

February 9, 2021
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners held the agenda session with Chairman Ron Hirst, Commissioner Daniel Friesen, Commissioner Ron Sellers, County Administrator Randy Partington, County Counselor Joe O'Sullivan, and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance followed by a short sectarian prayer led by Pastor Henry Blickhahn, Our Redeemer Lutheran Church via phone.

Joseph McCarville, District Court Judge Division III, 4702 Sequoia, addressed the Board with three concerns; 1) The Health Department's online registration was not letting people see they were on the list. He advised citizens to call the Health Department to find out where they were on the list. 2) Phase II was to give 65-year-old and older with other health issues vaccinations and in his opinion that was not working correctly, people with no health issues were receiving vaccines 3) in November, December, and January communication was good for wearing masks but now no communication was given on the vaccine plan and how it would be executed.

Commissioner Friesen understood the Judge's comments. He stated the Health Department could communicate better but they were checking on the plan and stated that was being executed well. He did not recommend citizens calling into the Health Department as it would overload the system. He thought the Judge had a good point about communication where people were on the list and suggested maybe that needed to be handled better.

Commissioner Sellers stated that he had heard positive comments from the public on the two PODs'. It was a huge undertaking for 600 people to receive vaccines and he thought the Health Department was doing a great job organizing the vaccines that were available. If they could come up with a better way to communicate with people that would be good.

Jane Tolin, 6109 E. Pleasant Valley Road, Haven, brought the Board a 500-signature petition asking for changes to be made to the Wind Energy Regulations that they would be addressing later today. She said there were six areas of concerns.

Commissioner Hirst said there were two revisions to the agenda; moving business item 7D to the end of the agenda after the commission comments, the other item was to recess the meeting and return for a work study session on business item 7F Planning Case 2020-09 regarding Commercial Wind Energy Conversion System Regulations. Commissioner Sellers suggested under business item 7B, 1 and 2 be taken as separate items. **Mr. Sellers moved, seconded by Mr. Friesen,** to make the suggested changes to the agenda as outlined by staff. The motion was approved by a roll call vote of 3-0.

Mr. Sellers moved, seconded by Mr. Friesen, to approve the Consent Agenda consisting of 6A through 6E the Accounts Payable Ledger for claims payable on February 12th, 2021 of \$812,740.30 along with CARES Act Spark monies approved of \$9,015.22 as submitted. Next on the consent agenda was to withdraw from the Transportation Alternatives Project ADA Bus Shelters Grant, there was no reallocation of funds permitted from KDOT. **Resolution 2021-05; A RESOLUTION TO CANCEL CERTAIN COUNTY WARRANTS.** Last item on the consent agenda was the destruction of 2018 Gubernatorial Election Materials. The motion was approved by a roll call vote 3-0.

Kevin Cowan with Gilmore and Bell and Reno County's Bond Counsel appeared before the Board with Raymond James and Greg Vahrenberg via zoom.

Mr. Vahrenberg gave an overview presentation on the consideration of a bond resolution for the sale of those bonds and explained the assigning of a bond rating. He stated the county gave a formal step with permission by the Commission to proceed in December 2020 putting an authorizing resolution in place. They submitted a request to Moody's Bond Rating, noting that these ratings or risk assessments, in part determine the interest that an issuer must pay to attract purchasers to the bonds. The ratings are expressed as a series of letters and digits and then stated that Reno County was given a AAA3 rating which was excellent to attract investors. He stated they had a very favorable market and bond interest rates were at a record low putting the county in a favorable position from an issuer perspective to push for that lower interest rate. There were twenty-three different investors from fourteen states bidding, saying this was unusual for so many investors from so many different states. The final principal amount on the bond issue was \$12,080,000.00 with a re-offering premium paid to the county of \$1,641,511.00 ending up with \$13.7 million from the proceeds of the bond sales. The average interest rate from the sale of

bonds was 1.61 percent locked in. He said the refinancing on the 2010 bonds had a small amount of savings of \$5,776. In 2020 the average interest rate was 2.47 percent on 15-years compared to today's 1.61 percent. The reduction eight or nine months ago equated to the county is about \$782,000 in interest expense saved. They anticipated the closing to be February 25th, 2021.

Mr. Cowan spoke about coupon rate and cash up front drives down the effective borrowing cost. This has just been common in the last year or so with the very low interest rates that Premium purchases seem to be the norm. The resolution today is for the projects financed, interest rates in Section 202, article 4 Security of Bonds that can be paid early in 2028 if you could pre-pay that would be the time to pay or refinance, and last was Article 5 Section 501 the accounting section where the funds are going and how they will be applied. This will pay off the 2010 temporary notes with a March 1st, 2021 date to redeem those temporary notes and smaller bonds redeemed as well. **Mr. Friesen moved, seconded by Mr. Sellers,** to approve the **Resolution 2021-06; A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2021, OF RENO COUNTY, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.** The motion was approved by a roll call vote of 3-0. Mr. Cowan commented after signing the Bond Purchase Agreement document, it needed to be sent to Mr. Vahrenberg today.

Solid Waste Director Megan Davidson, SCS Engineers Vice President/Senior Project Director Monte Markley P.G., SCS Engineers Senior Project Manager, Steve Lineham, P.E., Joel Haag, Mann & Co. Architects made a presentation on the Notice of Awards for the construction of new support facilities at the Reno County Solid Waste Landfill on business items 7B-1, and a contract with Conco, Inc. in the amount of \$2,654,700 for construction services. Ms. Davidson gave the Master Plan background for the expansion of the new scale house and customer convenience center. She said the bid opening was January 14th with Conco, Inc. bidding the lowest at \$2,654,700, giving a general completion date of November 2021. The engineers estimated cost was \$3,592,267.73 and the completion date was January 2022 with a total of \$4,346,644 that included purchasing the scales and a backup generator separately.

Commissioner Sellers questioned using a local vendor who bid 1.85 percent higher than the lowest bidder. County Administrator Randy Partington replied that Reno County's Policy stated new construction did not fit county policy and sealed bidders. We can review what we can and cannot do with bids, but it is dictated by state statutory. He wanted to stress standing behind local business when possible.

Commissioner Hirst wanted to look at maybe making a change to the Reno County Policy for bidding jobs and using local businesses.

Commissioner Friesen agreed to look at local businesses, if possible, for bidding construction jobs. This was a \$2.7 million dollar project and the runner up, a local vendor bid \$50,000 higher. That local vendor would spend money in Reno County where the other bidder possibly would not. Mr. Friesen wanted to know why we could not award the bid to that local vendor? He was not in favor of using an out-of-town bidder when the bids were this close.

Commissioner Sellers stated that we had a county wide policy in place, and without that policy we cannot negate the lowest bidder, but we can have staff look at the policy for any future bidding.

County Counselor Joe O'Sullivan explained the statutory language on bids in detail. The Board had a large discussion on projects with bids and using local contractors.

Ms. Davidson gave explanation for a backup generator to run the scales and generate power for the fire suppression system so it would not freeze.

Mr. Markley recommended the generator purchase for the Fire Suppression System as it would spell disaster if not available to run 24/7.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the contract with Conco, Inc. in the amount of \$2,654,700.00 for construction services as outlined by Ms. Davidson. The motion was approved by a roll call vote of 2-1 with Mr. Friesen opposed.

Ms. Davidson recommended approval for the Scope of Services from SCS Engineers for resident engineering services at a cost not to exceed \$296,500 with a contingency cost of \$295,100. Mr. Sellers asked why the contingency was needed? Mr. Markley explained the standard on projects usually had an 8 to 10 percent contingency with staff working 52 weeks, however Conco stated they would complete the project in 30 weeks, so there would be some cost savings to the county. He said the goal was not to spend all of the contingency money. Mr. Sellers stated that all material cost overruns should come to the Commission for approval and was in favor of waiving the contingency of \$295,100 that was also requested. Mr. Partington commented that the \$295,100 was part of the bond so the money was there for cost overruns. **Mr. Sellers moved, Mr. Friesen seconded,** to approve the Scope of Services with a not to exceed cost of \$296,500 as discussed. The motion was approved by a roll call vote of 3-0.

Ms. Davidson also appeared to recommend approval for the next items on the SCS Engineers proposal to provide certain services in 2021 for Annual Consulting Services at a cost of \$95,300, Engineering and Planning Services at a cost of \$78,000, Air Quality and Gas Collection and Control Operations, Monitoring and Maintenance (OM&M) Services at a cost of \$166,300. **Mr. Sellers moved,** to approve the services as listed, however the motion died from lack of a second on items 7C 1-3.

The Board had a large discussion on gas well monitoring and collections, flares, and all operations under permit 723 and permit 607 Household Waste. Ms. Davidson stated that two flares went down and needed to be back up and running within 5 days or they would have to send a report to KDHE. Mr. Markley gave a detailed explanation about ground watering sampling and answered questions from the Board on services and costs. She went over Tasks 1 costs then 2 and 3, mentioning cell 7 would have wells put into place by the end of 2021 and the costs associated with installing wells. **Mr. Friesen moved, seconded by Mr. Hirst,** to approve items 7C 1 through 3 from SCS as outlined by Ms. Davidson. The motion was approved by a roll call vote of 3-0. The Board discussed gas collection being feasible for reuse of the methane gas. Mr. Markley replied there were options, and he would speak to the Board again in the future about those options. Mr. Friesen asked for the minutes to reflect having Ms. Davidson and Mr. Partington to develop a plan on how to increase efficiencies and automate the Landfill in an effort to reduce operational costs for 2021. The Board agreed by consensus

for a directive to bring this issue up with the Landfill after Mr. Friesen visits the Landfill.

Ms. Davidson commented Solid Waste employees did most of the self-performing work at the Landfill saving costs in the last five years of \$800,000 to \$1 million on Reno County projects. She said they hit the five-year safety mark noting it was their second five-year no accidents with lost time since 2008.

Maintenance & Purchasing Director Harlen Depew met with the Board for his regularly scheduled monthly meeting. He discussed several events that his group would be working on in the next few months.

The following departments also gave their monthly updates in reports to Mr. Partington for the Commissioners to review: Administration Communication report, Aging/Transportation, Appraisers, Automotive, Clerk's Office, Community Corrections, District Attorney, Emergency Management, Health Department, Human Resources, Information Services, Maintenance, Public Works, Sheriff, Solid Waste, Treasurer, Register of Deeds and Youth Services.

At 11:20 the meeting recessed for five minutes.

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

County Planner Mark Vonachen addressed Planning Case #2020-09 a request by the Reno County Planning Commission for a series of text amendments to the April 2016 Edition of the Reno County Zoning Regulations regarding Commercial Wind Energy Conversion Systems. He met with the Board giving a brief presentation with a statement on the three components, 1) Amendment to the table of contents, 2) Article 105-14 striking current have reference and 3) Article 23 last amendment. In December 2019 Planning and Zoning along with Staff reviewed the need for new regulations pertaining to Wind Energy, the Planning Board voted 5 to 1 with one absent to approve the draft before you. There would be a work study session after the recess at 1:30 pm in the Commission Chambers.

Mr. Partington commented that the monthly reports will be included each month on the first Tuesday from all departments as part of the agenda. Mr. Sellers mentioned he liked the reports

but did not like that it was late coming to the Commission. He stated the Register of Deeds (ROD) said she was short staffed and asked Mr. Partington to work with her now and giving a recommendation later. Mr. Friesen stated the ROD had opportunities for technology efficiencies and he thought they should look to understand the performance of her workload. Mr. Friesen asked if the ROD revenues were fee funded or funded by a mill levy. Mr. Partington stated they were General Fund driven.

Commissioner Friesen reported on the Health Department and Emergency Management weekly calls, noting that Monday's are the medical partners call. He spoke about the hard work the Health Department was doing and how he and the community appreciated "the job well done" from them. He talked about vaccines from pharmacies and medical partners coordinating with the people on the list. He asked to back up the date the packet would be delivered from Thursday to Monday or Tuesday allowing more time to speak individually with Mr. Partington before the agenda meeting.

Commissioner Sellers agreed with Mr. Friesen with moving to plan ahead more and move information up sooner to the Board. Let us see what we can do to move the packet information to the first of the week, maybe making changes in the next few months. He spoke on being happy with how the Health Department/Emergency Management are handling issues. He was glad they hired Karla Nichols as the Health Department Director saying she is the oversight person for the Health Department letting her team do the work. He asked if the call last Friday with the Kansas Association of Counties said anything about the House Bill that requires the property tax return to taxpayers, saying we should be writing letters to our legislatures. Mr. Partington replied that a hearing would be taking place tomorrow. Reaching out to local legislatures to let them know the problems is a good idea. Mr. Partington clarified a bill by the State House that requires counties to refund property taxes to businesses that were shut down from 2020 through currently including all taxes. He said it is all the county's responsibility stating that it is very unfair and does not specify COVID-19 shutdowns. Mr. Hirst thought we did not shut down anyone. Mr. Partington said he watched the zoom session which had more questions and no answers as of yet. Mr. Sellers agreed with not shutting down businesses, but the county did limit gatherings.

Commissioner Hirst spoke about he and Mr. Partington attending the EMS transparency meeting last week. He thought Mr. Partington brought up good questions. EMS had decreased

their billing time by several days and receiving revenues back quicker.

At 11:55 a.m. since he is involved with IdeaTek, Mr. Friesen left the meeting before the Board addressed the contract with IdeaTek to provide broadband and phone service at an upfront cost of \$19,605 and \$5,530 per month for 60 months.

County Counselor Joe O'Sullivan stated Information Services Director Mike Mathews appeared to discuss replacing the counties phone system. The Board selected IdeaTek's proposal and recommended he come back with a contract.

Counsel for IdeaTek was very accommodating. He pointed out some areas in the contract that dealt with the termination clause on page 2 paragraph 8 and read the clause. He reviewed some termination paragraphs that needed to be read in connection with each other. The issues he reviewed were addressed in paragraph 3 page 1 the last sentence, paragraph 9 page 3 about 5 to 6 lines up from the bottom of the page, and last was paragraph 21 page 5 with a contract attachment. He mentioned the up-front charges in exhibit B stating that the service fees were less than other vendors charged, and the contract would be for five-years. Another provision was in paragraph 1 paying for services, shows our obligation to pay was 30-days after we receive an invoice giving us time to process through accounts payable, since we meet twice a month. He recommended approval and to authorize Mr. Partington to sign the contract on behalf of the county. **Mr. Sellers moved, seconded by Mr. Hirst**, to approve the contract with IdeaTek for phone services as outlined by Mr. O'Sullivan. The motion was approved by a roll call vote 2-0.

At 12:05 the meeting recessed until 1:30 p.m. for the work study session on February 9th, 2021 in the Commission Chambers at which time the Board will further discuss item 7F; Planning Case #2020-09 Commercial Wind Energy Conversion Systems Regulations with no public comments accepted.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date

February 9, 2021
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners held an afternoon work study session with Chairman Ron Hirst, Commissioner Daniel Friesen, Commissioner Ron Sellers, County Administrator Randy Partington, County Counselor Joe O'Sullivan, and Minutes Clerk Cindy Martin, present. Public Works Director Don Brittain and County Planner II Mark Vonachen were also in attendance at the 1:30 p.m. session in the Commission Chambers.

This study session was to discuss the amendment to the table of contents page for the April 2016 Zoning Regulations, adding Article 23 with Sections 23-101 through 23-111, for Commercial Wind Energy Conversion System (CWECS) Regulations that was presented this morning. Amending Article 15-105 (14) in its entirety and substituting therefore a reference to a new Article 23 pertaining to CWECS. Adding Article 23 pertaining to CWECS. Background was given from December 2019 to January 19, 2020 where the County Commissioners held a study session with staff to gather more information on the recommended amendments passed by the Planning Commission with a vote of 5-1. The County Commission had several options from approving the amendments as submitted by Planning Commission to denying the amendments. If denied, the amendments will require the entire public hearing process to begin again if the County Commissioners still request new regulations.

Chairman Hirst asked to go page by page.

Mr. Sellers stated there were three controversial issues, which were spacing, sound and flicker. He said Mr. Hirst had previously pointed out eight proposed regulations. Mr. Sellers thought the Commission could agree on those eight that may need to be altered in the CWECS. He asked to get those items out of the way first before discussing the controversial issues. Mr. Hirst commented that the goal was to protect citizens and also have an opportunity to have wind energy. Mr. Friesen clarified what was being reviewed today was the minimum requirements necessary to start the application process. County Counselor Joe O'Sullivan commented at this stage it would be staff to red line changes to the proposal as the consensus directs and then bring it back to the Commission. At this point it does not go back to the Planning Commission until you decide.

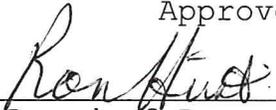
The following were the suggested items to be altered:

1. 23-2, 4: and is agreed upon by applicant and the county commission.
2. 23-5, F: special flood, hazards, and FSA wetlands area map
3. 23-6, E: (E) should change to (D)
4. 23-6, H: delete the last sentence, keeping the middle part. (by consensus they agreed)
5. 23-6, Noise, B: ~~should consider using~~ change to shall use
6. 23-11, J: additional circumstances instead of A discussion of
7. Rewrite 23-12,8: Fire Safety and Rescue Plan, adding Hazardous Material Plan, then last sentence of paragraph add "and including a hazardous material plan."
8. 23-12, add 9: to have appropriate assured agreement related to deregulating equipment.

The Board had a large discussion on articles and sections making red line changes for staff. By consensus, the Board agreed on 3,000 feet from the property for a tower. They deleted flicker and noise was discussed for 40 dec or 45 dec. The Board had a very large discussion on the Southeast area of Reno County, zoned versus not zoned areas and wind energy in general.

At 4:05 p.m. the meeting adjourned until the agenda session on February 23, 2021.

Approved:



 Chair, Board of Reno County Commissioners

(ATTEST)



 Reno County Clerk
 cm

4-27-2021
 Date