

February 12, 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.

Public Works Director David McComb updated the Commission with the proposed Conditional Use Permit from NextEra for the Pretty Prairie Wind Farm. He stated they met with Project Managers Mark Trumbauer and Spencer Jenkins to review the application process. He stated after the application was submitted and a location was set, there would be a public hearing scheduled and notices sent out. He said a tentative hearing date and time was set for April 4th, 2019 at 3:00 p.m. however, that date could change depending on when the NextEra application was received.

Mr. McComb noted there had been two vacancies on the Planning and Zoning Board that were now filled, and those members were brought up to date with upcoming issues. On December 20th they had training on the regulations and an executive session with County Counselor Joe O'Sullivan. On February 19th the two new members will be introduced to the Commission in the agenda session.

Public comments:

Kristi Horsch, 22519 S. Kent Road, was concerned about receiving a response to the process for an overlay of the unzoned area to protect residents.

Commissioner Sellers said he thought the overlay issue had been addressed in last week's Commission meeting. His understanding was the overlay would be discussed later this summer in the Planning and Zoning Commission.

The Chairman of Planning and Zoning Lisa French was in the audience and spoke about the expected timeline for the overlay issue. She confirmed that Planning and Zoning would be taking

up the issue of an overlay later this year after they identified what they wanted to include in the overlay. She commented that the NextEra project was both in the zoned and un-zoned areas.

Commissioner Bush added that during his three years on the Commission, zoning or limited overlay zoning had not come up until three or four months ago when residents outside of the zoned area expressed their displeasure for any kind of zoning in their areas. The NextEra project came into view and the Board has heard some residents now want protection in the un-zoned area, when before more residents were adamant that no zoning be applied in their un-zoned areas and asking government to stay out. It still may happen that the un-zoned area does not have an overlay or limited zoning in the future as previously discussed. Now we have a big push because of the NextEra project and some residents want to cover the entire county so we may or may not have a zoned overlay.

Mrs. Horsch came to the podium stating they still were not looking for full zoning in the un-zoned areas, just a limited zoning overlay to protect residents letting them have a voice to be able to stop an unwanted project from moving in.

County Counselor Joe O'Sullivan commented on Mrs. Horsch's response to zoning stating if the area of concern was the unprotected areas of Reno County, the NextEra project would have come with a recommendation from the Planning and Zoning Commission with special factors/conditions attached that followed regulations to the entire project area, zoned and un-zoned. However, if there was to be a new project in the un-zoned area, the Board could take up a moratorium. For instance, if a commercial feedlot wanted to be in the un-zoned area and the Board was concerned about this certain project, they would have an opportunity to address the issue, then deny, approve or reject with recommendations.

Commissioner comments:

County Administrator Gary Meagher noted there would not be an agenda meeting the week of February 25th through March 1st, 2019.

Commissioner Hirst asked if something could be done out by the Solid Waste facility to help with blowing trash along Mohawk Road and 4th Avenue. He received complaints from residents and asked if there was a way to enforce trash loads going to the landfill such as a resolution or signage, stating that this

issue had previously been brought up. Mr. O'Sullivan replied that there was a state law enforceable by the Sheriff's Office for covered loads.

Commissioner Sellers noted that he attended a Drug Court session and was very impressed.

Commissioner Bush stated item 7b on the agenda would be tabled.

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 February 15, 2019 of \$889,928.26 as submitted, also consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2019-101 through 105, 109, 112, 113, and 117. Next item on the consent agenda was to appoint Olivia Kite, Brenda Brown and Tim Carey to serve on the Reno County Health Department Advisory Board effective 2/12/2019 through 12/31/2021. The next item on the consent agenda was to appoint Nelson Buckwalter as Sylvia Township Clerk to fill the vacancy from the resignation of Robert Haneke. The last item on the consent agenda was an agreement with H.W. Lochner Consultants for Engineering Services of the RCAT fixed route ADA compliant bus shelters. The motion was approved by a roll call vote of 3-0.

Commissioner Sellers asked Health Department Director Nick Baldetti for a brief explanation of the Advisory Board and their duties.

Mr. Baldetti explained the Advisory Board had no authority over the Health Departments acts and explained that their capacity was only to advise on various issues dealing with medical, religion, services, and strategy. He also stated that all recommendations would be brought back to the Health Department, noting that they are a vetting tool for individuals. The board meets monthly at 4:00 p.m., on Thursdays at the Health Department.

Deputy Election Officer Jenna Fager met with the Board to request approval for the recommended appointments by Joe Siewert, a previous Ninnescah Board member who had resigned his position. She stated that two more people had also filed applications for positions on the Ninnescah Board along with the recommended candidates; Charles Breitenbach for the Trustee position and Sue Breitenbach for the Treasurer position. Mrs. Fager said Mr. Siewert recommended David Graber as Trustee, Matthew Graber as Treasurer and Brandon Horsch as Clerk. **Mr. Hirst moved, seconded by Mr. Sellers,** to approve the recommendation of Mr. Siewert for David Graber, Trustee, Matthew Graber, Treasurer and Brandon Horsch as Clerk of Ninnescah Township Board. The motion was approved by a roll call vote of 3-0.

Mr. Hirst moved, seconded by Mr. Sellers, to table for one week the Noxious Weed Annual Management Plan and Eradication Progress Report as requested by Public Works Director David McComb. The motion was approved by a roll call vote of 3-0.

Health Department Director Nick Baldetti met with the Board to discuss Environmental Health's (EH) proposal to create an "Environmental Engineer Evaluation" policy and the potential establishment of a Food Policy Council in Reno County. Mr. Baldetti briefly discussed the Environmental Health's request for a new waste water system that would create an avenue for a system or complicated sites. Some manufactures were asking if a new type of system could be used in Reno County. Currently that process starts with the Health Department's evaluation of the system however; those evaluation requests, which are about 1 or 2 a year for systems and 3 or 4 for complex sites, were pushed back down the line because of other issues needing immediate attention. This sometimes takes a year or two, which in the end has the potential to cost the county money. Mr. Baldetti stated the documentation alone was daunting, measuring a 6 to 12-inch binder with his hands, that they had to review on any new system. His staff did not have time to do the research to decide to approve or deny, along with their other duties. This proposed policy would allow the health department to contract with a third-party engineer consultant. Since the county already contracted with Sid Arpin with BG Consultants Engineering for other engineering duties, it made sense for them to do the system analysis. BG's knowledge of systems and engineering would cut the information submitted for review on any new septic systems for use in Reno County. He stated that alone would save staff time significantly. At a cost of approximately \$163 an

hour, he estimated a review to take 28 hours for a total of \$4,564.

Commissioner Bush clarified that if a resident builds a home in the county and finds a new septic system they have been recommended to use by a manufacture, they would contact the Health Department to see if this system would work for their situation. This is a cost to the homeowner for the amount, then the request would be submitted to BG Consultants for evaluation then that review goes to the Health Department staff for approval or not. The cost for BG Consultants would be on the contractor but it would ultimately be the homeowner's responsibility to pay any expense. Mr. Baldetti questioned using taxpayer's money to evaluate a system for a private company. They discussed cost to the taxpayer and whether the health departments staff could say no to the evaluation after BG Consultants approved the system.

Commissioner Sellers asked if the septic systems were the about the same. Mr. Baldetti replied with new changes in technology, there were one or two new systems coming out yearly. Manufactures were recommending specific contractors/distributors to be used that have been trained on the installation. Mr. Sellers was in favor of cost sharing, county to pay and manufacture/applicant to pay (50/50). Mr. Sellers asked if the new systems would not be a statewide issue in all counties. Mr. Baldetti replied that would be a detailed conversation. He noted two different points to consider throughout the state, the difference in soil and other variables. He also mentioned that because Kansas is a home rule state, The Kansas Department of Health and Environment's resources just provided guidance, so it would be up to local governments to make decisions. Mr. Baldetti would return next week with various cost share proposals.

Mr. Baldetti was also present to give explanation for a potential establishment of a Food Policy Council in Reno County. He stated a Food Council had been established to provide a grocery store in the City of South Hutchinson. It operated by state grants until it was dissolved last year when the City Manager's position had been eliminated. He said the members involved with the Food Council were still active and operating with several agencies involved with healthy food access issues. The council would not continue to operate with grants unless it had an authorizing agency. He noted the Food Council Board would like to expand to the whole county with members representing four sectors of the county adding to the existing

board. The council has been passionate and committed in the community even though it did not succeed in getting South Hutchinson a grocery store. They have six meetings per year with minutes, formal reports and drafts. They are also formally recognized every three years by the County Commission.

Commissioner Bush inquired how the Food Policy Council was staffed before the City of South Hutchinson operated it. Mr. Baldetti replied that the Health Department had gotten the Food Council going through grant funding and at first handled the administration duties. The body of the work for the council was to access healthy foods through the local producers in the community and inform citizens on healthy options and where to find them.

Health Department Assistant Director Population Services Megan Gottschalk-Hammersmith stated that when the South Hutchinson Fiscal Administrator left, the Health Department took over the Food Policy Council again. She would like to see all residents of Reno County have healthy foods provided.

Commissioner Hirst spoke at the Kansas Department of Ag. The Department of Aging was starting a grocery delivery program in the outer areas offering fresh food to the rural area. He said since South Hutchinson residents couldn't get a grocery store, they have a Farmers Market.

Health Department Health Education Supervisor Laurie Carr stated the Food Council was involved with putting local produce in local restaurants, which made the local board a state trendsetter.

Mr. Meagher said smaller grants were still available and asked if there was a fiscal cost to the county. Mr. Baldetti stated there was no expectation of cost from the county and noted that the Food Council was asking the Commission to recognize the Policy Council. He commented that previously the Food Council had been funded through grants and volunteering. He said no expectation for money was expected from the county, however the Council could in the future ask for assistance.

Mr. Meagher wanted to know what the county's purpose was with re-establishing the Food Council. Mr. Baldetti replied the Food Policy Council had to have a governing entity that formally recognized them to have legal status to qualify for grant funding.

The Board was in support in re-establishing the Food Policy Council. Commissioner Bush was concerned about staff at the Health Department committing too much time, effort and cost. He said it needed to be put in a box and carefully managed.

At 10:25 the meeting adjourned until 9:00 a.m. Tuesday, February 19, 2019.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date