

January 28, 2020
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with the roll being called: Chairman Ron Sellers, Commissioner Ron Hirst and Commissioner Bob Bush were all present, along with Interim County Administrator Bill Hermes, and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance and a short sectarian prayer led by Pastor Kim Biery, Trinity United Methodist Church.

There were no public comments.

Commissioner comments:

Commissioner Hirst attended the "Legislative Day" in Topeka bringing back information on Dark Store Theory and future plans for Home Rule. He said three legislators spoke with municipalities and he thought it was enlightening asking for thumbs up or down on issues and got to speak with other commissioners on various issues.

Commissioner Hirst spoke with County Counselor Joe O'Sullivan requesting an update on where we are with the NextEra issue.

Commissioner Hirst said that citizens were asking questions on the study by Five Bugle for the fire departments. He tried explaining this is a medium to long-range strategic plan for the volunteer fire departments.

Commissioner Bush replied it may not be medium or long range depending on the study results.

Commissioner Sellers brought up the earthquake two weeks ago on Sunday, stating there had been a couple of newspaper articles from the state that said they did not know what was going on to cause these quakes. He said Senator Berger is interested and Representative Jason Probst is being very active on our behalf asking the state to check on damages to public buildings and had set up a meeting with the governor on this issue. SCS Monte Markley sent an email with very good information and he was willing to share that information with the state on oil and gas related quake events.

Interim County Administrator Bill Hermes mentioned last week Maintenance Director Harlen Depew gave an update on the damage to the courthouse from the last earthquake. Mr. Depew requested to give another update next week since he was still dealing with the elevator issues.

There were two additions to the agenda; 9a Mr. O'Sullivan was giving an update on the NextEra court action, 9b was an offer to sell a parcel of real estate.

Mr. Hirst moved, seconded by Mr. Bush, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on January 31, 2020 of \$114,697.82 and consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2019-39 through 41 as submitted. Next item was a reappointment of Bernard Smith and Michael Garrett to the Juvenile Corrections Advisory Board for a term beginning 1/28/2020 and ending 1/17/2023. The motion was approved by a roll call vote of 3-0.

Horizon Mental Health Care Director Michael Garrett gave a quarterly report to the Board discussing various issues. He spoke about a software program, Polaris, that was designed for the jail but noted that it does not track time with an inmate. They will be looking into New World on February 20th to see if it can do what they need.

City of Hutchinson Chief Steve Beer gave a presentation for the Board on Fire District 2. He said they saved \$20 million in property not including personal property. They got rid of Firehouse software changing it to a new records management system. He talked about the ISO rating going from a 6 to a 4 and homeowners within 1000 feet of a hydrant received a Class 1 status. There are only 370 departments across the nation with a Class 1 and stated that we are part of an elite status. This was the last step on the "Road to Accreditation" looking at going before the Board in March or August 2021 as a goal for being internationally accredited. Once they get accredited as an agency, it will become one of 30+ Fire Departments that hold ISO 1 accreditation out of 50,000 in America and Hutchinson Fire will be on the map forever. He spoke about mitigation burns working with the Reno County Sheriff's and Public Works Department. He also talked about response times and documentation.

At 10:20 Mr. Bush moved, seconded by Mr. Hirst, the meeting recessed for ten minutes.

The meeting reconvened with all Commissioners, Interim County Administrator Bill Hermes, County Counselor Joe O'Sullivan, and Minutes Clerk Cindy Martin, present.

Health Department Director Nick Baldetti met with the Board to discuss the Kansas Association of Local Health Department's (KALHD) initiative to seek an increase to the state formula funding for public health in the Kansas State Budget and Reno County's role. He spoke about the ask in funding being \$1.9 million from a flat amount and discussed in depth the scope of the public health initiatives. By consensus of all Board members, Mr. Bush designated Nick Baldetti to speak for Reno County.

Emergency Management Director Adam Weishaar met with the Board to recommend approval for the proposal from Five Bugle Training and Consulting to conduct an evaluation of fire service delivery within the county's fire districts at a cost not to exceed \$10,000; and create a strategic plan based on their findings for a cost not to exceed \$2,500. He said after the discussion last week some language changes were made to the contract, taking EMS out of the top portion of the contract and focusing on rural fire districts. On page one, the overview changes were detailing the scope of the study, another change was the proposed action steps and then took out EMS. Financing the study was a topic of discussion. Afterward the Board discussed more on communication, saving lives and property, filing reports and financing. **Mr. Hirst moved, seconded by Mr. Sellers,** to approve the proposal from Five Bugle Training and Consulting to conduct an evaluation of fire service delivery within the county's fire districts at a cost not to exceed \$10,000; and create a strategic plan based on their findings for a cost not to exceed \$2,500, financing paid for through Reno County as a whole not individual Fire Districts. County Counselor Joe O'Sullivan clarified the authority to proceed with the strategic plan would come after the evaluation was received and the decision was made to proceed, that was his understanding from last week's meeting. The Board agreed after the study results to proceed with the strategic plan. The motion was approved by a roll call vote of 3-0. Mr. Hirst stated that maybe the time to discuss the strategic plan with the Fire Chiefs.

Mr. O'Sullivan updated the Board on the status of the appeal filed by NextEra-Pretty Prairie Wind Farm LLC filed in District Court after the Commission made the decision to deny the application for conditional use permit. In September 2019, the court did not want to proceed with any motions until the parties filed a record of proceedings from the Planning Commission and the County Commission with the District Court. The courts position is well taken, and the courts authority is to review the decision made from the contents of the evidence presented to the Planning Commission and this governing body and that evidence is part of the record. This process took a long time. The process to decide what the record consisted of involved the County as the lead agency because the county received all the documentation in the case and was in possession of those files. The record consists of fifty different files of information including zoning regulations pertaining to conditional use permits, zoning maps, comprehensive plan, different dated transcripts from hearings before the Planning Commission, the County Commissioners proceedings when the matter was decided, and the protest petitions. All this information was put in electronic format including sending copies of the audio and visual recordings. Eric Stienley, Lead Legal Counsel, sent an email January 22, 2020 to update all parties on record, which said all documents had been collected pertaining to the record, all documents had been delivered to him and all document had been sent to the district court to be down loaded on their secure web portal. There are five bankers' boxes with written paper documents which have not been put in electronic format but have been sent to a Wichita company to be scanned into electronic format and added to the record. After that is completed, the court will prepare a table of contents, then everything will be submitted to the Clerk of the District Court who can proceed on the NextEra pending motion.

Mr. O'Sullivan gave explanation on a property at 904 East 5th Avenue, Hutchinson, Kansas which was the subject of a forfeiture action filed by the District Attorney's Office that was completed in 2019 as a result of a criminal case. He spoke about the statute procedures on forfeited assets connected to criminal activity. In August 2019 the Sheriff's Drug Unit contacted Mr. O'Sullivan about the sale of this property. After checking the courts order which stated the property be forfeited to the Reno County Drug Unit, he had a title search done on the property identifying certain requirements, one of which was going back to District Court amending the order to the entity the property was forfeited to was Reno County acting on behalf of the Sheriff's Drug Unit. The Drug Unit is not an entity that

can convey a title to real estate. The property was not purchased with county assets but was a forfeited asset. He went to District Court and cleared issues with the title and the title company said we could now proceed with a merchantable title to the buyer. The property was listed with REIB in December and yesterday an offer was made of \$5,000, noting that this property has certain issues to deal with for the buyer. Out of the sale proceeds, the expenses of sale would be \$2,000 to the commission which is the largest expense. Mr. Pounds has shown this property to numerous people and the \$5,000 was the highest offer he received. Mr. O'Sullivan received approval to accept the \$5,000 offer from Sheriff Campbell, Under-Sheriff McHaley, and Captain Lutz, Head of the Drug Unit. The other expense of \$250 and the remaining net proceeds of \$2,700 would go into a dedicated fund used by the Drug Unit, and stated that no funds would go into the Reno County General Fund. **Mr. Bush moved, seconded by Mr. Hirst,** to approve the contract for purchase and sale of real estate for \$5,000 to Wayne Kingsley and authorize the Chairman to sign on behalf of Reno County as outlined by Mr. O'Sullivan with the conditions described. The motion was approved by a roll call vote of 3-0.

Emergency Management Director Adam Weishaar met with the Board for his regularly scheduled update. He discussed various issues not requiring action by the Board. New officers were elected for the Fire Chiefs Group: President-Assistant Chief Chris Ledbetter Buhler, Vice-President-Chief Curley Gingerich Haven, Secretary-Assistant Chief Steve Rippie South Hutchinson, Treasurer-Chief Royce Regier Reno/Harvey Joint #2 Buhler.

At 11:15 the meeting adjourned until 9:00 a.m. Tuesday, February 4, 2020.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date