. Commissioner Daniels and Commissioner Adams are present. Commissioner Navinsky is absent. Also present: Connie Parish, Leavenworth Times; Diane Collins, HR; and Dan Carr, 24581 195th Street, resident of Leavenworth County.

Public Comment:

Mr. Carr thanked the board for the opportunity to speak. Mr. Carr was in last week to speak in opposition to a Special Use Permit for a horse arena. He stated that Planning & Zoning was very helpful, though there was a negative aspect. He feels the planning commission is not very professional and insisted on talking to each other when he was speaking, which made it clear they were not listening to him. There were a few commissioners that made a joke of the protest petition and its length. Commissioner Daniels stated the board would be meeting with the planning commission and Mr. Carr’s concerns will be addressed. Mr. Carr also expressed appreciation for the board taking their time to attend the Ice Cream Social at the Leavenworth County Historical Society.

Administrative Business:

Diane Collins addressed the board regarding the seminar she attended last week on mediation. She stated she was very impressed with the seminar and learned a lot. She is hoping to obtain mediation experience through the court system. She stated the whole concept of mediation is to resolve a situation prior to a grievance being filed.

Diane also addressed the board regarding a payroll issue. Evidently, William Pray, who is a part time attorney, has been receiving full time employee compensation on his health and dental insurance. With the recent payroll changes on health insurance he was put into the computer system as part time, thus receiving only a part-time benefit. Diane is asking for direction from the board on how to handle this. The board suggested Frank Kohl come over and discuss the situation.

At 9:30 a motion was made by Commissioner Adams and seconded by Commissioner Daniels to go into executive session for possible litigation for a period of ten minutes. The motion passed, 2-0.

At 9:40 the board resumed their regular session.

A motion was made by Commissioner Adams and seconded by Commissioner Daniels to approve the following OCB and authorize the chairman to sign. The motion passed, 2-0.
- OCB#2002-15233, Moose Landing Bed & Breakfast, c/o Jerry and Brenda Frese, Addition
- OCB#2002-797-14456, Larry Brotherton, Abatement
- OCB#2002-796-14456, Larry Brotherton, Abatement
- OCB#2002-795-18660, Karen Clevenger, Addition
- OCB#2002-794-15229, Karen Clevenger, Addition
- OCB#2002-793-15228, Olympus America Inc, c/o, Robert Tobin, Addition
- OCB#2002-791-15226, Fort Rentals & Sales, Addition
- OCB#2002-790-15225, Fort Rentals & Sales, Addition

A motion was made by Commissioner Adams and seconded by Commissioner Daniels to approve the following travel requests. The motion passed, 2-0.
- Tamara Perez & Katie Schneider to Topeka, Kansas for Infinitec Training on Microsoft Publisher on 12/11/03. Cost to County is $12.
- Tamara Perez & Katie Schneider to Topeka, Kansas for Infinitec Training on Microsoft Outlook on 11/06/2003. Cost to the County is $12.00
- Mary Brown, Judith Day, and John Mathews, to a workshop offered through MARC on 09/26. Cost to the County is $18.00.

A motion was made by Commissioner Adams and seconded by Commissioner Daniels to approve the minutes of 09/08 and 09/11 as amended. The motion passed, 2-0.

A motion was made by Commissioner Adams and seconded by Commissioner Daniels to approve the following septic tank installers’ license and authorize the chairman to sign. The motion passed, 2-0.
- License No.: T-03-02, Daniel Marshall
Now present at 10:00 a.m.: Linda Lobb, Council on Aging.

Linda gave the monthly report and budget status for the Council on Aging. She briefly discussed concerns about Broadway Heights and asked if there would be a way to maintain the operation of the kitchen if so needed.

Now present at 10:30 a.m.: Mel Sewell and David Mahoney, Public Works.

David Mahoney and Mel Sewell gave the monthly report and budget status for Public Works. They also discussed with the board the status of the ongoing projects in the county. David submitted a personnel action to the board requesting they authorize making the part-time mechanic position a full-time position. He is also requesting authorization to advertise for a backhoe operator.

A motion was made by Commissioner Daniels and seconded by Commissioner Adams to authorize Public Works to convert the mechanic, John Williams, to full-time from part-time and authorize the department to hire for the vacant position of a backhoe operator. The motion passed, 2-0.

Tape 3054

Now present at 1:30 p.m.: Penny Lincoln, Director of Community Corrections.

Penny Lincoln gave the monthly report and budget status for Community Corrections. Penny remarked that they are having computer problems. The problem seems to be that the software for the Department of Corrections has a virus that prevent it from interfacing well with the county’s Microsoft Outlook.

The meeting adjourned at approximately 2:00 p.m.

Janice Dickson
Deputy County Clerk
The board reconvened after recessing Monday, September 15, 2003. All three Commissioners are present. Also present: Dave Lutgen, Deputy County Engineer; David Van Parys, County Counselor; Connie Parish, The Leavenworth Times.

Public Comment: None.

A motion was made by Commissioner Daniels and seconded by Commissioner Adams to approve the BOCC minutes of September 15 as amended. The motion passed, 3-0.

A motion was made by Commissioner Adams and seconded by Commissioner Navinsky to approve the OCB’s and authorize the chairman to sign. The motion passed, 3-0.


Mr. David Lutgen is present to discuss the PUD near Timber Lakes. The developers are requesting authorization to change the street standard inside the development to asphalt with ditches instead of asphalt with curb and guttering. The money saved will be used to improve the roads around the development. David indicated the changes within the development will address a concern voiced by opponents regarding the run off. He stated the ditches are better to control the run off as opposed to the curb and guttering.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the developer’s request to allow the PUD development to be built using asphalt with ditches standard as interior roads and the savings will be used to upgrade the surrounding exterior roads. The motion passed, 3-0.

Commissioner Daniels and Commissioner Navinsky expressed concern that the current drawing still does not reflect a designated walkway allowing public access to the lake. David indicated that he will meet with Planning & Zoning to ensure there is a designated walkway on the plat prior to the board reviewing it for final approval.

At 9:15 a.m., a motion was made by Commissioner Navinsky and seconded by Commissioner Adams to enter into Executive Session for a period of 15 minutes to discuss pending litigation. The motion passed, 3-0.

The board returned to regular session at 9:30.

Commissioner Daniels read a letter from Ruby Reeves regarding Honey Creek Road. The property owners are expressing concerns regarding the condition of the road and are questioning what steps they need to take in order to have some work performed to improve the condition.

Mr. David Van Parys spoke with the board regarding a lease agreement with Southern Star Gas Company. The lease has been adjusted to correct several errors made by both parties. David is recommending the chairman be authorized to sign the agreement.

A motion was made by Commissioner Adams and seconded by Commissioner Navinsky to approve and authorize the chairman to sign the lease agreement with Southern Star Central Gas Pipeline. The motion passed, 3-0.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the following travel requests. The motion passed, 3-0.

- Debbie Cox to Topeka, Kansas, for Infinitec training on 12/03/03. Cost to the County is $6.
- Linda Lobb to Topeka, Kansas, for SPICE workshop on 09/06 to 09/26. Cost to County is $35.00
- Karen From, Karen Savage, Katie Schneider, and Sandy Walton for KWIC Training in Topeka on 11/03 to 11/07. Cost to County is $1286.80.

Now present at 10:00 a.m. for the Department Head Meeting: Bob Doyle; Larry Malbrough; Cameron Howell; Ron Chance; Jeff Culbertson; Keyta Kelly; Diane Collins; Irene Maley; Linda Lobb; Sylvia Burns; Bob Weber; Stacy Driscoll; John Zoellner; Penny Lincoln; Deborah Owens; Nancy Theis; Janice Young; Janet Klasinski; Tracy Dugger; Burdel Welsh; Dave Mahoney; Norma Noel; Tim Goetz; and Jack Rogers.
Tracy Dugger presented information on the Kerit program and Plus program. She presented a list of information needed for compliance during the Kerit Audit.

Diane Collins provided feedback on the sexual harassment training and also presented information on random drug testing the county will be undergoing in the future.

Bob Adams presented information on the MARC purchasing cooperative, starting with three items: petroleum products, paper goods, and road salt. He recommends the appropriate department heads contact the point of contact for possible savings. Irene Maley indicated EMS utilizes MARC purchasing cooperative and saves approximately 25% per year on medical supplies.

Tim Goetz gave an update on the courthouse renovation project. He stated that Personal Property will move to a temporary location during construction. The Appraiser’s office will move to the second floor in January 2004 at which time the BOCC will relocate to their location temporarily until the east end is complete. The completion of the east end of the second floor is scheduled for February 2004. The second floor will be designated a hard-hat area by the end of the week.

David Mahoney gave the committee update for the Gasb-34 Committee.

Ron Chance gave the committee update for the Technology Committee.

Bob Doyle gave the committee update for the Capital Improvement Committee.

Sylvia Burns stated she is working on a flu shot schedule.

Now present at 1:30: Larry Malbrough, IS.

Mr. Larry Malbrough presented the monthly report and budget update for IS. Larry indicated the maintenance contract should not be renewed as it is costing the county money every year due to the low number of phones which break and/or need replaced. Replacement cost is approximately $500.00 - $700.00 per phone as opposed to the maintenance contract cost of $20,000.00 per year. (Tape 3055) Larry provided follow-up information regarding the directory assistance problems with callers being directed to 684-0421 as the main courthouse number. He indicated his department has done everything they can to correct this situation and the problem lies with the directory assistance division in St. Louis.

Now present at 2:30: Sylvia Burns, Health Department Director; Diane Collins, Resources Interim Director; Karla Devlin, CSE; Joyce Anderton, Special Projects; Linda Scheer, County Clerk; Tracy Dugger, IS.

Ms. Karla Devlin and Ms. Joyce Anderton are present to discuss the reestablishment of a Personnel Advisory Committee (PAC). Ms. Devlin presented the petition signed by several county employees requesting this committee by reestablished.

Ms. Anderton indicated the goal is to create an alliance for the betterment of everyone including the employees, the county and the public. Ms. Anderton stated she has polled several of her co-workers and indicates many feel there is no communication between the employees and other offices. A major point discussed was the changes to the health care and that it seems a decision made by the employees was disregarded and the employees feel they didn’t have any input into the decision made.

Commissioner Daniels indicated one of the possibilities the board discussed was the reestablishment of the PAC and there was no interest expressed by the employees, and the employees who did participate used it for personal agendas. Ms. Devlin indicated they have heard a differing story which indicated there was no interest on the part of the board.

Commissioner Daniels questioned what type of proposal has been drafted to reestablish the PAC. Ms. Devlin indicated there was no plan to draft anything until they new the outcome of the board meeting today. Discussion also centered on the fact that the PAC is still mentioned in the personnel handbook but there has been no operation of the committee for several years.

Several issues were raised regarding the handbook and personnel services which are based at the department head level as opposed to the county level. Issues and questions that should be directed to the department head were cited as evidence supporting the creating of this committee.
Commissioner Navinsky questioned why employees don’t contact the HR department if they have a question. Ms. Devlin indicated the PAC would be a morale booster and make the employees feel like they have input as well as answering questions for employees.

It was the consensus of the board to take no action at this time. Commissioner Daniels stated a plan must be created and presented to the board at a later time for consideration. Commissioner Daniels also stated the plan should be reviewed by Diane Collins.

Now present at 3:15: Diane Collins, Human Resources

Ms. Diane Collins presented the monthly report and budget update for Human Resources.

Meeting adjourned at 4:00.
The board reconvened after recessing Thursday, September 18, 2003. All three Commissioners are present. Also present: John Zoellner, Planning & Zoning; David Mahoney, Public Works.

Public Comment:

Administrative Business:

John Zoellner addressed the board regarding road impact fees (RIF). John does not believe that that the county can legally justify putting money received for RIF’s into a township account vs. a specific road account. He also stated that Public Works would like to raise the RIF enough to where it could actually be put toward a specific road in order to improve the road. As of now, the standard RIF is $2500, which would not allow for much improvement on a road. John suggested convening a committee made up of planning commission members, members of the public, and three members connected with development in the community. John stated he has not contacted anyone regarding the committee as he wanted direction from the board first. It was the consensus of the board to take the item into consideration and to make a decision at a later date.

David Mahoney and Cameron Howell addressed the board regarding a road dedication (or lack of one). He stated there is currently a portion of Millwood Road that exists but is not on the county road map. Don Aaron requested the road be opened. Evidently, the county was paid to open up 1,322 feet of it, which they did, but there was an administrative error in that the legal documentation stating there was a road there, was not done.

Cameron Howell presented to the commissioners two books from 1903 called “County Road Atlas. One book has the road (from Public Works) on the map, and the other doesn’t (Register of Deeds). David Van Parys sited a Kansas Statute (68-502 sub 7) stating that ultimately, the county engineer has the authority to designate the existence of a road even though the paperwork is not complete.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams that in accordance with KSA 68-502 subsection 7, to direct the county engineer to proceed with placing a county road that is already existing and is referenced on a plat survey by Ron Bacon dated 02/08/95 in Section 1 Township 8S, Range 21E and recorded on page 304, volume J, of the survey records, also known as Millwood Road, at a distance of 1322.25 feet westward from the east quarter corner to a width of 40 ft wide centered on the east-west center section line, be placed on the official county road map. The motion passed, 3-0.

Now present at 10:00 a.m.: Donna Graf; Jeff Culbertson; and Keyta Kelly.

Donna gave the monthly report and budget status for the Appraiser’s office. No action was taken.

Keyta Kelly gave the monthly report and budget status for the Counselor-at-Large office. No action was taken. Keyta stated the tax sale will be 10/23/03 in the training center at the justice center.

Tape 3057

Jeff Culbertson gave the monthly report and budget status report for GIS. No action was taken.

Now present at 11:00 a.m.: Tim Goetz, Director of Special Building.

Tim Goetz gave the monthly report and budget status for Special Building. No action was taken.

Now present at 11:30 a.m.: Frank Kohl, Nancy Theis, and William Pray, County attorney’s office; Diane Collins, HR.

The above individuals addressed the board regarding a health benefit issue. Previously, Mr. Pray was receiving compensation for medical insurance at the rate of a full-time employee. Mr. Pray is a part time attorney in the County Attorney’s office. With the health insurance renewal process, Mr. Pray was entered in the computer to receive only part time benefits, as he is a part time employee. Mr. Pray is requesting the board continue to pay his health insurance at the rate of a full-time employee. Diane is requesting documentation for the file supporting the action.
Frank Kohl stated the agreement was made because the attorneys cannot work on the side to earn extra pay due to conflict of interest issues. Commissioner Daniels suggested changing the salary to compensate him for the insurance, rather than to change the system. Frank stated that you would have to pay social security and worker’s comp out of general fund. Frank is suggesting a contract stating the board has approved this.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to instruct the HR department to draw up contracts with part time attorneys in the county attorney’s office, stating the services needed, salary, and fringe benefits, with the county assuming the cost of medical insurance at the rate of a full time employee. The motion passed, 2-1 with Commissioner Daniels voting against the motion due to changing the current policy that part time employees are only eligible for part time benefits.

Tape 3058

Now present at 1:30 p.m.: Sylvia Burns and Katie Schneider, Health Department. Sylvia asked for direction on how to charge for the flu vaccines this year. It was the recommendation of the board to charge $12 per shot.

Sylvia Burns, Interim Director, gave the monthly report and budget status for the Health Department. No action was taken.

Now present at 2:00 p.m.: Diane Collins presented the Bids on a proposed pay plan for Leavenworth County. Diane is recommending the following companies to interview: Gallagher, Austin Peter, and Haag group. A motion was made by Commissioner Adams and seconded by Commissioner Navinsky to interview the above companies more fully and to understand more fully the work to be performed on the contract. The motion passed, 3-0.

Now present at 2:30 p.m.: Linda Bohnsack, Planning & Zoning. Also present: Matt Henderson; Charlie Stimac; Everett Smith; Doug Smith; Jack Willis; Gary Ditty; Don G. White.

**Item No 1:** Consideration of the Final Plat for Moundview subdivision (4 lot), located in the replat of lot 4, Section 10, Township 10S, Range 21E. Submitted by Douglas and Kay Smith. Surveyor: Don White.

Staff Report by Linda Bohnsack: This is only a portion of lot 4 from the original subdivision. The area is mostly flood plane and in order to divide it there would have to be a study, so that part was withdrawn from the plat. The lots are somewhat longer than they have been allowing, but with the presence of the flood plane, it was acceptable. The preliminary plat was approved in July but the planning commission tabled the final plat because the construction estimates and bond were not put in, which are done now, and the planning commission is now recommending approval.

Those in favor of the plat: None.

Those in opposition of the plat: None.

Commissioner Daniels stated some concerns that emergency services cannot get to lot 3, which is part of a flood plane. Doug Smith stated if that was a problem it should have been addressed prior to the final plat.

Commissioner Daniels stated concern that there were two lot 4s on the plat.

A motion was made by Commissioner Adams and seconded by Commission Navinsky to take the advice of the planning commission and recommend approval of the replat of Moundview subdivision (lot 4). The motion passed, 3-0.

**Item No 2:** Consideration of the Final Plat for Prairie View subdivision (24 lot) located in Section 18, Township 11s, Range 22E. Request submitted by Raphael & Ann Breuer, represented by Matt Henderson of McAfee Engineers.

Staff Report by Linda Bohnsack: There will be two new streets created, an extension of 182nd Street and Prairie View Drive. Right-of-way would have to be acquired in order to straighten the road. Construction estimates and bonds are ready. The planning commission recommends approval.

Those in favor: Mr. Brauer stated he has tried everything to obtain the right-of-way but is afraid the county will have to condemn the property as he has not been successful. Commissioner Daniels asked David Lutgen that if the plat was approved, would the county continue to allow Mr. Breuer try to obtain the appropriate amount of
easement from the property owner. David Lutgen responded that once the plans are done, the county could condemn it if necessary, but cannot proceed with condemnation without a plan.

Those in opposition: None.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the final plat of Prarieview submitted by Raphael and Anna Breuer. In discussion, Commissioner Daniels asked what the timeframe was on improvements of 182nd Street for purpose of planning and budgeting, etc. Lutgen stated that should be determined by the board. The motion passed, 3-0.

**Item No 3:** Consideration of the preliminary and final plats for Jeremy subdivision (5 lots) located in Section 26, Township 11 South, Range 21 East. Request submitted by owners Jack & Estee Willis, represented by Gary Ditty of Landplan Engineers.

Staff Report by Linda Bohnsack: Linda stated this is actually a replat of two lots. The owner put to large lots together and divided them into five smaller lots. The county engineer has stated he would like to see the road improved to accommodate the additional lots. The planning commission recommends approval.

Tape 3059

Discussion centered on improvement of the road and payment of the RIF and TIF fee, for which the property owner has already paid and has also given right-of-way. Commissioner Navinsky suggested the property owner chip and seal from the west point to the east point, which is 2,251 feet, according to the survey, or take the 300 feet on the west end of the pie shaped lot and say 300 feet of that be paved, which is 1500 square feet.

Commissioner Daniels stated that the property owner has already paid the RIF and TIF, plus given right-of-way as requested in the beginning.

David Lutgen remarked that the problem with the RIF and TIF fee is that the money goes to the township and not to a specific road, and also $2500 per fee is not going to improve roads in the county.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the plat and that the developer be required to put 8 inches of gravel road and 26 ft right-of-way from his northwest point to a point 1501 feet eastward because these specifications would provide enough base that it could eventually chipped and sealed. The motion failed 2-1 with Commissioner Navinsky voting aye, to defend his motion.

Mr. Ditty stated that a policy needs to be established for road improvements on plats prior to the board arbitrarily imposing transportation fees that were not established prior to meeting with the planning commission.

Commissioner Adams commented that the planning commission approved the plat based on the current policy of paying the RIF and TIF, which he has done, and that suggesting the property owner pay another fee that has not been established as county policy as yet, would not be fair to the property owner or the planning commission.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the subdivision as presented. The motion passed, 2-1 with Commissioner Navinsky voting nay because he felt there should be some road improvement done.

The meeting adjourned at approximately 4:15 p.m.

Janice Dickson
Deputy County Clerk
The board reconvened after recessing Monday, September 22, 2003. All three Commissioners are present. Also present: JR Evans, resident.

Public Comment: JR Evans addressed the board regarding obtaining a building permit for an old farmhouse at 17418 158th Street. He is adding a one-car garage and a utility room on the backside of it. Planning & Zoning has denied Mr. Evans a building permit and recommended he see the board.

The board requested Linda Bohnsack attend the meeting to provide the background as to why he was denied a building permit. Linda stated the reason he was been denied was because he has multiple homes on one lot that has not been platted. The board recommended she prepare a letter documenting wants Mr. Evans needs to do in order to obtain the building permit. Linda agreed to do so.

Administrative Business:

Commissioner Daniels briefed the board on a conversation with Mary Elliot, Kansas Department of Transportation, on the right-of-way acquisition for the 4th Street Bridge near the courthouse. Mary sent forms for the board to sign to relinquish right-of-way for the amount offered, but if the county would like to donate the land, it would require a separate set of documents. Commissioner Daniels requested a decision be made by the board as to whether the county would donate the land and accept the offer by the State of Kansas as presented.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to authorize Public Works to accept donations of annual leave for generally has to be on FMLA. Diane is suggesting the board approve the request to donate leave, though it is an exception to the rule.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to authorize the chairman to accept the offer tendered by KDOT to relinquish property for easement on the 4th Street Bridge. Motion passed, 3-0.

Diane Collins presented a contract for the board’s review and signature on William Pray, part-time attorney in the county attorney’s office. Diane is recommending the board have the county counsel review the contract and sign the contract upon his recommendation. Stacey Portenier, at the shop with a 1000 hours whose father had an accident on the Kaw River and died. She has been off this week, and the workers at the shop would like to donate annual leave so she will be paid this week. Commissioner Daniels asked how much time an employee receives on the death of a family member. Diane answered that a regular full time employee receives three days, and anything past that would be annual leave and in order for a department to contribute to a person, a person generally has to be on FMLA. Diane is suggesting the board approve the request to donate leave, though it is an exception to the rule.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to authorize Public Works to accept donations of annual leave for Stacey Portenier due to a death in her family. The motion passed, 3-0.

Linda Scheer addressed the board regarding the lease payments from Broadway Heights. The Clerk has not received the percentage of the lease payment from Broadway Heights since May 2003, owing for June, July, August. The last check received was for March/April.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to instruct the County Counselor to send a demand payment letter to Jeff Philips, of Rainmakers, for June, July, and August. Linda also stated the county needs to investigate the status of the $75,000 loan amortization schedule and see where Broadway Heights is on paying it.

Tape 3060

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the following OCB and authorize the chairman to sign.

-OCB#2002-810-15231, Ryan and Gary Jones, Abatement

Now present at 10:00 a.m.: Debbie McRill and Ed Sass, Solid Waste and Noxious Weed.

Debbie gave the monthly report and budget status for Solid Waste.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the recommendation of the solid waste committee yearly review and send it to the state as amended and the City of Basehor will be contacted. Debbie also stated that she is the safety representative for Solid Waste and Joe Lauber represents Noxious weed. They are concerned that they have not had safety training or risk management training and do not feel that they are adequately trained.

Ed gave the monthly report and budget status for Noxious Weed. Ed presented the document/contract from KDOT to care for state right-of-way for the 2004 year to the board to sign.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to authorize the chairman to sign a contract prepared by noxious weed with KDOT to maintain right-of-way along state highways for the year 2004. The motion passed, 3-0.

Debbie and Ed also remarked that they had presented the blue print documents to the Solid Waste Committee on the solid waste expansion project and they had approved the plans. The architect met with Tim Goetz and staff at the transfer station and developed a set of plans. The project has also been approved for the 2004 budget year, the next step would be to meet with local financial institutions to have bid openings. Mr. Von Akin said he would be involved in the prebid meeting to answer any questions. Commissioner Daniels said he was hoping to move the Household Hazardous Waste up so that it is done this year in advance. Ed said there should be enough money to do that. Tim and David Mahoney will review the plans.

The board went to lad meeting in Tonganoxie.

Meeting ended at 11:10.

Janice Dickson
Deputy County Clerk

Tape 3060

The board reconvened after recessing Thursday, September 25, 2003. All three Commissioners are present. Also present: Connie Parish, Leavenworth Times; Irene Maley and Jamie Miller, EMS.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the following travel request: The motion passed, 3-0.

- Irene Maley, Jamie Miller, Chad Beckley, Michelle Johnson, and Deanna Foster to attend Kansas Pediatric/Trauma Symposium Conference in Wichita, KS on 10/08-10/10. Cost to the County is $947.00. -David Mahoney to attend MINK 3, The Conference for County Engineers on 10/14 and 10/15 in St. Joseph, Missouri. Cost to the county is $85.00.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the minutes of 09/18 and 09/22 as amended. The motion passed, 3-0.
Now, therefore, I, Joseph Daniels, County Commission Chairman of the County of Leavenworth, do hereby proclaim the month of October 2003, as Domestic Violence Awareness Month. The motion passed, 3-0.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve proclaiming the month of October as Domestic Violence Awareness Month. The motion passed, 3-0.

Now present at 10:00 a.m.: Linda Scheer and Carolyn Donald, County Clerk’s Office; and Dawn Seymour, Pitney Bowes

Linda Scheer stated that the county bought the Pitney Bowes postage machine five years ago, at which time they also bought a five year maintenance agreement. The five years is now up and the county is now looking at significantly increased maintenance cost. Dawn Seymour distributed a new maintenance proposal to the board with a variety of different options to consider. It was the consensus of the board to consider the proposals provided and to take no action at this time.

Now present at 11:00 a.m.: Mr. and Mrs. Ralph Bodam.

Mr. and Mrs. Bodam have purchased ground on 32 Highway and are requesting an exemption from the Road Impact Fee that is required to be paid when a new residence is being built. Mr. Bodam is requesting this based on the fact that they are building on a state highway and not a county road. Commissioner Navinsky stated the money is not only for that road, but for the township roads and that no one has been exempt from paying the fee due to the use of roads in the area.
Now present at 1:30 p.m. for a public hearing on a road benefit district for Roger, Lynn, and Brandt Roads: David McEvoy; Susan Fort; Barry Bradley; Brad Myers; Kim Myers; Gary Marx; Jolene Bailey; Joe Kilburn; Martha McGinnis; Shirley Miller; Jennifer Casto; Henry Nahrebeski; Douglas Snyder; Mrs. Thwart; Linda Scheer.

Staff Report: David Lutgen stated he mailed a list of the breakdown for each piece of property so the owners will know what their assessment will be. He also said that once the interest from the bank was added in, it came to $7.58 per foot and they had to borrow a total of $86,800.00.

Linda Scheer said that she had visited with David Lutgen last week about the timeframe they are looking at to have the assessment put on the tax rolls, stating it was too late for the 2003 roll and there would be no money to make a loan payment until January 20, which is the time of the tax distribution. Taxpayers will have 30 days from the date of the initial mailing to pay the full amount, which would be October 13, 2003, and would deduct 10% of the principal, to avoid paying interest.

Taxpayers requested a notice be sent stating the payment required prior to October 13th in order for their property to avoid a tax assessment.

Berry Bradley stated that the main reason he is here is that he lives around the corner from Rogers Road, and was not included in the three-road project and would like to consider the same option for his area.

Tape 3062

Ms. Thwart stated there was a paving done on 154th and in her opinion, she would not like to see her road done that way.

Brad Meyers lives on Roger Road and has been deployed for six months. He is here for clarification of what exactly he is getting for his money. David Lutgen stated it would be double chipped and sealed road.

Commissioner Navinsky asked David Lutgen that if enough people were to pay up front, if the first phase of the project could be started this Fall. Mr. Lutgen stated he did not see any advantage in doing that and would prefer to do the whole project at one time, rather than have one layer of chip and seal sit all winter.

A motion was made by Commissioner Navinsky and seconded by Commissioner Adams to approve the apportionment of roads, mail additional notices to property owners with the option to pay prior to October 13, 2003, issue bonds for 2004, and proceed as soon as weather and finances permit. The motion passed, 3-0.

The meeting adjourned at approximately 3:40 p.m.

Janice Dickson
Deputy County Clerk