AGENDA SESSION
RENO COUNTY COMMISSION
COMMISSION CHAMBERS OF COURTHOUSE
Tuesday, January 7, 2020, 9:00 A.M.

1. Call to Order

2. Pledge of Allegiance to the American Flag and Prayer

3. Public Comment on Items not on the Agenda. Please come forward to the podium, state your name and address and limit your remarks to not more than 5 minutes per item.

4. Commission and County Administrator Comments

5. Determine Additions to the Agenda. (Restricted to subject matters that were not known at the time of the agenda publication and to subject matters that require immediate Board discussion and/or action and which cannot be deferred to a later date.)

6. Consent Agenda (items considered routine for approval. If any Commissioner or person in the audience would like further discussions or explanation of any item they may ask that it be removed from the consent agenda for additional consideration).
   a. Vouchers (bills or payments owed by the county or related taxing units).
   e. Resolution 2020–____ pertaining to the vacation of a portion of Victory Road as petitioned by Brandon and Kristina Harder to include setting the Road Viewing for 11:00 a.m. on Tuesday, January 14, 2020; and the Public Hearing for 9:00 a.m. on Tuesday, January 21, 2020.

   Action – Motion to approve the Consent Agenda
   Hirst        Sellers        Bush

7. Action Items
   a. Planning & Zoning Case #2019-12 – A conditional use permit request by Frank and Pamela Seck to establish a lavender business which will include a gift shop, crafting classes and smaller events, and an annual summer lavender festival.

   Action – Motion to approve/not approve Planning & Zoning Case #2019-12 – A conditional use permit request by Frank and Pamela Seck to establish a lavender business which will include a gift shop, crafting classes and smaller events, and an annual summer lavender festival.
   Hirst        Sellers        Bush

8. Additions to the agenda

9. Department Updates
   a. Community Corrections

10. Adjournment
Tax Year: 2019

TAX ROLL CORRECTION - PERSONAL PROPERTY
AAELO13

TaxPayer: MACH00004
MACHINE DESIGN SERVICE, INC
MCGONIGLE, JERRY L
225 N MAIN ST
SOUTH HUTCHINSON, KS 67505

System Control #: 2019001170
User Control #: 201801170
Cama #: 126-23-0-40-07-007-0-01

Tax Year: 2019
Doc #: 250367

SOUTH HUTCHINSON CITY / USD 30
225 N MAIN ST - SOUTH HUTCHINSON, KS 67505

Check Payable to: MACHINE DESIGN SERVICE, INC

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**APPRASER SECTION (Value)**

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Exempt Value: 0

Comment: CASE# 000000057: OWNERSHIP OF MACH & EQUIP SOLD 6/22/2018 - VALUE IS EXEMPT FOR 2019 AND SUCCEEDING YEARS

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**CLERK SECTION (Tax)**

Dec 27 2019 10:22AM Jami Radloff Order to Pl

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SB41 $ 0.00
Exempt Tax Dollars 2500.00
Exempt Tax Dollars 0.00

Comment:

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**TREASURER SECTION (Summary)**

Net Change in Assessed Value -16,102
Mill Levy 155,297000

Net Change in Levyed Tax Dollars -2,500.60

Net Change in Total Tax Dollars -2,500.60

Comment:

By order of the Board of County Commissioners: RENO COUNTY, Kansas.
(Per K.S.A. 79-1475, 79-1701, 79-1701a, and 79-1702) (Date)

Approved by Commission:

Attest by County Clerk:
AGENDA REQUEST

AGENDA ITEM: November minutes for approval by the Commission

PRESENTED BY: Cindy Martin, Clerk’s Office

RECOMMENDED ACTION: Approval for November minutes and Chairman to sign (on consent agenda)

AGENDA DATE: January 7, 2020

FINANCIAL CONSIDERATIONS: Is it budgeted?
Not a budgeted item

EXECUTIVE SUMMARY (Title, Description, Impact or Goal, Dollar Amount and Funding Source, and Timeframe)

Commissioners to approve final drafts of November minutes Nov. 5th, 12th, 2020 Canvass, 12th, 19th, and 26th as submitted.
The Board of Reno County Commissioners met in agenda session with, Commissioner Ron Hirst and Commissioner Ron Sellers, County Administrator Gary Meagher, County Counselor Joe O'Sullivan and Minutes Clerk Cindy Martin, present. Commissioner Bob Bush was unavailable.

The meeting began with the Pledge of Allegiance and a short sectarian prayer led by Pastor Claire Gager, South Hutchinson Methodist Church.

There were no public comments and no additions to the agenda.

Commissioner comments:

Commissioner Hirst asked the public to go vote today to make a difference in our governing body.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on November 8, 2019 of $538,238.92 as submitted. Next item on the consent agenda was to appoint Jim French and Michelle Waln as Reno County Representatives to serve on the Hutchinson Reno County Arts and Humanities Council. Ms. Waln's term will be effective 1/1/2020 to 12/31/2022; and Mr. French's term will be effective 1/1/2020 to 12/31/2021. Last item was to appoint Sheila Corn to serve on the Reno County Food Advisory Board for a 3-year term beginning 11/5/2019.

Hutchinson Recreation Executive Director Tony Finlay was present to speak about the reorganization of the Arts & Humanities Council and that it was reformatted and placed under the Recreation Center. He stated the council would hold their first organizational meeting in December with the terms starting after the first of the year. They would be hiring a part-time coordinator with shared funds provided by the City of Hutchinson and Reno County. Commissioner Sellers noted Ms. Waln and Mr. French would be very good board members and was glad to see the reorganization happening for the community good use of funds. Commissioner Hirst commented about the Farmers Market and asked if anyone had heard performers that was scheduled by the Arts and Humanities Council.
The motion was approved by a roll call vote of 2-0.

Steve Wilkinson Regional Executive Director from South Central Kansas Economic Development District (SCKEDD) updated the Board on regional view and the weatherization program which is one of the most successful programs. This program is very important for low income households. It provides for more than 459 in the state of Kansas, covering 40 counties across Kansas. He spoke about grant writing administration program, commercial rehab grants also many more grants and loan assistance available for veterans, and micro-loan programs through SCKEDD for entrepreneur loan. He said they are trying to be more robust with services and hiring some excellent employees with health care insurance premiums being their main challenge.

Commissioner Sellers wanted to know about the Quest Center working with SCKEDD and asked if he could explain the interaction of the two agencies. Mr. Wilkinson explained the entrepreneur task force and stated the Quest Center had their own flexible term loan funding, where SCKEDD is strict on their loans and stated that SCKEDD are not risk takers. What percentage of the SCKEDD loans are successful? Mr. Wilkinson stated approximately 3% and this is a couple of loans that are struggling. These are federal funds, so we want to be good stewards.

Commissioner Hirst added that seven years ago Quest Center could not do loans but partnered with SCKEDD, now the larger loans are from SCKEDD with the bank picking up that loan in the future. Quest Center does the prep work and start up asking SCKEDD for larger loans later.

Rachel Grubbs, Administrative Support from Disability Supports of Great Plains, Hutchinson Division met with the Board to recommend approval for a Letter of Support for Disability Supports of Great Plains to receive Kansas Department of Transportation (KDOT) Grant Funding. She stated this is a grant application for FY2021 to help pay for vehicle fleet operating expenses. She went over history of Disability Supports and what they do for their clients. They have ten vehicles to transport and four of them have come from KDOT for transportation of clients for volunteer work. She also noted that they go to Clay Works where they earn 100 percent of sale of products and go on various transportation needs. Commissioner Sellers asked about clients using RCAT.
Ms. Grubbs stated that some of the clients use RCAT as much as they can. TECH will also assist with transportation to programs. Mr. Sellers motioned, seconded by Mr. Hirst, to approve the Letter of Support as outlined by Ms. Grubbs. Commissioner Hirst asked about cooperation between RCAT and their fleet.

Shelia Goshen, Vice-President and Chief Operations Officer at Disability Supports stated that they do use RCAT when they can, but the issue is flexibility with hours. Commissioner Sellers asked that they be able to work with RCAT when they can. The motion was approved by a roll call vote of 2-0.

Gilmore and Bell Bond Council Kevin Cowan met with the Board to recommend approval for an authorization resolution by statute. He stated this was to update an action done a couple of years ago that authorized four bridges but was now limited to two bridges. This resolution would repeal the other resolution #2017-31 authorizing and putting focus on the two bridge projects. (Nickerson Bridge over the Arkansas River, mile 27.99; and the replacement of the 43rd Avenue Bridge over the Union Pacific Railroad, mile 33.80.)

County Administrator Gary Meagher stated the reason for the two bridge projects stemmed from the increased cost of covering the 43rd Avenue Bridge Project over the railroad tracks. The estimated cost for the two bridges was $5,901,485 for design and construction. The estimated bond was $6,245,000 giving us better flexibility to issue temporary notes to complete the construction on the projects. Mr. Sellers moved, seconded by Mr. Hirst, to approve Resolution no. 2019-20; A RESOLUTION DETERMINING THE NECESSITY OF THE CONSTRUCTION, REPAIR AND RECONSTRUCTION OF CERTAIN BRIDGES IN RENO COUNTY, KANSAS; AUTHORIZING SUCH CONSTRUCTION, REPAIR AND RECONSTRUCTION TO BE UNDERTAKEN AND COMPLETED; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF; AND REPEALING RESOLUTION NO. 2017-31. The motion was approved by a roll call vote of 2-0.

Mr. Cowan was also present for the second resolution he called the "Sale Resolution" that authorizes to proceed with steps to sale the General Obligation Temporary Notes. The plan was to close the temporary notes in early December. Commissioner Sellers asked Mr. Cowan to explain what temporary notes were. Mr. Cowan gave explanation for the need of temporary notes and usually those notes being under four years.
Mr. Meagher commented that a two-year bond maturity could be called in a year. He explained what bonds being called in meant, stating the project would start February or March and be called in December of the next year.

Mr. Cowan added that issued temporary bond interest cost rates were very low and would be paid off by bond issue which made them favorable to sell. He gave a brief explanation of an A-3 rating that Reno County had been given for a credit rating. Mr. Sellers moved, seconded by Mr. Hirst, to approve Resolution no. 2019-21; A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019- OF RENO COUNTY, KANSAS. The motion was approved by a roll call vote of 2-0.

Human Resource Director Renee Harris met with the Board to recommend approval of the Work Well Reno County program. She explained the changes were rewards, and how the employee earns insurance rates for Gold, Silver or Bronze status on those rates for the next plan year. The wellness policy had been in effect since 2003 keeping it generic through the years. Reno County has hired a part-time coordinator for the Wellness Program. Health Department Director Nick Baldetti commented on the part-time Wellness Coordinator, Cody Combs, stating the wellness was moved to HR instead of the Health Department. Mr. Sellers moved, seconded by Mr. Hirst, to approve the revised and updated Work Well Policy as outlined by Mrs. Harris. The motion was approved by a roll call vote of 2-0.

At 10:05 the meeting adjourned until 8:15 a.m. Tuesday, November 12th, 2019 for General Election Canvass.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk

Date
The Board of Reno County Commissioners met in agenda session with Chairman Bob Bush, Commissioners Ron Hirst and Ron Sellers, and Minutes Clerk Cindy Martin, present. Also present was County Administrator Gary Meagher.

At 8:20 Mr. Bush moved, seconded by Mr. Hirst, to move into Board of Canvassers for the purpose of canvassing votes for the November 5, 2019 General City/School Election. The motion was approved by a roll call vote 3-0.

Deputy Election Officer Jenna Fager and Election Associates Alisha Johnson and Brooke Koehn presented 116 Provisional Ballots for the Boards consideration.

The following 76 ballots were recommended to be counted:

- Name change
  Mr. Hirst moved, seconded by Mr. Sellers, to approve. 11
- Moved within County- Voted Correct Precinct
  Mr. Hirst moved, seconded by Mr. Seller, to approve. 55
- Clerical Error - Voter Registered
  Mr. Sellers moved, seconded by Mr. Hirst, to approve. 9
- No Photo ID - Voter Brought In
  Mr. Sellers moved, seconded by Mr. Hirst, to approve. 1

The following 9 ballots were recommended to be partially counted:

- Moved within the county - Voted at wrong precinct
  Mr. Hirst moved, seconded by Mr. Sellers, to approve. 8
- Name & Address change - Voted at wrong precinct
  Mr. Sellers moved, seconded by Mr. Hirst, to approve. 1

The following 31 ballots were recommended to not be counted:

- Not registered in Reno County
  Mr. Hirst moved, seconded by Mr. Sellers, to approve. 18
- Moved from out of county did not re-register
  Mr. Hirst moved, seconded by Mr. Sellers, to approve. 9
- No Photo ID
  Mr. Hirst moved, seconded by Mr. Sellers, to approve. 2
- Wrong Ballot Given voted correct ballot
  1
Mr. Sellers moved, seconded by Mr. Hirst, to approve.

For the Commissioner’s Decision:

- Cast Blank Ballot Voted Again 1
  Mr. Sellers moved, seconded by Mr. Hirst, to approve to count.

All above votes were approved by a roll call vote of 3-0. As was recommended and recorded for the November 5, 2019 General City/School Election by Mrs. Fager.

Mrs. Fager gave election statistics, 697 total mailed advance ballots, 466 total received back of advanced ballots, 1270 advance walk-in, 7932 total ballots cast with one UOCAVA ballot returned.

At 8:35 a.m. recessed to adjourn the Board of Canvassers until 9:00 a.m. Tuesday, November 12, 2019 open meeting where Mrs. Fager will bring a form showing results to the Commissioners Chambers and the final tally sheet for each. The meeting adjourned at 10:48 a.m.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk cm
The Board of Reno County Commissioners met in agenda session with, Chairman Bob Bush, Commissioner Ron Hirst and Commissioner Ron Sellers, County Administrator Gary Meagher, County Counselor Joe O’Sullivan and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance and a short sectarian prayer led by Pastor Mic McGuire, First United Methodist Church.

Public comment:

Andy Helten, 10408 Smoots Creek Road, asked what the county was doing to defend the decision made in the NextEra CUP to defend itself against the lawsuit.

County Counselor Joe O’Sullivan replied that the county retained an attorney who is a litigator, Eric Stienly, with Mr. O’Sullivan being co-counsel in the case. The county is prepared to defend the decision it made to the extent that the court understands what decision the county made with respect to, not only the ultimate question but also with respect to the protest petitions and the basis upon which that decision was made. The county does not see it as having a direct interest in advocating for the individuals who signed the protest petitions. He explained the people who signed the petitions did so under the advice from an attorney who prepared that petition for them, did the format and advised them on how to carry the petitions. Ultimately the County Clerk’s Office excepted those petitions. There is a considerable amount of case law or statutory law which sets out exactly what criteria is required in respect to those petitions and stated that issue is before the court. That issue for both Pretty Prairie Wind and the protest petitioners who have intervened in the case, that is for them to present evidence and argue their positions to the court. That was a summary of how the county sees its role in this case.

Mr. Helten asked if the county would not defend petitioners themselves would leave that decision up to the judge? Mr. O’Sullivan replied that was the judge’s decision. Commissioner Bush stated defending the petitions is being done by council hired by the residents in that community.
Mr. O’Sullivan explained certain people who signed the protest petitions have petitioned the court to allow them to be included in the case and the judge ruled in favor of that motion and so now they are parties in the case, as well as the County and Pretty Prairie Wind. He said that Pat Hughes represented certain citizens who raised questions before the court.

Mr. Helten did not understand why citizens were left to answer disposition questions without legal advice from the county. Mr. O’Sullivan and Mr. Bush tried to explain the counties process, decisions and legal responsibilities were to the county not to represent a group of citizens or individuals.

Mr. Hirst tried to explain the protest petitions in a resolution to except those petitions. We had a process via statutes that we as a Commission had to follow.

Mr. O’Sullivan then went on to speak about in the discovery process prior to a trial and the legal system allows evidence to be determined before it goes to court.

The discussion went on until Mr. Bush stated, “This past year, we have been guided by our County Attorney, Joe O’Sullivan, as to the legally correct processes that may or may not be common sense. The result was that Planning and Zoning heard all citizens in that community who wanted to speak either pro or con, then made a recommendation to the Commission. That recommendation was reviewed, and we had a vote and the decision came down that the Pretty Prairie CUP was denied, and now the next legal phase starts. The rules are all different and following Mr. O’Sullivan’s advice, the attorneys for Reno County are here to basically defend and represent Reno County government and their process not any one individual.” Mr. Helten still questioned why the county staff did not give citizens a heads up for what was to come after the denial. Mr. O’Sullivan ended the discussion further explaining the judicial systems role, then telling Mr. Helten that he misunderstood the counties legal responsibility in this case.

Commissioner comments:

Commissioner Hirst thanked all Veterans who served. He commented how he would like to see them finish the Veterans Memorial wall in South Hutchinson. Mr. Bush added to contact the local VFW to donate money to help finish the wall.
Commissioner Bush thanked them as well since yesterday was Veterans Day. He thanked the community and out pouring support for Veterans for their sacrifice and the service they have made. One of the things Reno County does is to respect and promote their Veterans.

There was one addition to the agenda; to re-convene into General City/School Election Canvass.

Mr. Hirst moved, seconded by Mr. Sellers, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on November 15, 2019 of $198,643.32 as submitted. The motion was approved by a roll call vote of 3-0.

County Planner Mark Vonachen met with the Board to recommend approval for Planning Case 2019-09; a request by Michael J. Jr. and Laura M. Quick Revocable Trust to vacate a portion of Mariner Road and a portion of Sportsmen Lane located in Western Hills Estates Subdivision near 4707 E. Surfboard Road. He stated the Planning & Zoning Board voted 7-0 to vacate the road. Mr. Sellers moved, seconded by Mr. Hirst, to approve the request outlined by Mr. Vonachen to vacate a portion of Mariner Road and a portion of Sportsmen Lane. The motion was approved by a roll call vote of 3-0.

Internal Auditor Leslie Roederer presented the Board with the unaudited quarterly financial report. She discussed several issues with the budgeted funds and Reno County debt. Mr. Meagher spoke about the very good debt status the county has. He also went over the funds, cash basis the county uses, tax lid limits, and the mill levy. The Board agreed to have a quarterly report of a simplified budget brought to them in three to four months.

Information Services Director Mike Matthews and Community Corrections Director Randy Regehr met with the Board for their regularly scheduled meeting. Both discussed various current issues not requiring action by the Board.

Mr. Hirst moved, seconded by Mr. Sellers, to re-convene into General City/School Election Canvass. The motion was approved by a roll call vote of 3-0.

Mrs. Fager brought the results over stating there was one change on page 14, a tie in the City of Langdon City Council, with 3 positions open. Lathan Keener had two votes and tied with Jayrena Beshears with two votes she suggested a coin toss to break the tie. Chairman Bush tossed the coin and Mr. Keener had heads with Ms. Beshears taking tails, heads won the toss.
Mrs. Fager stated all other races remained the same and asked the Board to make a motion to except the results. Mr. Hirst moved, seconded by Mr. Sellers, to except all the results as submitted by Mrs. Fager. The motion was approved by a roll call vote of 3-0.

Mr. Meagher announced the Commission would be in attendance Monday, November 18, 2019, Nickerson City Council meeting at Nickerson City Hall at 7:00 p.m.

At 10:50 the meeting adjourned until 9:00 a.m. Tuesday, November 19th, 2019.

Approved:

________________________________________
Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk

Date
November 19, 2019
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with, Chairman Bob Bush, Commissioner Ron Hirst and Commissioner Ron Sellers, County Administrator Gary Meagher, County Counselor Joe O’Sullivan and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance and a short sectarian prayer led by Pastor David Dubovich, Park Place Christian Church.

There were no public comments.

Commissioner comments:

Commissioner Sellers commented that he attended the Kansas Association of Counties (KAC) meetings and took part in some good sessions learning a lot from them.

Commissioner Hirst also attended the KAC meetings and agreed with Mr. Sellers about the informative sessions that added more knowledge making it worthwhile to attend. He mentioned the KAC meetings would be in Wichita again next year.
Commissioner Bush attended the KAC meetings. He stated that he thought staff that attended got value from the conference, it was time and money well spent to attend. He attended a presentation on 2020 census and learned how much it cost when you don’t have correct numbers, so he urged citizens to participate in the census. Thank you to Nickerson City Council for a good meeting and he thanked the staff for attending and participating.

There were no additions to the agenda.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on November 22, 2019 of $443,751.50, also consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2019-664 through 671 as submitted. Appoint Ron Hirst as the Reno County Representative on the K-96 Corridor Board effective 1/1/2020. Appoint Nick Baldetti as the Reno County Representative on the Horizons Mental Health Board effective 1/1/2020. Resolution #2019-22; A RESOLUTION ORDERING THE VACATION OF A PORTION OF MARINER ROAD AND A PORTION OF SPORTSMEN LANE LING NORTH OF SURFBOARD DRIVE LOCATED IN WESTERN HILLS ESTATES SUBDIVISION, A SUBDIVISION LOCATED IN THE NORTHEAST ¼ SECTION 34 OF T26S, R5W OF THE 6TH P.M., RENO COUNTY, KANSAS. Michael J. Jr. and Laura M. Quick Revocable Trust, the roads are near 4707 E. Surfboard Drive, Planning Case #2019-09. The motion was approved by a roll call vote of 3-0.

Angela Penner, TECH, Hutchinson, KS met with the Board to recommend approval on a Letter of Support for TECH’s grant application to the Kansas Department of Transportation (KDOT) for the acquisition of two lift-equipped buses and one minivan. She stated TECH had eleven vehicles in their fleet and gave a brief background for using those transportation vehicles to take clients to various activities and appointments. She stated they do try to use RCAT when available. Mr. Sellers moved, seconded by Mr. Hirst, to approve the Letter of Support for TECH grant application as outlined by Ms. Penner. The motion was approved by a roll call vote of 3-0.

Managing Director in the Public Finance Department of Raymond James & Associates, Greg Vahrenberg, gave presentation on a final financing analysis. He stated that he had worked with the county on several bonds working closely with Kevin Cowan with Gilmore and Bell Bond Council to draft the legal documents for the issue.
He refreshed the Board on the process of issuing temporary notes for the bridge project, and said they start the process with an authorizing resolution. An official statement is prepared, a rating is assigned by Moody’s Investors Service is released, offer the temporary notes for sale to investors, interest rates are set and orders are received and was finalized by noon and sent to Kevin Cowan which was put into the note resolution. The Board discussed ratings. Mr. Vahrenberg explained the bond ratings for Reno County, percentages, and fund balances of city/county/schools.

Gilmore and Bell Bond Council Kevin Cowan gave explanation of the note resolution stating it is the formal agreement for what Mr. Vahrenberg discussed. He highlighted the detailed articles in the document. Resolution #2019-23; A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2019, OF RENO COUNTY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX, IF NECESSARY, FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID NOTES AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN DOCUMENTS AND ACTIONS CONNECTED THERewith. Nickerson Road mile 27.99 bridge replacement over the Arkansas River; and the 43rd Avenue mile 33.80 bridge replacement over the Union Pacific Railroad. Mr. Sellers moved, seconded by Mr. Hirst, to approve resolution 2019-23 as presented by staff and bond council. The motion was approved by a roll call vote of 3-0.

Mr. Cowan stated this is the last project he will work on with Mr. Meagher and stated it was a pleasure to work with him and he has been outstanding with the public financial through the years.

Public Works Superintendent Don Brittain met with the Board to recommend approval for awarding the bid to rehabilitate Medora Road Bridge mile 30.25, Nickerson Blvd. Bridge mile 28.50, and 82nd Avenue Bridge mile 42.93. He stated the bid came in 35 percent lower than the engineers estimate with the total cost of all the bridge rehabilitations at $1,075,736.85.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the bid from B&B Bridge Company, LLC for the rehabilitation of Medora Road Bridge over the Little Arkansas River for $128,429.70. The motion was approved by a roll call vote of 3-0.
Mr. Sellers moved, seconded by Mr. Hirst, to approve bid from King Construction Company for the rehabilitation of Nickerson Blvd. Bridge over the Cow Creek Diversion Canal for $595,948.50; and the rehabilitation of 82nd Avenue Bridge over Blaze Fork for $351,358.65. The motion was approved by a roll call vote 3-0.

Mr. Brittain was also present to recommend approval for an agreement between the Union Pacific Railroad Company (UPRR), Reno County and the Secretary of Transportation (KDOT) for the construction and maintenance of highway crossing signals at Salt Marsh Road and K-61 Hwy., approximately two miles southwest of Turon, Kansas. He stated this project will not have any cost to the county. The only cost is for the advanced warning signs prior to the crossing, and we already maintain them for that crossing. Mr. Hirst moved, seconded Mr. Sellers, to approve the agreement as outlined by Mr. Brittain. The motion was approved by a roll call vote of 3-0.

Mr. Brittain discussed the replacement of Sterling Road Bridge mile 3.30, 2/3 of a mile south of Pretty Prairie Road. He stated it was low maintained, but not a low maintained road, and it is not traveled often. Inspection was done on it nine years ago at that time Mr. Brittain did not recommend replacing but because of the low traffic left it open. The property owner owns both sides of the road/bridge. KDOT has instructed the 45-foot wooden bridge be repaired or closed because of its poor condition and load rating. It would be $140,000 and with the low traffic count it is not worth replacing. It would cost $5,000 to tear down the bridge and three days to take it down. He noted that Public Works put up permanent barricades. Commissioner Bush agreed with the tear down and not replace, the other two commissioners agreed to put it on next week’s agenda for a vote.

At 10:00 the meeting recessed for ten minutes.

The meeting reconvened with all Commissioners, County Administrator Gary Meagher, County Counselor Joe O’Sullivan, and Minutes Clerk Cindy Martin, present.

At 10:10 Mr. Bush moved, seconded by Mr. Hirst, to go into executive session for 15 minutes for the discussion of non-elected personnel (Sheriff) issues requesting Mr. Meagher and Mr. O’Sullivan attend. There will be no binding action taken as a result of this meeting. The motion was approved with a roll call vote of 3-0.
At 10:25 the meeting returned to regular open session with no binding action to be taken as a result of the executive session.

At 10:30 Mr. Hirst moved, seconded by Mr. Sellers, to go into executive session for one and one half hours for the discussion of non-elected personnel (applicants for County Administrator) requesting Mr. Meagher, Beth Tartarko of the Austin Peters Group, Human Resources Director Renee Harris, and County Counselor Joe O’Sullivan be present. The motion was approved by a roll call vote of 3-0.

At 12:00 the meeting returned to regular open session with no binding action to be taken as a result of the executive session and the meeting adjourned until 9:00 a.m. Tuesday, November 26th, 2019.

Approved:

__________________________
Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk

Date

November 26, 2019
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with, Chairman Bob Bush, Commissioner Ron Hirst and Commissioner Ron Sellers, County Administrator Gary Meagher, County Counselor Joe O’Sullivan and Minutes Clerk Cindy Martin, present.
The meeting began with the Pledge of Allegiance and a short sectarian prayer led by Gary Getting, Elliott Mortuary Inc.

There were no public comments.

Commissioner comments:

County Administrator Gary Meagher noted the courthouse would be closed for Thanksgiving on Thursday, November 28th and Friday, November 29th, 2019.

Commissioner Bush spoke with Public Works Supervisor Don Brittain earlier regarding issues coming up with the Planning and Zoning Board as they look at county wide zoning. Mr. Brittain suggested if the County Commission would ask the Planning Board to divide up the process of county wide zoning, into two or three sections, one focus would be the southeast portion and expanding out from there. Mr. Bush asked Mr. Vonachen if that direction from the Board would be helpful, since they originally planned on no time limit and letting the Planning Board move along at their own pace for zoning the unzoned areas in Reno County.

County Planner Mark Vonachen was asked to step up to the podium to give an update on what the Planning Board had been doing with the zoning request. He thought it would be helpful to go with the Southeast portion first. The Planning and Zoning Board was being very thorough in their process, moving carefully on the topic, listening to all sides from citizens who appeared showing interest on the agenda topic of zoning in the southeast area. The Planning Board was conscientious to get the word out letting residents know and understand what zoning can and can not do. Mr. Vonachen had been tasked by the Planning Board to get information from other surrounding counties on their county wide zoning in their rural areas, success and failure stories. He stated it was hard to gather information from those other counties mainly because their historical records were not available. He thought bringing Russ Ewy, Planning Consultant, back to help with the process and help them to decide on how to go about zoning countywide, having public meetings before, look further and address the issue, from the consultant side instead of staff.

Commissioner Bush we gave the Planning Board no direction or timeline. He thought bringing Russ Ewy in and directing the Planning and Zoning Board to go ahead with the southeast area was a good idea.
Commissioner Hirst asked about a petition from the southeast area.

Mr. Vonachen replied that he had received a petition with 70 names, most were couples so there maybe 45 different names, he mapped those names with matching parcels and determined most of those parcels were already zoned, so he did not include them since they were previously zoned. At last week’s Planning meeting they received more petitions, he has not had time to go through them. The map showed 20 percent of the land area had signed the petition and at that point the Planning Board hesitated. The Planning Board questioned, if the majority of landowners in the southeast portion wanted zoning or just a select group.

Mr. Hirst thought a Planning Board meeting might be appropriate to inform the residents of the effects of zoning since there was interest from citizens in the southeast area. He did not see the need for a consultant because he felt Mr. Vonachen was knowledgeable enough in zoning for the southeast area however; when considering zoning for the whole county he thought contacting Mr. Ewy would be a good idea. He wanted to not put off the meeting to give the citizens the knowledge for pros and cons of zoning.

Commissioner Sellers questioned if the petition received was not enough territory to be a valid request for zoning by the citizens. Mr. Vonachen stated in the initial petition caused them to pause in their evaluation to zone that area, since then Mr. Vonachen had received more petitions that could increase the number of citizens that wanted zoning. Mr. Sellers wanted an explanation of how a group of people could formally petition the Planning Commission and what percentage it takes? Mr. Vonachen stated there absolutely was no formal petition process, this was independently done by citizens that live in the southeast area. Mr. Sellers was not prepared to answer today about having Mr. Ewy consult. He was concerned about the need to give more direction to the Planning Commission defining the parameters to keep them from bringing something back several months from now that may not get two votes to pass from this Commission Board. He wanted time for the Planning Board to consider a well thought out plan for the southeast area.

There was more discussion by the Board on bringing in Mr. Ewy for the public hearing and timelines.
Public Works Director David McComb was also in the audience and noted that when they put together a contract it would be a performance contract that would determine the scope and timeline to achieve the goal they wanted to obtain. He also stated that Mr. Ewy could answer questions on zoning for the public hearing keeping it on point. He told the Board that a previous Commissions were interested in zoning, they held a meeting in St. Joe with not a lot of landowners in favor of zoning. Public Works sent out a survey thirty years ago to every landowner asking about zoning and received a 50/50 split for zoning/or to keep un-zoned.

Mr. Bush wanted the Planning and Zoning Chair, Lisa French to attend the agenda meeting next week. He stated they would direct Planning and Zoning to continue with the southeast corner first, then about bringing consultant Russ Ewy on board, and first quarter timeline for public meetings for input from the community or in January.

Public Works Superintendent Don Brittain commented about the hesitation by the Planning Board on the 20 percent of land the people are speaking about. We are not zoning people but are zoning land being 80 percent of mass that no one is talking about take into consideration, it is the land they are zoning or not zoning, not the people. Mr. Sellers noted was it the majority of the landowners that wanted zoning and was hesitant to restrict land use in the future.

County Administrator Gary Meagher was instructed to put the zoning issue on next week’s agenda for discussion.

Commissioner Hirst noted he attended a Kansas Association of Counties session on zoning.

There were no additions to the agenda.

Mr. Sellers moved, seconded by Mr. Bush, to remove item #6c off the consent agenda and separate it for action under item #7b for Ken Jorns and #7c for Steve Westfahl. The motion was approved by roll call vote of 2-1 with Mr. Hirst opposed.

Mr. Sellers moved, seconded by Mr. Hirst, no vouchers for this week so they went to #6b to approve the Consent Agenda consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2019-686, and 687 as submitted by staff. The motion was approved by a roll call vote of 3-0.
Public Works Supervisor Mr. Don Brittain recommended not to replace the Sterling Road Bridge mile 3.30, 2/3 of a mile south of Pretty Prairie Road. He stated it was low maintained, but not a low maintained road, and it is not traveled often and was in very poor shape. Mr. Brittain understood that the property owner owns both sides of the road/bridge. **Mr. Hirst moved, seconded by Mr. Sellers**, to approve permanently removing and closing Sterling Road Bridge mile 3.30 (2/3 of a mile south of Pretty Prairie Road). The motion was approved by a roll call vote 3-0.

**Mr. Sellers moved, seconded by Mr. Hirst**, to approve the re-appointment of Planning Commission member Ken Jorns to a third 3-year term beginning on January 1, 2020 and ending on December 31, 2022. The motion was approved by a roll call vote of 3-0. Commissioner Bush asked Mr. Vonachen to please let Mr. Jorns know their appreciation and thank him for his continued service with the Planning and Zoning Commission.

**Mr. Hirst moved**, to approve to re-appoint Steve Westfahl to a third 3-year term beginning on January 1, 2020 and ending on December 31, 2022. The motion failed from lack of a second. Mr. Hirst asked for an explanation of the no motion. Mr. Bush noted there would be no discussion per "Roberts Rules of Order for no second on a motion". Mr. Bush also asked Mr. Vonachen to thank Mr. Westfahl his service it was appreciated.

Emergency Management Director Adam Weishaar and Health Department Director Nick Baldetti met with the Board for their regularly scheduled meetings. Both discussed various current issues not requiring action by the Board.

Mr. O’Sullivan requested two privileged legal matter executive sessions; one to update the status of the Pretty Prairie Legal Litigation and the other for non-elected personnel for Fire District Administration.

At 10:30 the meeting recessed for five minutes.

The meeting reconvened with all Commissioners, County Administrator Gary Meagher, County Counselor Joe O’Sullivan, and Minutes Clerk Cindy Martin, present.
At 10:35 Mr. Sellers moved, seconded by Mr. Hirst, to go into executive session for 45 minutes for the discussion of non-elected personnel for a privileged legal matter concerning the Fire District Administration requesting Mr. Meagher, County Counselor Joe O’Sullivan, Emergency Management Director Adam Weishaar, be present.

At 11:15 Mr. Bush moved, seconded by Mr. Hirst, to return the meeting to regular open session with no binding action to be taken as a result of the executive session. The motion was approved by a roll call vote of 3-0.

At 11:15 Mr. Hirst moved, seconded by Mr. Bush, to go into executive session for 15 minutes for a privileged legal matter updating the Board on the Pretty Prairie Windfarm Legal Litigation requesting Mr. Meagher be present. The motion was approved with a roll call vote of 3-0.

At 11:30 the meeting returned to regular open session with no binding action to be taken as a result of the executive session and the meeting adjourned until 9:00 a.m. Tuesday, December 3, 2019.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk

Date
AGENDA ITEM: Reappoint Emergency Management Director Adam Weishaar to the South Central Kansas Homeland Security Council as Reno County's Representative effective 1/7/2020 through 12/31/2021.

PRESENTED BY: 

RECOMMENDED ACTION: Approval

AGENDA DATE: January 7, 2020

EXECUTIVE SUMMARY (Title or Description, Impact or Goal, Dollar Amount and Funding Source, and Timeframe). Please limit to four (4) sentences.

Revised: 2/01/2019
January 7, 2020

Mr. Greg Klein, Chairman
South Central Homeland Security Council
PO Box 505
Lyons, KS 67554

Dear Mr. Klein,

The Reno County Commissioners have appointed Adam Weishaar to serve as Reno County’s representative on the South-Central Regional Homeland Security Council beginning January 7, 2020 through December 31, 2021.

Sincerely,


Bob Bush
Chairman, Reno County Commission
AGENDA REQUEST

AGENDA ITEM: Road Vacation proceedings by petition from Brandon and Kristina Harder for a portion of Victory Road approving Resolution #1.

PRESENTED BY: Cindy Martin, Clerk’s Office

RECOMMENDED ACTION: Approval of Resolution #1.

AGENDA DATE: 1-7-2020

FINANCIAL CONSIDERATIONS: Is it budgeted?
Not a budgeted item

EXECUTIVE SUMMARY (Title, Description, Impact or Goal, Dollar Amount and Funding Source, and Timeframe)

Resolution #1 to be signed for road vacation on Victory Road.
RESOLUTION 2020-____

A RESOLUTION PERTAINING TO THE PROPOSED VACATION
OF A PORTION OF VICTORY ROAD MILE 14,
RENO COUNTY, KANSAS.

WHEREAS, pursuant to K.S.A. 68-102, upon petition of any adjacent
landowner, the board of county commissioners may lay out, alter or vacate a road; and

WHEREAS, the Board of County Commissioners of Reno County has received a
Petition signed by Brandon Harder, asking for the vacation of a certain portion of Victory Road, legally described as follows:

A 50.00 feet wide portion of Victory Road, running between
Sections 27 and 28, Township 24 South, Range 04 West of the 6th
Principal Meridian, Reno County, Kansas, the centerline of which
is more particularly described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the
Southeast Quarter of Section 28, Township 24 South, Range 04
West of the 6th Principal Meridian; thence running North along the
East line of said Southeast Quarter 1,326.77 feet (per Record) to the
Southeast corner of the Northeast Quarter of said Section 28; thence
continuing North along the East line of said Northeast Quarter 1,
395 feet (more or less) to the Southern toe of the Arkansas River
Dike for the point of termination.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF RENO COUNTY, KANSAS, that:

1. The above referenced Petition is legally sufficient and the Petitioner owns
real estate adjacent to that portion of the road proposed to be vacated.

2. Bob Bush, Ron Hirst and Ron Sellers are appointed pursuant to K.S.A. 68-
104 as viewers of said road.

3. The viewers will proceed to view said road on January 14, 2020, at 11:00
a.m., and a public hearing will be conducted by this Board on the proposed
road vacation in County Commission Chambers, Reno County
Courthouse, 206 West First Street, Hutchinson, Kansas, commencing at
9:00 a.m. on January 21, 2020.

4. The County Clerk shall satisfy the notice requirements of K.S.A. 68-104.
ADOPTED in regular session this 7 day of January, 2020.

BOARD OF COUNTY COMMISSIONERS OF RENO COUNTY, KANSAS

Bob Bush, Chairman

Ron Hirst, Member

Ron Sellers, Member

ATTEST:

Reno County Clerk

This resolution signature page corresponds with Resolution No. 2020-____.
68-102. Laying out, altering or vacating roads. (a) Upon petition of any adjacent landowner, the board of county commissioners may lay out, alter or vacate a road. The board of county commissioners also may layout or alter any road when deemed necessary by the board.

(b) The board of county commissioners may vacate any road in the county whenever the board determines such road is not a public utility by reason of neglect, nonuse, or inconvenience or from other cause or causes such road has become practically impassable and the necessity for such road as a public utility does not justify the expenditure of the necessary funds to repair such road or put the same in condition for public travel.

(c) Notice of the laying out, alteration or vacation of any road shall be given in the manner provided by K.S.A. 68-102a, and amendments thereto.


68-104. Viewers; notice of view; duties of county surveyor. (a) Upon presentation of any petition for a road, or for the alteration or vacation of any road, to the county commissioners, at any regular session of their board, it shall be the duty of such commissioners, if they find the petition to be a legal one, and that the proper bond has been filed, to appoint three disinterested householders of the county as viewers with such commissioners, who may act as viewers of such road, and the county clerk shall give notice by advertisement set up in the county clerk's office and in every municipal township through which any part of such road is designed to be laid out, altered, or vacated, for at least 20 days, and by publication for two consecutive weeks in a newspaper of general circulation in the county, setting forth that such petition has been presented, giving the substance thereof, and that the commissioners or the viewers, on the day designated, which shall not be more than 20 days after the date of the second publication in the newspaper of the notice herein required, will proceed to view the* such road, and give all parties a hearing.

(b) They shall also cause a record of such notice to be entered on their journal by the county clerk. They shall issue an order directing the county surveyor to meet with them at the time and place named in such notice to survey such road. In case of failure to meet on the day designated, they may meet on the following day, without further notice; and in case of failure to meet within the time herein specified, new notice shall be given as hereinbefore provided; that in all applications for the location, change and relocation of any road to be located upon or along any section line, and the petition shall so state, and shall specify the section lines to be followed, the place of beginning and the place of ending, the survey may be dispensed with, and in case the owners of the lands taken agree in writing to the proposed location, relocation, or change, and the commissioners are satisfied that the location, relocation or change prayed for is practicable, and can be made without unreasonable expense, they may dispense with the viewing of such location, relocation or change of road, and shall order the same to be surveyed, platted and opened, and shall also direct the county surveyor to note such location, relocation or change of roads upon the road records of such county surveyor's office.

History: L. 1911, ch. 248, § 4; May 22; L. 2011, ch. 49, § 25; July 1. * The word "the" should have been stricken. Source or Prior Law: L. 1864, ch. 112, § 3; G.S. 1868, ch. 89, § 3; L. 1872, ch. 175, § 1; L. 1874, ch. 108, § 3; L. 1903, ch. 411, § 1.
AGENDA REQUEST

AGENDA ITEM: Case #2019-12 - A conditional use permit request by Frank and Pamela Seck to establish a lavender business which will include a gift shop, crafting classes, smaller events, and an annual summer lavender festival.

PRESENTED BY: Mark Vonachen - County Planner II

RECOMMENDED ACTION: Consideration of the Planning Commission recommendation

AGENDA DATE: 1/7/20

EXECUTIVE SUMMARY (Title or Description, Impact or Goal, Dollar Amount and Funding Source, and Timeframe). Please limit to four (4) sentences.

Proposal is to establish a lavender business which will include a gift shop, occasional crafting classes, an annual one-day lavender festival held every June, and a smaller fall festival not held every year.

Property is zoned R-1 and is located at 8101 S. Rayl Road approximately 1,300 feet north of the intersection of S. Rayl Road and E. Longview Road.

Planning Commission recommended approval of the request by a 5-0 vote based on the nine factors. The Planning Commission attached 6 conditions of approval to the request.
Date: December 30, 2019

To: Reno County Board of County Commissioners

From: Mark Vonachen, CFM – County Planner II

Subject: Case #2019-12 – Francis & Pamela Seck - Legal Description: Approximately 9.94 acres of land in the SE ¼ - Section 15 - T24S, R4W in Valley Township and further described as PIN# 155150000010010. The parcel is located on the west side of S. Rayl Road approximately 1,300 feet north of the intersection of S. Rayl Road and E. Longview Road.

Who: Owner: Francis & Pamela Seck
8101 S. Rayl Road, Burron, KS 67020

What: This is a conditional use permit request to establish a lavender business which will include a gift shop, crafting classes, smaller events, and an annual lavender festival. The floodplain designation for the property is Zone A which is an area identified as a special flood hazard area where no base flood elevations have been determined.

Why: The parcel is currently zoned R-1 – Rural Residential District. The applicant requests a conditional use permit on the above identified land for the purpose of established a lavender business. All proposed land use activities other than agricultural and single family residential require a conditional use permit.

This report and recommendation were prepared prior to the public hearing.

BACKGROUND

The owner requests a conditional use for the purpose of establishing a lavender business. This lavender business will consist of a one-day lavender festival held each June. The event is held on a Saturday but the exact date can vary based on when the lavender is blooming. Another aspect of the business is a gift shop. The structure to be converted to a gift shop was moved onto the property in June of 2018. The original use of the structure was a storage shed and was approved by the Board of Zoning Appeals under Case #2018-07. The owner also plans to hold smaller events and crafting classes throughout the year.

The one-day lavender festival is the main purpose of the conditional use permit. Staff has worked with Ms. Seck for the past three years on ensuring the proper permits are obtained to legally operate the festival. In 2016, the zoning regulations changed to require a special event permit to host a festival of this nature. This special event permit is reviewed administratively by staff and is not subject to review by the Planning Commission or County Commissioners. The annual fee for the special event permit is $150. Other county departments like the Health
Department and Sheriff's Department review the application for any concerns. Notices are also sent to the township trustee and local fire district. Last year, staff suggested to Ms. Seck that if this is going to be an annual event, or if she wishes to expand the operation, then she should apply for a conditional use permit and request approval for the activities. It is a one-time $300 fee and you don’t have to re-apply unless major modifications to the activities that are occurring on the property are proposed. By applying for a conditional use permit, Ms. Seck will save the $150 annual fee and the need to apply for the annual special event permit. Prior to 2016, no approval from the county was required.

In conjunction with inviting the general public to come and pick their own lavender, the owner also invites outside vendors to come to the festival and sell their goods and services. The vendors pay Ms. Seck a fee for this opportunity. Some of the vendors sell food to the general public while other vendors sell various hand-made products similar to what you see at a craft show.

Some activities proposed with this conditional use permit are agricultural in nature and could be considered agritourism and thus exempt from the regulations. However, not all of the lavender products are produced on site so those aspects of the business require a conditional use permit. The owner also invites other vendors to pay a fee and sell their goods and services on the property during the one-day lavender festival. This is not agricultural and thus not exempt from the regulations. Staff and the owner discussed all aspects of the business and determined it is better to proceed with the conditional use permit application for all activities rather than trying to exempt some activities from zoning and require other activities to obtain a conditional use permit. By requiring the conditional use permit for all activities, there is no doubt the owner may conduct all proposed activities on the property legally and in compliance with the zoning regulations.

The entire property is located within the special flood hazard area. When the gift shop structure was placed on the property last year, it received a zoning permit and a floodplain development permit. The gift shop structure complies with the zoning regulations and floodplain resolution. The gift shop will be open a regular set of hours only a few months out of the year. The gift shop may also be used to host an occasional crafting class but the owner states these classes are held in the garage where bathrooms are available.

The owner has obtained permission from the adjacent property owner to utilize their property for parking during the one-day festival. This property owner has provided a letter granting this permission. The site plan shows the area where parking may occur. The owner has indicated parking has never been an issue. Staff has worked with Ms. Seck to develop a parking plan that works for the area. The only increase in traffic to the area will occur on the one-day festival event. All other times of the year there should be no noticeable increase in traffic volumes. The one-day festival has occurred over the past three years and staff has received no written or verbal complaints about the festival or the amount of traffic.

Other events throughout the year will not utilize this area to park. All parking for the smaller events, visiting the gift shop, or attending a crafting class will utilize the parking spaces designated on the site plan.
1. **Land Use Category**
This parcel is currently zoned R-1 – Rural Residential District. All proposed land uses that are neither agricultural nor single family residential in nature require an approved conditional use permit.

2. **Yard Requirements – Article 13**
Any new structure 120 square feet or greater shall meet the following minimum setbacks:

- Front Yard: 30’ from the property line
- Side Yard: 10’ from the property line
- Rear Yard: 20’ from the property line

No new structures are proposed with this development. The existing gift shop structure was issued a zoning permit and floodplain permit last year and complies with the regulations.

3. **Performance Standards – Article 9**
The following performance standards are found under Article 9-104 and are relevant to the issuance of a conditional use permit for a lavender business:

- No smoke, radiation, vibration or concussion, or heat shall be produced that is perceptible outside a building, and no dust, fly ash, or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.

- For retail commercial uses, merchandise which may be appropriately displayed or stored outside a building shall be kept off the public sidewalks and streets, and shall not reduce the capacity of a parking lot below that specified in Article 10 herein, unless as approved by the Conditional Use Permit issued under the authority of Article 15. In addition, the outdoor storage or display area shall occupy an area no greater than twenty percent (20%) of the ground floor area of the building. Automobiles and trucks for sale may be stored or displayed outside a building but must maintain a setback of at least 15 feet from a street right-of-way, or 6 feet from a side or rear lot line.

- No emission of air contaminants from any source within the boundaries of any lot or tract shall exceed emission rates established by the Kansas Secretary of Health and Environment pursuant to K.S.A. 65-3001 et seq., or amendments thereto, and any administrative regulations adopted thereunder.

- No activity shall be permitted that creates any off-site electrical disturbance.

- Light sources shall be controlled or hooded so that light is directed away from any adjoining residentially zoned property or public streets.
4. **Parking, Paving, and Loading Requirements – Articles 10 & 11**
There are no specific parking requirements for this type of land use activity. However, due to the number of people that may show up for the annual festival, adequate parking should be provided by the owner. According to the site plan submitted, adequate space is available within the property to accommodate the small numbers of people who would attend a crafting class or visit the gift shop.

The owner has obtained written permission to use a portion of the adjacent property owner’s land to for parking during the one-day festival. Parking is available during the festival on the north and south side of the owner’s property. See the site plan for the designated areas of customer parking.

The zoning regulations do not require a minimum number of parking stalls. A minimum number of parking spaces can be required under the conditional use permit review. Staff has determined there is adequate space for customer parking base on a review of the site plan. It should also be noted in the three years the festival has taken place staff has received no concerns regarding parking.

Since S. Rayl Road is a township-maintained dirt road, the parking areas and driveways are not required to be paved.

Designation of an off-street loading space or area is not applicable to this petition.

5. **Sign Requirements – Article 12**
According to the site plan submitted, one sign is located on the property. The sign is not in the road right-of-way and is not electronic.

No sign permit is required for any sign. However, any future sign shall meet all applicable requirements of Article 12.

6. **Landscaping**
The county has no specific requirements in the zoning regulations regarding landscaping. However, under the conditional use permit review process, the Planning Commission can require landscaping, buffering, and screening be installed to lessen the impact of a development on a neighborhood. There are no near-by houses near the owner’s property which could be impacted by car lights, noise, dust, or other activities on the parcel.

*Staff recommends no additional landscaping be installed.*

7. **Lighting**
The submitted site plan does not show any additional lighting other than what is currently located on the property. No new lighting is shown for this development.

8. **Fencing**
There are no fence regulations except for instances when a sight triangle is involved or as a conditional use permit requirement.
The owner will limit public access to the property to only the eastern half of the property. Nobody will be permitted to go beyond the existing barn. Refer to the site plan for the limits of public access.

9. **Height Limitations – Article 13**
The maximum height for a structure in the R-1 zoning district is 35’.

No new structures are associated with this proposal.

**FACTORS**
The Planning Commission may recommend approval/denial of a Conditional Use and the Governing Body may approve/deny such Conditional Use using the following factors as guidelines:

1. **Whether approval of the Conditional Use would be consistent with the intent and purpose of these regulations.**
The intent and purpose of the regulations is to provide flexibility in approving non-residential land uses which may not have a significant impact on the neighborhood if certain conditions are met.

In reviewing the eleven purposes of the Zoning Regulations found under Article 1-102, staff concludes approval of the conditional use permit would be consistent with the intent and purpose of these regulations.

The three most important purposes found in the regulations that support this factor area:

- *To facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public improvements and services, and to carry out the goals and objectives as set forth in applicable laws of the State of Kansas and the Comprehensive Plan for Reno County, Kansas.*

- *To promote the achievement of the Future Land Use Plan for Reno County, Kansas.*

- *To inform the public regarding future development in Reno County, thereby providing a basis for wise decision with respect to such developments.*

2. **Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.**
This parcel is surrounded by agricultural land zoned AG.

The proposed land uses should have little to no daily impact on the neighborhood. The lavender festival is one day out of the year where traffic may be heavier than a typical day.

The nearest single-family dwellings are one-fourth a mile to the south on E. Longview Road. All proposed activities should have little to no impact on the surrounding
farmland. Permission has been granted by the adjacent owner to utilize a portion of the farm ground for off-site parking of cars during the one-day festival only.

Staff concludes the proposed land use is compatible to other land uses in the surrounding neighborhood for the above reasons.

3. \textit{Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.}

S. Rayl Road is a township-maintained dirt road. This road is not designed to carry large volumes of traffic on a daily basis. However, a one-day lavender festival attended by several hundred people should not cause extensive damage to the road and create a maintenance issue for the township. Vehicles will not be permitted to park along the side of the road which could damage any ditches. Vehicles discovered parking along the road right of way for the festival could be considered a violation of an approved conditional use permit and possibly cause revocation of the conditional use permit.

Other activities occurring on the property throughout the year should not increase the daily number of vehicles traveling on the road too significantly.

Valley Township was sent a notice of this proposal. No written response was received from the township regarding this proposal or concerns with road maintenance.

This parcel is not served by public sewer or public water. The owner will utilize port-a-potties for the lavender festival. No bathroom facilities are provided in the gift shop.

Staff concludes no undue burden will be placed on the existing transportation and service facilities if the conditional use permit is approved based on the above reasons.

4. \textit{Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected.}

Staff concludes this factor is not applicable. There is no indication this area is transitioning to different land uses other than the current predominant land use of agricultural operations. This proposal is an isolated land use on a residential parcel that once was treated as a special event and now is expanding beyond the definition of a special event.

5. \textit{The length of time the subject property has remained vacant or undeveloped as zoned: provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.}

This property is currently being utilized as a single-family dwelling with related accessory structures. One structure was moved on to the property last year and will be converted to a small lavender gift shop. No other structures are planned at this time.
6. Whether the applicant's property is suitable for the proposed use.

Staff concludes the property is suitable for the proposed uses as presented by the owner. This conclusion is based on the fact a written agreement between Ms. Seck and the adjacent property owner permits people attending the annual lavender festival to park vehicles in a designated area of the farmland. Without this agreement, the property may not be suitable for this land use. The other land uses proposed by Ms. Seck are suitable for the property since few people will be attending the gift shop and crafting classes than the lavender festival.

7. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan.

Chapter 9 discusses the goals, objectives, and policies of the County.

In reviewing the Comprehensive Plan Goals and objectives found under the specific categories of Socio-economic Development, Transportation System, Utilities, County Services and Facilities, and Land Use, staff concludes the petition conforms with the Comprehensive Plan.

8. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use.

Staff concludes this factor is not relevant. There is very little or no gain to the public health, safety, and general welfare and no hardship imposed on the applicant if the conditional use permit is denied. The owner still may use the property for residential purposes.

9. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 15 of these Regulations), will not adversely affect the property in the area affected.

Staff concludes if certain conditions are approved, the proposed lavender festival, gift shop, smaller events, and crafting classes should not adversely affect surrounding properties or the neighborhood.

10. Such other factors as may be relevant from the facts and evidence presented in the application.

The adjacent property owner has submitted a letter granting permission for Ms. Seck to utilize a portion of their farm ground to park vehicles during the lavender festival.

Jon Roberts, Fire Chief of the Burrton Fire District has reviewed the layout of the festival and other events and stated the proposal complies with the emergency plan. Driveways will be available for any emergency vehicle to enter for an ambulance or fire. Sufficient water faucets are available. The fire district sees no problems with the conditional use permit application.
11. The recommendation of the permanent or professional staff.

STAFF RECOMMENDATION:
Staff recommends APPROVAL of this request for a conditional use permit to establish a lavender business which includes an annual festival, a gift shop, crafting classes, and smaller events on land zoned R-1 based on the following factors and conditions:

1. Whether approval of the Conditional Use would be consistent with the intent and purpose of these regulations.
2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood.
3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided.
4. The length of time the subject property has remained vacant or undeveloped as zoned: provided, the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped.
5. Whether the applicant's property is suitable for the proposed use.
6. Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the Comprehensive Plan.
7. Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent (as authorized in Article 15 of these Regulations), will not adversely affect the property in the area affected.
8. Such other factors as may be relevant from the facts and evidence presented in the application.
9. The recommendation of the permanent or professional staff.

Staff recommends the following conditions of approval:

1. Approve as per the submitted site plan.
2. No parking of vehicles is permitted along the road right-of-way to attend any activities associated with this conditional use permit.
3. The parking of vehicles is permitted only in the designated areas identified on the approved site plan.
4. The selling of goods and services by outside vendors is only permitted during the one-day lavender festival or by a separate special event permit.
5. Applicant shall meet all applicable Federal, state, and local regulations.
6. Reno County reserves the right to rescind this conditional use upon any violation of County Regulations or conditions governing this approval.

Staff sent letters to 6 different property owners. No written comments were received.

The County Commission may make a motion to:
1. Approve the conditional use permit request as submitted.
2. Approve/amend the conditional use permit request with conditions.
3. Deny the conditional use permit request as submitted.
4. Return to staff the conditional use permit request for further information.
On December 19, 2019 the Reno County Planning Commission conducted a public hearing on this petition.

Pam Seck, 8101 S. Rayl Road, Burrton, KS 67020 stated she started her lavender farm five years ago and just completed her third annual lavender festival last June. She has conducted a few crafting classes two years ago in the garage where three or four people come over and make ceramics. It is by no means a large-scale operation. Her goal is to stay compliant with the zoning regulations for all the activities. Once the lavender blooms and is picked, most of the activities on the property stop. This is not a situation where all year long there will be traffic coming out to the farm. During the time the lavender is in bloom she has many photographers come out to take pictures. Many girls come out to the farm to take their senior high school picture with the lavender.

Chairwoman French asked how many people typically come to the lavender festival.

Ms. Seck said attendance has been averaging around 1,600 to 1,800 people.

Last year she moved on a building to the property that serves as a gift shop. She has not been able to sell products out of the gift shop because of the need for the conditional use permit. She wants to have the ability to sell products to people year-round instead of just at the festival.

The lavender does have a second bloom in the fall but if she decides to have a fall festival it will not be as big as the summer festival. There will not be a fall festival every year. When there is a fall festival, very little impact on traffic will occur from the second festival.

Commissioner Macklin questioned if this summer festival is only a one-day event.

Ms. Seck said yes.

Commissioner Macklin asked if there is a charge to attend the festival.

Ms. Seck said yes. She also has outside vendors come in to sell their products. They are lined up along the perimeter of the property.

Commissioner Jorns said the application indicates it’s only a one-day festival. Would you ever want to go to a multi-day event.

Ms. Seck no. One day is enough. She may want to have a smaller event in the fall. However, the fall festival will not be every year. She will not do a fall festival in 2020 due to prior commitments.

Commissioner Macklin asked if the event is always on a Saturday.

Ms. Seck said yes. Ms. Seck went on to say she doesn’t want to be limited in her activities and worry about complying with the zoning regulations.

Vonachen presented the staff report and showed slides to the Planning Commission.

Commissioner Jorns asked if the current owner sells the property and the new owner wishes to continue with a lavender farm or expand, is that permissible.
Vonachen responded by saying the conditional use permit goes with the property so a new owner can purchase the property and continue the lavender farm at the level approved by a conditional use permit. Any expansion of what was approved may require a new conditional use permit.

After the staff report, Chairwoman French invited audience members to address the Planning Commission.

Frank Seck, 8101 S. Rayl Road, Burrton, KS  67020, is the Valley Township Trustee and husband of the petitioner, stated the township maintains the surrounding roads in the area. The township board has no concerns with the proposal.

Neither the owner nor staff provided any rebuttal statements.

Chairwoman French closed the public hearing.

The Planning Commission had no further comments or concerns regarding the proposal.

Motion by Vice-Chairman Goertzen that Case Number 2019-12, the request by Frank & Pamela Seck requesting a conditional use permit from the Reno County Zoning Regulations to establish a lavender business which includes a gift shop, crafting classes, a yearly lavender festival, and smaller events throughout the year on land zoned R-1 – Rural Residential District be approved based on the nine factors and six conditions listed in the staff report and as heard at this public hearing; seconded by Commissioner Jorns. The motion passed by a 5-0 vote (Yes: Macklin, Jorns, Westfahl, Goertzen, and French).

**ACTION REQUIRED:**
Motion to (accept/deny/return to the Planning Commission for further discussion) the Planning Commission’s recommendation to approve the proposed conditional use permit.

**ATTACHMENTS**
Application
Comments
Zoning and property ownership map
Survey/site plan
Newspaper article
Comments
Francis and Pamela Seck
Case# 2019-12

RENO COUNTY DEPARTMENTS

Darcy Basye, Reno County Environmental Health Supervisor
The proposed business plan will not interfere with the current lagoon or well.

OTHER AGENCIES
None

WRITTEN PUBLIC COMMENTS – IN FAVOR OF THE PETITION
None

WRITTEN PUBLIC COMMENTS – NEUTRAL ON THE PETITION
None

WRITTEN PUBLIC COMMENTS – AGAINST THE PETITION
None
REZONING/CONDITIONAL USE PERMIT APPLICATION

This is an application for change of zoning classification (rezoning) or for a Conditional Use Permit. The form must be completed and filed at the office of the Zoning Administrator in accordance with directions on the accompanying instruction sheet.

AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.

1. Name of applicant or applicants (owner(s) and/or their agent(s)). All owners of all property requested to be rezoned must be listed in this form.

   A. Applicant/Owner Frank and Pamela Seck
   Mailing Address 8101 South Rayl Road, Burtin, KS 67020
   Phone 316-208-7750 Email pamela.seck@gmail.com

   B. Agent
   Mailing Address
   Phone Email

   (Use separate sheet if necessary for names of additional owners/applicants.)

2. The applicant hereby requests

   ___ A change of zoning from ___ to ___
   X ___ A Conditional Use for the following: Use of property for lavender
   business including gift shop, occasional crafting classes, annual festival and smaller events

3. The property is legally described as (Lot and Block or Metes and Bounds)
   SE 1/4 section 15, T 24 S, R 4 W Reno County, Kansas
4. This property address is: **8101 South Rayl Road, Burton, KS 67020**

The general location is (use appropriate section):

A. At the _____ (NW, NE, SW or SE) corner of _____ Rayl _________ (Road) and _____ Longview _________ (Road) or,

B. On the _____ (N, S, E, W) side of _____ Rayl _________ (Road) between _____ Victory _________ (Road) and _____ Worthington _________ (Road).

5. I request this change in zoning for the following reasons (Do not include reference to proposed uses for a rezoning.) Attach a separate sheet if necessary.

   **Attach a separate sheet if necessary.**
6. I (We), the applicant(s), acknowledge receipt of the instruction sheet explaining the method of submitting this application. I (We) realize that this application cannot be processed unless it is completely filled in; is accompanied by an ownership list as required in the instruction sheet; and is accompanied by the appropriate fee.

Pamela Seck  
(Owner)  

Frank Seck  
(Owner)  

By __________________________  
Authorized Agent (if any)  

By __________________________  
Authorized Agent (if any)  

---  

OFFICE USE ONLY:  

Received by the Zoning Administrator, at 10:30 AM (P.M.) on this 6th day of October, 2019, together with the appropriate fee of $300.

Mark [Signature]  
Name and Title  

RECEIVED  
OCT 16 2019  
RENO COUNTY  
PUBLIC WORKS DEPT
A map of the property and layout is enclosed. Also enclosed is a picture of the business sign along the road.

There is parking in front of the gift shop. Also available is a circular drive if needed to accommodate a bus. There would be no additional traffic to the area on a daily basis. The only time traffic is increased would be the day of the festival in June. I may at some point have an event in the fall but it would be a much smaller affair. I have an occasional photographer when the lavender is blooming. Since it is seasonal to June and October not many people come out during the summer.

I did join the Kansas Agritourism last winter. Mainly to let people know if they are in the area visiting another place, that we are here. So far it has made no impact on visitors. I have no interest in taking part in most of their program.

We use the adjacent landowner for parking during the festival. Her written permission is enclosed.

Since I have purchased a building for a giftshop, I need this permit to have regular hours a couple months out of the year. I would also like to have an occasional crafting class in the giftshop. It wouldn’t amount to more then a few people coming to the farm a week. No impact on traffic.

The festival is my main way of harvesting and making an income from the lavender. There are alternative methods to deal with parking if needed. Some farms sell tickets in 2 hour time slots to accommodate cars. So far parking has not been a problem and next year will be our 4th festival.

I would appreciate your consideration in this matter as we hope to continue to operate the farm with the support of the county.
May 28, 2019

Gertie’s Lavender Farm, LLC is in the Burrton Fire District.
The layout of the festival and other events complies with the emergency plan. The driveways will be available for any emergency vehicles to enter for an ambulance or fire.
Sufficient water faucets are available.
We see no problems for a continual use permit.

Jon Roberts, fire chief
Property Ownership/Zoning Map
Case #2019-12

Legend
- Property
- Buffer
- Surrounding
- Parcels
- Street Centerline

Proposed site of conditional use permit
July 9, 2019

Pam: Frank Deck

have our permission to

use the 3 adjoining acres

your land house for

parking during their

Lavendar Festivals.

StephaVIEW Harper

RECEIVED
OCT 16 2019
RENO COUNTY
PUBLIC WORKS DEPT
For the Love of Lavender

The 3rd Annual Lavender Festival and Craft Show at Corilla's Lavender Farm had many people harvesting their own lavender bundles and enjoying lavender ice cream and punch Saturday, June 15, 2019.

The farm, located at 2602 E. Roy Road, Houston, is owned by Frank and Pamela Beck. Lavender plants were offered for sale and a gift shop on the farm offered lavender-related products. There were over 70 craft vendors who had items for sale. Entertainment was provided by Julian Dams-Tam, the Critter Corner, and Wildlife Cares-Flay. A boat raffle was held for those wearing their bundles, biggest basket or bun, flowers or annual lavender wreath contest.

John Hamrock and his daughter Payton, 7, cut lavender for their bundle during Corilla's Lavender Farm's 3rd Annual Festival and Craft Show, Saturday, June 15, 2019.

Jennifer Martin has her photograph taken among the lavender with her children Grace, 3, left, and Jackson, 2 months, right at Corilla's Lavender Farm. A bee flies among the lavender plants Saturday morning at Corilla's Lavender Farm.

People attending the third annual Lavender Festival and Craft Show at Corilla's Lavender Farm in Buxton with some of the evergreen lavender plants to harvest their own bundle.
Commission Update
January 7, 2020

Adult Program
- Current success rate is 65% with 40 people being revoked to prison this fiscal year.
- Reno County courts have assigned 150 people to Community Corrections this fiscal year.
- Current average daily population is 365, the highest we’ve had this fiscal year.
- Ricardo Roman, the newest officer, completes his required DOC initial training this week.
- Linda Womack and Brian Drinkwalter recently completed training to facilitate groups using the Substance Abuse Program curriculum.
- The DOC grant application is out for the adult program so it is currently a project of focus.

Juvenile Program
- Currently supervising 20 youth in the community.
- There is one youth in the Juvenile Correctional Facility who is scheduled for a direct release in January.
- The juvenile DOC grant application should come out this month.

Community Corrections Staff
The staff at Community Corrections are our greatest asset so I wanted to highlight them for this report. Combined they have a total of 105 years with Reno County Community Corrections. This doesn’t include the years they’ve served the community or the State in previous roles.

Don Wilkins has been with the agency for 27 years. Don started with the agency as a Substance Abuse Counselor, then moved to an Intensive Supervision Officer I (ISO I) and has been an Intensive Supervision Officer II (ISO II) for six years. Don supervises a small caseload made up primarily of people on supervision for drug possession. Don is very knowledgeable in motivational interviewing and Effective Practices in the Community Setting (EPICS). He coaches staff in using these techniques to improve their skills and help them to be more confident. Don does an excellent job working with people to help them change their thinking and behavior to be successful on supervision.

Libertee Thompson started with the agency as a Substance Abuse Counselor 12 years ago. She then moved to an ISO I position and has now been an ISO II for five years. Since being with the agency she has received her Masters degree in Social Work. Libertee is also the Drug Court Coordinator and has written and received numerous grants to fund that program. Libertee excels at counseling clients and assisting officers in helping the people they serve.
Rita Blackburn started with Reno County at the Health Department 13 years ago. She transitioned to Community Corrections as the Office Manager six years ago. Rita assists officers by keeping supplies stocked and taking care of daily financial duties.

Kim Paulsen has a total of 24 years with the agency as an ISO I. She primarily works with people on supervision for drug possession cases and is the primary Drug Court officer. Her experience and training through the Drug Court have made her knowledgeable about what works to assist our clients.

Cory Vaile has been with the agency for eight years as an ISO I. For the majority of his time he has supervised juveniles but with changes in the law and reduced juvenile client numbers Cory started supervised both adult and juvenile cases. Cory facilitates groups using the Substance Abuse Program (SAP) curriculum. He has also been trained in Moral Reconciliation Therapy and recently completed the training to facilitate groups using the Parent Project curriculum.

John Pahl has been an ISO I with the agency for almost seven years. Prior to this he was the Chief Court Services Officer in Reno County for many years. He has a great deal of knowledge about the court system and years of experience in working with justice involved people. John supervises a variety of cases including some sex offense cases.

Linda Womack has been with the agency for four years as an ISO I. She previously worked in several roles at the Hutchinson Correctional Facility including Correctional Counselor. Linda supervises a variety of cases including sex offenders and interstate compact cases. Linda also supervises a small juvenile caseload. Linda has completed special training and serves as the co-facilitator for the Batterers Intervention Program. She also recently completed training to facilitate groups using the SAP curriculum.

Sarah Hedrick is a Licensed Social Worker who previously worked for the Department of Children and Families. She has been with the agency for three years as an ISO I. Sarah supervises a small juvenile caseload and adults on supervision for a drug offense case. Sarah has been one of the primary facilitators of the SAP groups for the past few years.

Jessica Boren has been with the agency for three years as an ISO I. She has supervised a variety of cases but more recently became a Drug Court officer. Jessica has also been one of the primary facilitators of the SAP groups held at Community Corrections.

Brennan Hadley has also been with the agency for three years as an ISO I. Before coming to Community Corrections Brennan worked in several roles at the Norton Correctional Facility. Brennan facilitates the agency’s employment group for clients as well as SAP groups. Brennan supervised a variety of types of cases including sex offense cases and interstate compact cases.

Brian Drinkwater has been with the agency for about eight months as an ISO I. Brian previously worked at the Hutchinson Correctional Facility and as a Crisis Case Manager at Horizons Mental Health Center. Brian recently completed the training to facilitate groups using the SAP curriculum.
Ricardo Roman is a Licensed Social Worker who previously worked for the Department of Children and Families. He has been an ISO I with the agency for about two months. He is scheduled to complete his DOC required initial training this week.

Karen Troyer is a part time secretary and has been with the agency a little over one year. Karen takes care of a lot of documentation entry as well as helping clients as they get checked in to see an officer.

Laurieta Alexander and Gary McVey are stand-by Transporters. Laurieta has been with the agency for four years and Gary has been here two years. They assist people on supervision primarily by driving them to inpatient treatment at different locations across Kansas.