

September 27, 2022  
Reno County Annex  
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 Pastor Ron Deviney, Faith Chapel Community Church.

Chairman Friesen welcomed Jasmin and Ashley from Leadership Reno County who are observing the meeting today.

There were no public comments or additions to the agenda.

**Mr. Friesen moved** to table for a later date the 6D consent agenda item for the appointment of Karen Hammersmith as the Reno County Public Health Officer, effective September 27, 2022. Mr. Friesen did not have sufficient time to discuss this appointment with the County Administrator and County Counselor. **Mr. Sellers seconded to allow Mr. Friesen time.** The motion was approved by a roll call vote 3-0.

**Mr. Sellers moved, seconded by Mr. Hirst, to approve the Consent Agenda consisting of items 6A through 6G excluding 6D as motioned above, includes the Accounts Payable Ledger for claims payable on September 23rd, 2022, totaling \$1,186,814.79; including the Accounts Payable Ledger for claims payable on September 30<sup>th</sup>, 2022, totaling \$261,544.08; to approve BOCC minutes for August 23<sup>rd</sup>, August 30<sup>th</sup>, September 8<sup>th</sup>, September 13<sup>th</sup>, and September 13<sup>th</sup> Canvass; approve appointment of Brody Benson as Trustee of the Troy Township Board; approve Reno County Health Department's (RCHD) application for the National Association of County & City Health Officials (NACCHO) Overdose Response Strategy (ORS) Pilot Project Grant; approve Juvenile Corrections Advisory Board Education representative appointment; approval on Planning Case #2022-06 resolution #2022-23; A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A COFFEE SHOP ON A PARCEL LOCATED IN THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 24 SOUTH, RANGE 5 WEST OF THE 6<sup>TH</sup> P.M., IN RENO COUNTY, KANSAS** for Lawrence Street

Properties, LLC known as 9805 S. YODER ROAD, as listed on agenda by staff. The motion was approved by a roll call vote of 3-0.

Mr. Friesen requested to move business item 7C to the top of the business agenda. This was for a discussion of K.S.A. 41-2646 the sale of liquor by the drink in public places.

County Counselor Patrick Hoffman gave an overview of the Kansas State Law describing a default process for liquor by the drink requiring a certain percentage of food sales along with liquor to obtain a liquor license. He explained the way to opt out county by county was by a public vote. He said the means to put it to a public vote would be by the county commissioners doing a resolution to put it on the ballot or if not by resolution, then a signed petition by 10 percent of the county wide voters.

Sandhills Brewing Owner Pippin Williamson explained how his establishment had an issue with what he called "the food rule" which had been in place since 1986. He gave a brief history of 1989 when Kansas legalized breweries to sell liquor by the glass. He did not have 30 percent of gross food sales with his liquor to maintain his liquor license as K.S.A. 41-2646 requires. Mr. Williamson explained how this rule is damaging to small businesses like his since he mainly is a gathering place for the community to come have a brew, they were not a restaurant. His license had been denied by ABC last week for non-compliance with food sales with no options given to continue to operate. They asked the community for help and citizens showed up raising \$40,000 in five days in food sales to keep make them in compliance. Mr. Williamson requested the commission's approval to put the option to opt out of the food rule as several other counties in Kansas had by placing it on the ballot for the public to vote on.

Mr. Sellers started the discussion explaining how Mr. Williamson had known about this rule when he came to the commission previously. The commission suggested possible alternatives to the problem that were not followed up. Mr. Williamson was aware from day one when they opened, he did research to educate himself on the ABC rule. He asked the ABC personnel what would happen if he was not in compliance, no one worried about compliance, and he found out other establishments would change the numbers on their books complying with the requirement. He renewed the license in 2020 with no issues.

Mr. Hirst did recommend previously for Mr. Williamson to do a petition of the voters in the county in 2019. Mr. Williamson said it was too huge of a project for his few employees to spend hours getting signatures. He asked the commission to put it to the people on the ballot since it was an issue across the state so their voice could be heard on the subject.

Leanne Cox with the Chamber of Commerce supported the small businesses and gave her recommendation for the commission to put it on the ballot for a public vote. She said there were 80 small breweries in Kansas, and it would be good for all patrons looking for a different type of beer instead of the national brands to operate without having to follow this food rule.

Jackson Swearer with StartUP Hutch supported the public vote on the ballot for small businesses. He read a brief section of a report about small businesses saying to share and educate people on breweries. He recommended his support of the public vote.

Mr. Hoffman spoke about the state law saying the vote if approved by the commission, would not be on the upcoming election in November 2022 since it was too close but would have to wait until the 2023 election. If the commission made a motion Mr. Hoffman would draft a procedure following K.S.A. 41-2646. He said other counties opted out over time by resolution and a third of those counties opted out but never appeared on a ballot.

A brief discussion ensued, and Mr. Friesen made a motion to instruct staff to draft a resolution to bring to public decision for the county to opt out of the food requirements of K.S.A. 41-2646 and bring back by the second agenda meeting in October 2022 for the November election in 2023 to avoid a special election cost, **Mr. Sellers seconded the motion.** The motion was approved by a roll call vote of 3-0.

7A Mr. Partington started the discussion regarding a resolution establishing user charges for Water District No. 101; Sewer District No. 201; Sewer District No. 202; and Sewer District No. 1 to be effective from and after November 1, 2022. He explained this was to increase rates to cover operating costs which would allow the districts to put money aside with the new rates. He said they would have a one-time charge for new installations.

Public Works Director Don Brittain stated they would have to create a heavy/light commercial rate spelled out before November 1<sup>st</sup>. He spoke about a flat rate and possible flow meter for KLETC and Habit sewer rates. Mr. Partington stated they would address rates in a couple of years to get accurate fees after the projects bond or loan cost.

The Board had a brief discussion on rates. Mr. Sellers moved, seconded by Mr. Hirst, to approve a **resolution #2022-21; A RESOLUTION ESTABLISHING USER CHARGES FOR: WATER DISTRICT NO. 101; SEWER DISTRICT NO. 201; SEWER DISTRICT NO. 202; AND SEWER DISTRICT NO. 1.** The motion was approved by a roll call vote of 3-0.

7B Mr. Partington said there were some language changes for the full \$12,042,385 million received from ARPA funds. The resolution formalizes so outside agencies know where the ARPA funds plan to be distributed depending on contracts and agreements. He reviewed a spreadsheet with what funds went to whom. Mr. Partington recommended approval of the resolution and RFP for an administrative and management oversight company to make sure everything gets correctly entered and sent. That company would be paid from the \$137,000 set aside for administration fees and miscellaneous expenses.

Mr. Sellers questioned what was holding up the contracts/agreements. Mr. Hoffman explained about the Treasury changing rules, so they want to design programs they know will qualify for ARPA funds. They have had several meetings to go over the risks of making a mistake with federal funds and that is why we need an experienced administrator. He said we needed a consulting firm to assist with agreements and reports. The Board could have RFP's contracts/agreements out and back by the end of October or first of November or sooner. **Mr. Sellers moved, seconded by Mr. Hirst,** to approve as stated in 7B a **resolution #2022-22; A RESOLUTION TO STATE THE ADDITIONAL INTENDED USES OF A PORTION OF THE FIRST AND SECOND TRANCHE OF RENO COUNTY'S ALLOTMENT OF LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT; AND FOR OTHER PURPOSES.** The motion was approved by a roll call vote of 3-0.

County Administrator Randy Partington asked if there were questions on the monthly department reports, the Board had none.

Mr. Partington spoke about South Hutchinson wanting to meet with the Board to discuss NRP (Neighborhood Revitalization

Projects). It was denied in 2018 for South Hutchinson because they included all areas of the city not just the distressed areas. If the Board elected to, we could reach out to have meetings in other cities regarding the NRP and develop goals countywide. The meeting would have all areas specific to the community for improvements that increased value on property. Mr. Hoffman suggested one countywide NRP document in support of the effort of the NRP after feedback from community. The Board had a discussion on NRP and the tax base for communities. The Board asked Mr. Partington to meet with small communities and report back to the commission. Mr. Partington stated that the City of Hutchinson had their own NRP so they would not be a part of the meetings.

Mr. Partington said the county had a job incentive develop agreement with Superior Boiler and this is the first year to be eligible for \$23,500 economic development funds for the past four quarters.

Mr. Hoffman updated the Board regarding the tax sale on October 18<sup>th</sup>, 2022. To date the county has received \$405,720.62 in past due taxes and fees. They have 82 properties of which 45 are residential homes and the rest are vacant lots or commercial. The public can contact Shonda Arpin in the Administrative Office, , or contact Mr. Hoffman's office for a list of properties and he stated they could put a list on the county's website.

#### Commissioner Comments:

Mr. Hirst mentioned MIH due September 30, 2022. He attended the SCKEED meeting and stated that is was a very good meeting. He received an email last evening regarding a Thursday night meeting at Dillon Nature Center presented by the Forestry Service on household safety.

Mr. Sellers gave a wonderful compliment to the County Clerk's Office for a job well done on the minutes. He asked Mr. Partington about the contract to do a county building study and a brief update for the windows, outside dome and inside repairs. Mr. Partington replied that it would be on the next agenda for the building study and the repairs should be finished next month. When five commissioners are here in January, we will be meeting in the Veterans room. Mr. Partington replied, it would be done by the end of this year.

Mr. Friesen stated that the technology should be purchased for the next level that allows vendors and staff to meet with county commissioners when they are out.

At 10:40 a.m. the meeting adjourned until 9:00 a.m. Tuesday, October 11, 2022.

Approved:

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Chair, Board of Reno County Commissioners

(ATTEST)

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Reno County Clerk  
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Date