

November 29, 2022
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners held an agenda session with Chairman Daniel Friesen, Commissioner Ron Hirst, and Commissioner Ron Sellers, County Administrator Randy Partington, County Counselor Patrick Hoffman, and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance followed by a short sectarian prayer led by Senior Minister Kevin Guffey, Crossroads Christian Church.

StartUp Hutch Director Jackson Swearer thanked Mr. Partington for inviting him to participate in the focus group by Nako related to entrepreneurship. He said they hosted the Youth Entrepreneurship Challenge last week and had three Reno County schools, (grades 9 through 12) Haven, Pretty Prairie, and Buhler, where Haven's High School team won the challenge with a presentation on a business for a secondhand shopping website. They will be representing Reno County at the Statewide Entrepreneurship Challenge at Kansas State University later in April 2023. StartUp Hutch will be running an 8-week class in the spring of 2023 for \$300 called Growing Rural Business. He invited commissioners and the public to a come and go retirement party for Dave Dukart formerly the Director of the Quest Center between 1:00 p.m. and 4:00 p.m., Wednesday December 7th, 2022.

There was an executive session added to the agenda for an attorney/client privileged matter. **At 9:10 a.m. Mr. Friesen motioned** to adjourn into executive session to the Human Resources conference room with the County Counselor Patrick Hoffman and County Administrator Randy Partington, to discuss legal matters protected by attorney client privilege, returning to the open meeting with no action taken in the commission chambers at 9:20 a.m. **Mr. Sellers seconded the motion.** The motion was approved by a roll call vote of 3-0.

The meeting was called back to order and reconvened with **Mr. Sellers motioning, seconded by Mr. Hirst** to approve the Consent Agenda consisting of items 6A through 6E. Mr. Hirst amended the motion to include the resolution numbers #2022-27 and 2022-28; includes the Accounts Payable Ledger for claims payable on December 2nd, 2022, totaling \$600,325.72; approval of BOCC minutes for September 27th, October 11th, November 1st, and

November 17th, 2022 General Canvass; approval to declare a 2006 Chevrolet Malibu VIN#1G1ZT51826F257921 with 144,000 miles and a 2006 Chevrolet Malibu VIN#1G1ZS51F96F148857 with 90,245 miles as surplus to be auctioned on Purple Wave and authorize County Administrator Randy Partington to sign the titles once the vehicles are sold; approve **resolution #2022-27; A RESOLUTION ESTABLISHING A RENO COUNTY ROAD AND BRIDGE SPECIAL MACHINERY FUND (K.S.A. 68-141g)**; approve **resolution #2022-28; A RESOLUTION REAFFIRMATION OF THE SPECIAL HIGHWAY IMPROVEMENT FUND**; as presented by staff.

Mr. Sellers asked for clarification of item 6D and E on why we need the new machine fund.

County Administrator Randy Partington replied that the statute for the reaffirmation fund allows for equipment machinery, and special highway projects. In the past it has all been for highways but after discussing with staff it was decided in the future it would be better to have a separate reserve fund for the machinery and equipment that was separate from the actual highway projects.

Mr. Sellers asked if approved what monies go into these two funds. Mr. Partington said up to 25 percent of the overall road and bridge funds budget can be transferred if not spent, into the reserve funds. It can be used for capital projects or equipment that is needed but not budgeted or has a shortage for a budgeted item. Money can be transferred in December by resolution that hasn't been spent. Mr. Partington explained why this fund would be useful to Public Works.

Mr. Sellers stated you could do this with any budget within the county then. Mr. Hoffman replied that the statute does not allow for everything within other budgets. The funds would be used for equipment that went over the budgeted amount or had an extended delivery date. He said this would give the county some flexibility on those pieces of equipment.

The motion was approved by a roll call vote of 3-0.

7A. County Planner Mark Vonachen gave a summary of Planning Case #2022-05 zoned R-1 a request for a six-lot subdivision. This is the first subdivision in ten years and the first new one since the new regulations went into effect. Planning Board approved the final plat for the Renwick Subdivision requested by Nicholas and Danielle Adams to establish a six-lot subdivision on approximately 30-acres of land located in the Northwest

quarter of Section 17 of T26S, R4W in Sumner Township. The parcels are located on the south side of E. Silver Lake Road, approximately 600 feet east of the intersection of E. Silver Lake Road and S. Willison Road. Staff also approved the plat. If approved today the applicant can go forward with submitting a road improvement plan and review by a third-party engineer, then get a cost to do that road. When finished the final plat would come back to the commissioners for review, if approved at that time the final plat would be signed and filed with the Register of Deeds. The applicant is responsible for all costs so there is no cost to the county.

There was a discussion by the Board on the road cost and use of a third-party engineering for future consideration so they asked to have that taken back to the Planning Board to see if the extra step costing the applicant more expense could be eliminated.

Mr. Friesen referred to one item regarding a letter from a party claiming to represent the neighbors in the area. Shelby Hendrickson voiced his concerns in the letter and objected to the housing subdivision. Mr. Vonachen stated the public had ample time to express comments in the public hearing opening it up to five minutes or more and stated that some submitted petitions against it and other documentation. The chairman allowed all to comment and the Planning Board made recommendations and the same public hearing was allowed during the final plat. Mr. Hoffman briefed the Board on the process and policy for other comments that have been reviewed by the Planning Board on land zoned residential if it meets the engineering requirements. The process in Reno County is to use the Planning Board to delegate the fact-finding gathering data and make a recommendation to create a record for the commission. There is a policy in place that states if there is new evidence that has to come to light after the Planning Board has made a recommendation, that the county commission could look at this new information, however you are not encouraged to redo the work the Planning Board did. In his opinion this letter did not qualify as new information, so he recommended the Board follow policy and not enter the letter into evidence for that reason.

Mr. Friesen asked for a motion since staff recommended the request be denied. **Mr. Sellers moved, seconded by Mr. Hirst**, to deny the request for public comment due to the reasons staff has indicated and in their opinion there is no new evidence presented at this time. The motion was approved by a roll call vote of 3-0.

Mr. Hirst moved, seconded by Mr. Friesen, to approve the Planning Case #2022-05 with two conditions, 1) submit a new final plat with any requested changes by the Planning Commission. Mr. Vonachen stated there were no requested changes and they just did not strike that condition, 2) was to provide a copy of state and federal permits as they became available, it should remain as a condition, as recommended by the Planning Commission. Mr. Friesen appreciated the comments and the work of the Planning Board, and he said we should support new development in the county, and he appreciated the growth factor with new investments. The motion was approved by a roll call vote of 3-0.

7B. Mr. Friesen started the discussion to appoint a Reno County Public Health Officer and Consultant to the County Health Officer. He would like to discuss what is the process requirements to find the appropriate person for this position.

Mr. Hirst made comments on policies which he thought had to be compromised on parts concerning the Covid period of time. He said the health officer worked well with meetings and discussions regarding the mandates from the state so that process worked good for compromises.

Mr. Friesen clarified the position of health officer serves the pleasure of the county health board they do not report to the county administrator. The Health Board was comprised of the three current Commissioners.

Mr. Hoffman stated K.S.A. statute 65-201 had been on the books for decades it was an emergency statute for the unknown unknowns before 2020. He said it was good to have clear lines of authority for who the health officer and consultant is. The statute 65-201 had a modification after 2020 clarifying that the health officer's controversial decisions can only be made with the Board of Health approval, and it is clear that the health officer reports directly to the Board of Health. The health officer reports to the Board of Health and they can replace that officer and can be overridden in an emergency situation. The Board of Health would call a special meeting where the decision to undo or let stand could be determined by the Board of Health. Mr. Sellers agreed with Mr. Hirst that the health officer did a good job and he wanted to continue with the same process we had before.

Mr. Hirst made a motion, seconded by Mr. Sellers, to appoint Karen Hammersmith as the Reno County Health Officer effective November 29, 2022. Mr. Friesen wanted to know how they could discuss a personnel issue. Mr. Hoffman replied for discussion of personnel they would need to go into an executive session. Mr. Hirst and Mr. Sellers did not see the need but agreed to go into executive session for this matter.

At 10:03 a.m. **Mr. Friesen motioned** to adjourn into an executive session with the County Counselor and County Administrator to discuss personnel matters of non-elected employees and returned to open session at 10:12 a.m. **Mr. Sellers seconded the motion.** The motion was approved by a roll call vote of 3-0.

Mr. Friesen continued discussion on the item above and he spoke about three new commissioners and wondered if this is the appropriate time. Mr. Sellers said this is the appropriate time to do the decision since it had been several months, and the future commission can change county policies as they see fit. Mr. Hirst added since we act as the Board of Health the new commissioners could bring this subject up at a future date. Mr. Friesen questioned whether there was a job description for the health officer. Mr. Partington replied that KDHE (Kansas Department of Health and Environment) had a description but was not sure if Reno County had a separate one. Mr. Hoffman stated he was focused on the statutory requirement of 65-201 that requires the county to identify the person to the health officer. Mr. Friesen inquired about the wage for this position, Mr. Partington replied that it paid \$600 a month. Mr. Friesen inquired about a resolution. Mr. Hoffman stated it did not require a resolution, but he stated that it should be in the motion and in the minutes.

Mr. Sellers called for the question. The motion was approved by a roll call vote of 3-0.

Mr. Friesen asked for a roll call on the previous motion; **Mr. Hirst made a motion, seconded by Mr. Sellers,** to appoint Karen Hammersmith as the Reno County Health Officer. The motion was approved by a roll call vote of 2-1 with Mr. Friesen opposed.

Mr. Friesen explained why he voted no on the health officer motion. He felt they should not vote yet because it should include the new commissioners and other discussions. His vote

was not a reflection on the individual or her job in the Health Department.

Mr. Hoffman explained the medical consultant in statute 65-201 situation. He would like to have in a motion and minutes to identify who would be the physician of record in role of consultant to the health officer.

Health Department Director Karla Nichols explained, what is the working relationship between the health officer/health department and consultant. She explained consultants were used for different issues however they have used Dr. Scott Pauly in matters concerning statute 65-201. They use his services every couple of weeks via text messages and meetings if needed. Originally there were three people on the Board of Advisers to the Health Officer, Dr. Johnson who was now gone, Dr. Pauly, and Dr. Degner. Dr. Pauly is the primary contact consultant. She said the medical personnel have a group meeting monthly to keep everyone in the loop from Hutchinson Hospital, Prairie Star, and Hutchinson Clinic, those that were involved with COVID issues. Mr. Hoffman said concerning statute 65-201 the goal is to reset and clarify who the health department's contact consultant is going forward.

After a discussion on information not provided currently regarding the consultant for the health officer. **Mr. Sellers moved, seconded by Mr. Hirst**, to approve appointing Dr. Scott Pauly as Medical Consultant effective November 29, 2022. The motion was approved by a roll call vote of 2-1 with Mr. Friesen opposed.

Mr. Partington asked if there were any questions on monthly reports in the agenda packet. Mr. Sellers made comments on some of the reports. Mr. Partington reminded the Board they had a joint City/County meeting and setting up an agenda with various items. Mr. Hirst would be attending Quad County meeting in Newton on December 12th, 2022.

Mr. Hirst gave condolences to Megan Gottschalk-Hammersmith and family on the loss of her husband and noted that she is a member of the Health Department.

Mr. Friesen questioned the Accounts Payable process for approvals through Panda Doc. Mr. Hoffman reached out to auditors to see what can be done.

At 10:40 a.m. **Mr. Friesen moved, seconded by Mr. Hirst,** to adjourn to the Human Resources Conference Room for an executive session with County Counselor, County Administrator, County District Attorney Tom Stanton, and Human Resource Director Helen Foster to discuss personnel matters of non-elected personnel, and to return to open session at 10:55 a.m. with no action taken. The motion was approved by roll call vote of 3-0.

At 10:55 a.m. the meeting recessed for five minutes.

The meeting reconvened with all Commissioners, County Administrator Randy Partington, County Counselor Patrick Hoffman, and Minutes Clerk Cindy Martin, present.

At 11:00 a.m. **Mr. Friesen moved, seconded by Mr. Hirst,** to adjourn into executive session with the County Counselor Mr. Patrick Hoffman and County Administrator Randy Partington, and Human Resources Director Helen Foster to discuss legal matters protected by attorney client privilege, and to return to open meeting in the commission chambers until 11:15 a.m. The motion was approved by a roll call vote of 3-0.

At 11:15 a.m. **Mr. Friesen moved, seconded by Mr. Sellers,** to adjourn for an executive session with County Counselor, and Human Resource Director Helen Foster to discuss personnel matters of non-elected personnel, and to return to open session at 11:35 a.m. with no action taken. The motion was approved by roll call vote of 3-0.

At 11:35 a.m. Mr. Friesen moved, seconded by Mr. Sellers, to extend the executive session for the same subject matter and justification for an additional 10 minutes until 11:45 a.m. The motion passed unanimously by 3-0 vote.

At 11:47 a.m. Mr. Friesen adjourned the meeting with Mr. Sellers seconding until 9:00 a.m. Tuesday, December 13, 2022.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date