

March 29, 2016
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with, Chairman Dan Deming, Commissioners James Schlickau and Brad Dillon, 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 Tim Kraft, Haven.

There were five additions to the agenda; report on fire assistance from Emergency Management Director Adam Weishaar, sales tax report, tax comparisons, township meeting, and Homeowners Association meeting for the Highlands.

Mr. Dillon moved, seconded by Mr. Schlickau, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on April 1st, 2016 of \$129,497.48 as submitted. The motion was approved by a 3-0 vote.

Emergency Management Director Adam Weishaar gave a brief update of Reno County's involvement with the Barber/Commanche County fires from last Wednesday. He stated Reno County sent four brush trucks, one tender and one command vehicle along with a tower trailer for communication since Barber County's towers were down from the fires. The Reno County emergency team consisted of Dustin Ensz, radio technician, Mr. Weishaar, Mr. Strain, and Charles Tucker a CERT member. Mr. Ensz fixed a small problem by reprograming the mutual aid channels that are preloaded on Reno County repeaters so that Barber County's first responders and fire fighters could communicate together. The state sent their COW (Communication on Wheels) tower but had problems when the generator went down and were unable to assist. On Friday one of the towers was able to operate, however they still could not communicate with the 300 firefighters. So our team, with the aid of a state employee, reprogramed 24 hour radios and handed them out to be able to communicate. By Monday, March 28th, the fire was contained.

On Wednesday, March 23rd Reno County had a fire that burned 3,040 acres in Reno County and with the acres burned in Harvey County it totaled 14,000 acres. He stated along with two homes

in Reno County and a couple of sheds, two homes were destroyed in Harvey County. It was reported that a fire truck was lost but Mr. Weishaar was not able to confirm that information. On Thursday, March 24th the fire in Reno County was contained. Nine people gave assistance with the fires in Barber County from Reno County; however when Reno County's fire started they all returned to assist with our fire. The Commission signed a declaration resolution to help provide aide assistance to the agencies involved with the fire. If the declaration had not been signed no assistance would be available. Mr. Megher briefly discussed the aid requirements for assistance. Mr. Weishaar said the state covered 75 percent and the county would be responsible for 25 percent.

Commissioner Schlickau commented about being called in to sign the emergency declaration then they came and signed it the next morning. There was a township meeting the next morning after signing the document and one of the problems was that some townships couldn't or wouldn't put up barricades. He stressed the importance of cooperation in putting up barricades on roads to keep the traveling public from harm as emergency responders take care of matters when the public just wants to watch. He explained the wind shifted in the late afternoon and could have put the traveling public in a dangerous situation rather quickly. Mr. McComb and Mr. Brittain from the Public Works Department went out and put barricades on the roads around 10:30 p.m. or 11:00 p.m. Wednesday night. Mr. Schlickau reiterated the barricades were the townships responsibility not our Public Works Department and this was brought up at the township meeting. Mr. Schlickau commented that one responder he spoke with said the smoke was so thick that visibility was nonexistent between you and the vehicle in front of you, coupled with traveling public it was a dangerous situation.

Mr. Deming commented that Sheriff's Department Captain Campbell did an excellent job of outlining road barricade problems and brought them up at the township meeting, which couldn't have come at a better time. Commissioner Deming asked if assistance from the declaration could help some of the homeowners or just public agencies.

County Administrator Mr. Meagher added that he was not sure about the private side but he believed that it was limited to public agencies receiving assistance from the declaration. Mr. Deming asked Mr. Meagher to check and see if assistance for individual homeowners was covered under the declaration since it

would really be a benefit to them. Mr. Meagher said he would look into it.

Community Corrections Director Randy Regehr met with the Board to recommend approval for a service agreement with Wichita State University to assist in developing a separate non-profit organization for the Drug Court Program for a fee of \$5,700 which is from grant money. Mr. Regehr also gave explanation on a contract with The Center for Learning Tree Institute for Drug Court data collection and reporting at an annual cost of \$23,216 for a three year period. Both of these were grant funded. **Mr. Schlickau moved, seconded by Mr. Dillon,** to approve the service agreement with Wichita State for \$5,700 and the contract with The Center for Learning Tree Institute for the Drug Court for \$23,216 as outlined by Mr. Regehr. The motion was approved by a 3-0 vote.

Public Works Director David McComb met with the Board recommending approval for the purchase of three (3) 15 foot Flex Wing Mowers for a total amount of \$43,215 from Sellers Equipment of Wichita. Mr. McComb stated this has to be amended because Sellers Equipment did not meet the bid spec requirements so the bid was awarded to the next lowest bid which was from Wichita Tractor for an additional \$186 totaling \$43,401. **Mr. Schlickau moved, seconded by Mr. Dillon,** to approve the purchase as outlined by Mr. McComb for \$43,401 from Wichita Tractor. The motion was approved by a 3-0 vote.

Mr. McComb was also present to recommend approval to purchase one (1) 10 foot Flex Wing Mower in the amount of \$12,384 from Wichita Tractor, Hutchinson. Mr. McComb stated this bid was the lowest and did meet the required specs. **Mr. Dillon moved, seconded by Mr. Schlickau,** to approve purchase as outlined by Mr. McComb. The motion was approved by a 3-0 vote.

Mr. Meagher met with the Board to recommend approval to appoint District Attorney Keith Schroeder as Special Prosecutor pursuant to K.S.A. 19-101d for the purpose of prosecuting violations of Reno County Code or Resolution violations in District Court. Mr. Meagher explained that we do have a few resolutions that carry a misdemeanor penalty for violation. In those cases we need someone to handle the prosecution and Mr. Schroeder was willing to handle them. Mr. Meagher stated Mr. Schroeder would like it on file that he was officially appointed by the county. Mr. Meagher went on to say some of those violations would be the fireworks resolutions, the open burning and any violations that carry a criminal penalty; however any

civil matters would be handled by the County Counselor Joe O'Sullivan. **Mr. Dillon moved, seconded by Mr. Schlickau,** to approve Mr. Schroeder as Special Prosecutor for the purposes outlined on the agenda and by Mr. Meagher. The motion was approved by a 3-0 vote.

Mr. Meagher also gave explanation of the agreement with Horizons Mental Health Center for behavioral health services at the Reno County Correctional Facility (RCCF). Mr. Meagher stated the agreement was adding Mental Health services at the Correctional Facility. They would provide half the salary for the one Horizons person providing the services at the facility and the other half of the salary would be absorbed by Horizons Mental Health Center. The contract outlines the services provided by the Horizons employee who has expanded to working full time with the inmates and coordinating with health staff and other agencies. The contract was reviewed by the Sheriff to make sure the services they wanted were provided in the agreement then Horizons signed it. The Correctional Facility agreed to pay \$2,466.04 each month, half the cost for providing the services, for the remainder of this year and the contract would be renewable. **Mr. Dillon moved, seconded by Mr. Schlickau,** to approve the agreement with Horizons for \$2,466.04 a month as outlined by Mr. Meagher. The motion was approved by a 3-0 vote.

Mr. Meagher went on to recommend approval for the subsequent Business Associate agreement. He stated this agreement covers the HIPPA issues since the person is not a Reno County employee but is employed by Horizon's. They have access and work directly with the Correctional Facility medical staff with information that should not be shared. Sheriff Henderson and County Attorney Joe O'Sullivan reviewed the document. The agreement was approved along with the Horizons Mental Health agreement. This was the motion **Mr. Dillon moved, seconded by Mr. Schlickau,** to approve the Business Associate agreement. The motion was approved by a 3-0 vote.

Mr. Meagher discussed a resolution pertaining to open burning and establishing requirements, restrictions and prohibited acts with respect thereto; and rescinding Resolution Number 2011-43. He explained, "We wanted to make it as clear as possible to eliminate confusion". Mr. Meagher stated this resolution clarifies issues for people working with open burning notifications to help them better understand open burning. They worked through a process of reworking the original resolution with the help of Emergency Management staff and Rural Fire

Departments. Then Mr. O'Sullivan revised the resolution by clarifying the language to explain what is prohibited and what is allowed for open burn. This resolution describes open burning for the purpose of burning trash, brush piles, debris piles, vegetation and also defined field type burns. Mr. Meagher stated the definitions did not change but there was confusion on the two different types of fires. In Section 3 clarifying language has been added regarding both field type and non-field burn. This constitutes open burning for the purpose of this resolution making it clear that regulations in Section 3 apply to both types of fires. Section 2 did not change only for unincorporated sections of the county. Section 3 had a slight change in the original resolution. It said when they call in to report or wants to do a burn they are getting authorization from the emergency communication staff, which was not the case, they are just taking the information. The authority as to whether they can burn or not is set forth in the resolution. We have certain criteria and if it exists it prohibits burning. The emergency communication staff will advise the caller whether it is favorable to burn or not. In this resolution the person still needs to call in and give their name, address, phone number, location and circumstance of fire so we have that information on record. It would give us better tracking ability because it can impact our resources with rural fire departments. Once a person gives notification of intent to burn they are to start the fire within 30 minutes after giving that notification. Open burning is prohibited when a burn ban is in effect, the wind speed and gusts exceeds 15 mph, if the grassland fire index is determined to be very high or extreme or if fire resources were not available. The criteria remains the same, however we have added that fires are not allowed near an airport for safety reasons following the Kansas Administrative Regulations so we incorporated it into this resolution. The owner of the property is responsible for the open burn. Same penalties are in effect, up to \$500 fine or up to 30 days in jail, and one or both could be applied along with restitution for costs associated with fighting of the fire.

Commissioner Schlickau brought up whether the Rural Fire Chief be allowed to override the burn regulations. Mr. Meagher replied after discussions this was not how we wanted to go for several reasons, one of which was the difficulty for communication. He stated it was best to have one standard and the standards we have in place are very appropriate for both open burn situations.

Mr. Meagher updated the Board with the sales tax report. He stated that overall we were behind approximately \$45,000 year to date, but for the month of March we were \$12,000 higher. The jail was \$62,000 behind last year at this same time but was \$12,000 higher for the month of March.

Commissioner Deming distributed to fellow commissioners and the media a list from the Kansas League of Municipalities comparing property tax levies for several Kansas counties, cities and school districts. Mr. Meagher commented that KAC Annual Rankings Report would be coming out in April, 2016.

Commission Deming reported on the Highland Homeowners Association meeting, held last evening, where Public Works Director Dave McComb addressed the Highlands Sewer District issue. Mr. Deming stated the Highlands Golf course was purchased by Mr. Jon Mollhagen with a number of improvements being planned and Matt Seitz, formerly with Cottonwood Hills Golf Course, hired as the new General Manager and Golf Professional.

Commissioner Schlickau updated the Board on a couple of issues from the township meeting that he and Mr. Deming attended.

At 9:50 the meeting adjourned until 9:00 a.m. Tuesday, April 5, 2016.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date