

December 14, 2021
Reno County Annex
Hutchinson, Kansas

The Board of Reno County Commissioners held the agenda session at the Annex Conference Room with Chairman Ron Hirst, Commissioner Daniel Friesen and Commissioner Ron Sellers, County Administrator Randy Partington, County Counselor Joe O'Sullivan, and County Clerk Donna Patton, present.

The meeting began with the Pledge of Allegiance followed by a short sectarian prayer led by Pastor Ron Kyker with Countryside Baptist Church.

Commissioner Hirst thanked the Fire Fighters for their work and response on the fire by Pretty Prairie.

There were no public comments.

There were two additions to the agenda: A Proclamation of a State of Local Disaster Emergency for Reno County Kansas and an Executive Session for 30 minutes for non-elected personnel at the end of the regular meeting. **Mr. Sellers moved, seconded by Mr. Friesen,** to approve the amended agenda. Mr. Friesen asked if item 7H could be moved to 7C. The motion was approved by a roll call vote of 3-0.

Mr. Sellers moved, seconded by Mr. Friesen, to approve the Consent Agenda. It consisted of items 6A including the Accounts Payable Ledger for claims payable on December 10th, 2021, totaling \$615,821.97 and claims payable on December 17th, 2021, totaling \$655,750.23 as submitted; Also consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2021-728-729, 745, 756, 761-766, 986, 988, 1291, 1300, 1304 and 1306 as submitted. The next six items on the consent agenda were resolutions:

Resolution 2021-28; authorizing a transfer of Health Department Funds to the Health Department Capital Outlay Fund.

Resolution 2021-29; authorizing a transfer of Noxious Weeds General Fund to the Noxious Weeds Capital Outlay Fund.

Resolution 2021-30; authorizing a transfer of Public Works Road & Bridge Funds to the Special Highway Improvement Fund.

Resolution 2021-31; authorizing a transfer of funds to the County Equipment Reserve Fund.

Resolution 2021-32; authorizing a transfer of funds to the Multi-Year Capital Improvement Reserve Fund.

Resolution 2021-33; authorizing a transfer of all Fire District General Funds to the Fire Districts' Special Equipment Funds. Next on the consent agenda was an appointment of Matt Blackburn as Clerk to the Clay Township Board, appointment of Bryan Roelfs as Clerk to the Walnut Township Board.

Mr. O'Sullivan advised the Board that the Agenda item noted as "Opioid Litigation" involved the following which required the Board's approval: 1) Acknowledgment of Agreement with the Kansas Opioids Memorandum of Understanding between the Kansas Attorney General, the League of Kansas Municipalities, and the Kansas Association of Counties; execution of an Agreement to Release and Assign Claims between Reno County, Kansas and the Kansas Attorney General (Exhibit A to the; and approval of Reno County **Resolution 2021-34**, a Resolution of Reno County, Kansas to Approve and Join the Statewide Litigation Regarding the Opioid Epidemic. 2) Approval and execution of the Settlement Participation Form, an agreement of Reno County, Kansas to participate in the Settlement Agreement dated July 12, 2021 (the "Distributor Settlement") in exchange for a release of the County's claim filed in the National Opioid Litigation case with respect to and in connection with the releases provided for in the Distributor Settlement. 3) Approval and execution of a second Settlement Participation Form, an agreement of Reno County, Kansas to participate in the Settlement Agreement dated July 21, 2021 (the "Janssen Settlement") in exchange for a release of the County's claim in the National Opioid Litigation case with respect to and in connection with the release provisions provided for in the Janssen Settlement.

The motion to approve the consent agenda was approved by a roll call vote of 3-0.

Emergency Management Director Adam Weishaar, met with the Board to request an approval of a Proclamation of a State of Local Disaster Emergency for Reno County, Kansas. Mr. Weishaar stated that this proclamation will benefit Reno County later in the week when we are in a high wind and fire warning. Mr. Hirst asked if this will allow us to ban burning for the next two days. Mr. Weishaar stated that under the current Emergency Disaster Declaration, it gives the Board the authority to issue a burn ban and stated that he thought it would be a good idea. Mr. Friesen said he appreciated everything that Mr. Weishaar and the Fire Fighters do.

RN/KM Jt #1 Chief Rick Graber met with the Board to request to increase the budget to purchase a used brush truck which was

approved by the Board on 6/22/2021. The cost is a little more, but it's a better truck. **Mr. Sellers moved, seconded by Mr. Friesen,** to approve the increased purchase price for the new truck. The motion was approved by a roll call vote of 3-0.

County Planner Mark Vonachen met with the Board to review a request by T Real Estate, LLC (Applicant: Mid-States Materials, LLC) for a conditional use permit to establish an aggregate storage yard on a portion of a parcel of land. Mr. Vonachen stated that there will be no blasting, crushing, mining, washing, or chemicals, etc., only storing and selling of aggregate. Staff recommended approval based on the nine factors and 13 conditions listed in the supplemental staff report. The Planning Commission recommended approval of the permit with a vote of 4-2 and added a 14th condition. Mid-States will put up stop signs and truck crossing signs. With the protest petition accepted at a previous meeting, the vote would have to be a super majority (3-0) to approve the permit. Mr. Vonachen explained the options for the Board to consider. **Mr. Sellers moved, seconded by Mr. Friesen,** to deny request 2021-07, by T Real Estate, LLC (Applicant: Mid-States Materials, LLC) requesting a conditional use permit to establish an aggregate storage yard on a portion of a parcel zone AG based on the following 2 factors: 1) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood. This neighborhood is comprised of farmland and residential houses. There are no industrial land uses currently in the neighborhood. 2) Whether the proposed use is made necessary or desirable because of changed or changing conditions. The neighborhood consists mainly of large agricultural parcels and there is no indication this area is trending toward a more commercial or industrial land use. The motion was approved by a roll call vote of 3-0.

County Administrator Randy Partington met with the Board to recommend approval of the Highlands Tower Lease (Extension) with IdeaTek. Mr. Friesen stated that he had a conflict of interest and would be abstaining. **Mr. Sellers moved, seconded by Mr. Hirst,** to approve the Highlands Tower Lease agreement with IdeaTek. The motion was approved by a roll call vote of 2-0, with Mr. Friesen abstaining.

Registrar of Deeds Michelle Updegrove, met with the Board for her annual update. She stated that E-recording is really getting popular, and more people are using E-recording than mailing in documents and would like to have a full-time person just to handle the E-recording filings. Mr. Sellers asked if she

had begun the search for her part-time person. Mrs. Updegrove stated that she has a job description and will start the process of getting someone hired immediately. Mr. Sellers asked if she could increase the charges for service fees and she said she would look into that. Mr. Friesen asked how much of her \$372,000 in her tech fund would be used for imaging software. Mrs. Updegrove thought it could be purchased for around \$200,000. She stated that digitizing equipment is expensive, and she would work with IT to see how they could proceed. Mr. Friesen and Mr. Hirst said they would like to see a written plan and a timeline for digitizing.

County Planner Mark Vonachen met with the Board on Planning Case 2021-12 a request to amend the November 13, 2018, adopted Comprehensive Plan by updating a portion of Chapters 7 and 9 related to wind energy conversion systems. Pages 54, 55 & 62 have all been updated. Staff recommends approval and the Planning Commission approved the changed by a 6-0 vote. Mr. O'Sullivan also reviewed the changes. **Mr. Hirst moved, seconded by Mr. Friesen,** to approve the changes to Planning Case 2021-12. The motion was approved by a roll call vote of 3-0.

County Planner Mark Vonachen met with the Board on Planning Case 2021-13 a request to amend Article 1-105, Article 13, and Article 15-111 of the April 2015 Zoning Regulation and create Article 24 - "CWECS" - Commercial Wind Energy Conversion Systems District and amend the Table of Contents Page. They would strike the minimum acres required and add a 7th regulation to Article 15-111. The staff recommended denial on Article 15-111 due to believing it's a legitimate land use and would deny anyone applying for a Conditional Use Permit. Staff recommended approval on the other changes. **Mr. Sellers moved, seconded by Mr. Friesen,** to approve the changes to Planning Case 2021-13. The motion was approved by a roll call vote of 3-0.

County Planner Mark Vonachen met with the Board to discuss Planning Case 2020-09 that was tabled from 9/14/2021. **Mr. Hirst moved, seconded by Mr. Sellers,** to table the decision until the January 11, 2022, meeting. There is a lot of issues that were not formally decided, so he thought it would be best to table the issue. Mr. Friesen stated that he didn't want to prohibit wind. The motion was approved by a roll call vote of 3-0.

County Planner Mark Vonachen met with the board to discuss Planning Case 2021-14 a request to amend the jurisdiction of the Official Zoning District Boundary Map as identified in Article 1-103 of the Zoning Regulations. Mr. Vonachen suggested tabling

this case until the Wind Regulations are adopted, then they could revisit this case. **Mr. Friesen moved, seconded by Mr. Hirst,** to table the case until the January 11, 2022, meeting. The motion was approved by a roll call vote of 3-0.

At 10:45 a.m. Mr. Hirst recessed for 10 minutes.

At 10:55 a.m. the meeting reconvened with all three Commissioners, Mr. Partington, Mr. O'Sullivan and Mrs. Patton present.

Mr. Friesen moved, seconded by Mr. Sellers, to approve the Proclamation of a State of Local Disaster Emergency for Reno County, Kansas. The motion was approved by a roll call vote of 3-0.

Mr. Hirst gave a brief explanation of the decisions that were made with the regulations and tabled cases.

Phillip Hayes with The Arnold Group and Human Resources Director Helen Foster met with the Board to discuss the Overview and Recommendations of the 2021 Wage Study. Mr. Hayes highlighted a few recommendations and the data sets that he used for his research and stated that HR will be able to use his research to maintain wages in the future. At a minimum, he recommended bringing the employees that are below the minimum, green circled employees, up to the new minimum wage. This will be at a cost of \$512,685.29 and will affect 175 employees. With 100% compression, it will affect all 308 employees at a cost of \$1,911,961.41. Mr. Hayes strongly recommends addressing known pay compression at 90%. If it's not addressed next year, it should be addressed within the next few years. He explained that we went from 30 job grades down to 15 and explained that the S job grades were for law enforcement and first responder departments. He also recommended maintaining premium pay at \$2/hour for crane operators and implementing Public Works CDL at .50/hour and Youth Services and Sheriff's night staff at \$1/hour, a 2% COLA effective for the first paycheck in January 2022 and then address compression. Mr. Sellers asked if these costs included the County's portion of FICA and Medicare and was told no it did not include those taxes. Mr. Hirst said he is inclined to go with 100% compression and ask that HR bring back information about the next steps and develop a plan. Mr. Friesen and Mr. Sellers asked where the money would come from. Mr. Partington said \$1.1 million is budgeted and the rest could come from ARPA funds for lost wages, then we could look at the next three years. Mr. Sellers is inclined to approve the 2% COLA and

discuss the next step. Mr. Friesen would like the departments split out that fund themselves instead of tax revenue funds. Mr. Partington said he would look at those departments not funded by a levy and other sources of revenue. **Mr. Sellers moved, seconded by Mr. Friesen,** to proceed with scenario 2 which is the 2% COLA, then look at scenario 3 which is the 2% COLA with compression, no later than the final meeting in January 2022. Mr. Partington asked if this includes adopting the new pay scale. Mr. Sellers said to use the old pay scale to hire in new employees.

Mr. Hirst recessed until 1:15 p.m. for lunch.

At 1:20 p.m. the meeting reconvened with all three Commissioners, Mr. Partington and Mrs. Patton present.

County Administrator report:

Mr. Partington gave an overall view of the monthly reports stating that he will be submitting half of the departments' reports one month and the other half the next month. Mr. Partington also went over the Financial Reports and stated that revenue such as sales tax, are coming in better than expected.

Mr. Partington explained the responses from the Health Department that Mr. Friesen has asked earlier. Mr. Friesen said he had hoped the responses would be less legal and more collaborative because his intent was to gather more information. Mr. Friesen said he would like the Board to lead with a policy so staff will know exactly how to proceed with an issue. Mr. Sellers and Mr. Hirst said they think the Health Department is doing a good job and they do not think that we needed a policy. A lengthy discussion ensued about the difference between mandatory and voluntary quarantine. Mr. Partington suggested Mr. Friesen draft a policy for the other members to review. Mr. Friesen appreciated Mr. Partington's thoughts.

Mr. Partington reminded the Board about the Joint County, City Mayors, and Legislator's dinner at 6 p.m. at the Nickerson Community Center.

County Commission Reports:

Mr. Friesen asked if the audio was better, and Mr. Partington stated that it had been looked into by the IT Department and everything seemed fine.

Mr. Sellers spoke about the fire by Pretty Prairie and how important first responders are. He is looking forward to the hiring of the new County Fire Administrator. He also liked the idea that Mr. Friesen had to move the gravel discussion up in the agenda and leave County business toward the bottom. He also spoke about how the tax statements show that Reno County dropped their mill levy by 5.05%. Mr. Friesen said he like how Thomas County's showed a pie chart with the percentages and which departments the money goes to.

Mr. Friesen moved, seconded by Mr. Hirst, to recess into executive session for a period of thirty minutes for non-elected personnel. No formal decision will be made, and at the conclusion of the executive session the Board will return to regular session and adjourn for the day. He asked that County Administrator Randy Partington to remain for the executive session. The motion was approved by a roll call vote of 3-0.

At 2:30 p.m. the meeting returned to regular session and adjourned until 6:00 p.m. tonight for a joint meeting with City Mayors and Legislators.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
dp

Date