

February 25, 2020  
Reno County Courthouse  
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with, Chairman Ron Sellers, Commissioner Bob Bush and Commissioner Ron Hirst, County Administrator Randy Partington, 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.

Commissioners comments:

Commissioner Bush commented on the TECH paintings hanging in the Courthouse and Annex being a great disabilities program in our community. He also apologized for the misinformation given last Tuesday about a Thursday Planning and Zoning meeting. He sent emails out to people with an apology for the mistake.

Commissioner Hirst also commented on the lack of communication since it is an important key which causes problems when information is changed at the last minute. He stated Planning and Zoning and the Commission need to work together to get the information correct for them and the public. The Planning and Zoning meeting on March 3<sup>rd</sup> will not be accepting outside comments. The Board would like to see a calendar or information posted with the dates and times of the Planning and Zoning meetings where the public would be allowed to comment and when it is an open meeting with no outside comments allowed.

Public Works Director Don Brittain replied that County Administrator Randy Partington, County Counselor Joe O'Sullivan and he had been discussing this issue recently.

County Administrator Randy Partington explained the discussion on suggesting Planning and Zoning change their agenda to put on that agenda for the open meeting with no public comment or public hearing with comments excepted. Mr. Partington stated that every meeting is open to the public to attend and they were working on the best way to notify the public well in advance.

Commissioner Bush commented that his job was to support staff 100 percent and to make their jobs easier with the tools for success. The public views the Commission as their representatives and come to the Board with concerns. He asked if a text attachment could be done to pass along to the public. The Planning and Zoning agenda is bare bones and since the zoning issue is so important, we need to have more information out.

Mr. Brittain said every meeting is open to the public to attend and will work on the public comments being allowed. Commissioner Sellers suggested Planning and Zoning encourage written comments and guidelines for how long to speak since they are volunteers giving the public the opportunity to speak. Mr. Brittain wanted all people to speak but he stated that we must be fair to the people who stay until after 7 or 8 p.m. so we must work on this issue. He said the southeast portion for zoning has nothing to do with wind and keeping it separated, not mixing it up with wind or regulations. Commissioner Bush asked to have that in writing for the public and noted that the goal is to not make people mad. Commissioner Hirst wanted the rules or what is allowed at meetings, when and what for public comments.

Mr. Partington reached out to meet with the Quest Center and Extension Office and both would like to give updates to the Board. He will be meeting with Bright House who had in previous years received funding by the county and stated that he would be attending the Economic Development Update breakfast sponsored by the Chamber. He and Mr. O'Sullivan are working on the Law Enforcement Center (LEC) agreement with the City of Hutchinson hoping to wrap it up by the end of March before City Manager Mr. Deardoff retires.

Commissioner Sellers asked about bids for the LEC reconstruction. Mr. O'Sullivan was not aware of any bids on that project but thought they would want to have a long-term lease in place before they proceed to go out for bids. Commissioner Bush noted the agreement was in the hands of the City for signatures on the lease. He stated that the county has made a proposal covering the next twenty years. Mr. Partington, Mr. Depew and Mr. O'Sullivan had worked on the agreement making minor changes then sent the drafted agreement to City Attorney Paul Brown. It could be returned as early as March 3, 2020 or certainly in two weeks. Mr. O'Sullivan stated the agreement would be taken up first by the County for signatures, then send it over to the City of Hutchinson for action.

Mr. Partington commented that he has been meeting with all department heads to get to know county staff. He will be touring Reno County on Friday with Commissioner Hirst and meeting officials in the smaller cities. He said Senate Bill 294 has nothing new but possibly could hit the Senate floor sometime this week with possible amendments from KAC with problems within the Bill. Reno County staff concerns were sent in a letter to Senator Berger also. The Board discussed more about Bill 294 and decided by consensus to draft another letter adamantly opposing the Bill be passed. They were under the impression it was an election political move.

Commissioner Bush noted reading articles about the election issues around county votes with paper versus electronic. Reno County has recently made a transition and he asked County Clerk Donna Patton for a presentation in the future on the election process.

County Clerk Donna Patton came to the podium to explain that Reno County had gone to strictly paper ballots but noted that a touch screen is available to be ADA compatible. She stated they were in discussions with the Secretary of State's Office regarding laptops for use with ELVIS so it can operate on separate servers. HAVA dollars would be used for the purchases.

There was one addition to the agenda: Mr. O'Sullivan asked for an executive session for 20 to 30 minutes for a privileged legal matter regarding statutory funding for organizations which provide aging and disability services with Mr. Parkington present noting that no formal decision is to be made.

**Mr. Hirst moved, seconded by Mr. Bush,** to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on February 28, 2020 of \$465,691.23 and change orders 2020-52, 98, 105, 111, 114, and 121 as submitted. Next item is a **Resolution #2020-06; A RESOLUTION TO CANCEL CERTAIN COUNTY WARRANTS.** Final item on the consent agenda was to appoint Naisha Miller to serve on the Health Department Advisory Board for a 3-year term effective 2/25/2020 through 12/31/2022. The motion was approved by a roll call vote of 3-0.

Public Works Director Don Brittain met with the Board to recommend approval of an agreement with Kirkham, Michael and Associates, Inc., to complete the survey and design plans for Arlington Road Bridge 26.25 (8.25 miles east of Arlington) at a

cost of \$56,150.00. This is the bridge that KDOT will be reimbursing \$200,000 for construction.

Funding for construction will be coming out of the 006 Special Bridge Fund. Scheduled timeline to construct the bridge would begin in 2021. **Mr. Bush moved, seconded by Mr. Hirst**, to approve the Agreement with Kirkham, Michael and Associates, Inc. for \$56,150 to construct the Arlington Road Bridge as presented by staff. The motion was approved by a roll call vote of 3-0.

Mr. Brittain also recommended approval for an agreement with A.M. Cohron & Son, Inc. for the construction of Nickerson Road Bridge 27.99 over the Arkansas River at a cost of \$2,997,840.50. He said the engineers estimate was \$311,101.95 over the bid. The funding would come out of the Bridge Bond Fund 058 and any extra dollars needed would be out of the Special Bridge Fund 006 in hopes of reimbursement. Three bids were received with Cohron & Son being the lowest and noted that the other two were \$200,000 to \$300,000 over. Once the bid is awarded a pre-construction meeting will take place. Mr. Brittain stated the construction company has 288 working days to finish the construction. They were going to try and not interrupt more than one harvest with the bridge being out. Commissioner Hirst mentioned the bridge could not be open beside the old bridge for use during the harvest. **Mr. Hirst moved, seconded by Mr. Bush**, to approve the agreement with A.M. Cohron & Son, Inc., for the construction of Nickerson Road Bridge 27.99 over the Arkansas River at a cost of \$2,997,840.50. The motion was approved by a roll call vote of 3-0.

Mr. Brittain gave explanation for a contract with Bridges Incorporated for the construction of the 43<sup>rd</sup> Avenue Bridge 33.80 over Union Pacific Railroad at a cost of \$3,723,770.53. The engineers estimate was \$2,686,728.55, which Bridges Incorporated bid was \$904,313.14 higher than that. He said the majority of the cost would be from the Bridge Bond Fund 058 with the balance paid from 006 Special Bridge Fund with the possibility of the 006 Fund being reimbursed. He stated specifications from the railroad added considerable cost to the original bridge design. He said when this first started out it was to be a haunch bridge style, but the railroad rejected that and wanted a design three tracks wide and an access to the road which raised the cost. Then with the extended type of bridge, the roads on both sides of the bridge are raised and extended out. The railroad also required a retaining wall and flaggers on the track for at least 90 days while under construction. This type of bridge limits the number of contractors building it. **Mr. Bush moved, seconded**

**by Mr. Hirst**, to approve the contract with Bridges Incorporated for the construction of the 43<sup>rd</sup> Avenue Bridge over the Union Pacific Railroad at a cost of \$3,723,770.53 as submitted by staff. The motion was approved by a roll call vote of 3-0.

Appraiser Brad Wright met with the Board for his regularly scheduled monthly meeting. He gave a brief overview of various stats for residential, commercial and personal property not requiring action by the Board.

Mr. O'Sullivan gave an update on the Pretty Prairie Wind litigation. He stated the record of evidence presented was submitted to the court and portals can now be accessed for examination to decide the case. The Clerk of the District Court can transmit the records to the Appellate Court. He spoke about specifics of the case and stated that a formal response has not been filed. The county and people have not made a motion for summary judgement. The hearing period of two months begins on Thursday. Commissioner Sellers was concerned about Judge Chambers retiring at the end of this year and not being able to finish the trial. Mr. O'Sullivan reassured him another judge would take over if needed.

At 10:15 the meeting recessed for ten minutes.

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

At 10:25 Mr. O'Sullivan requested an executive session on aging and disability. **Mr. Bush moved, seconded by Mr. Hirst**, to go into executive session for thirty minutes to discuss a privileged legal matter on statutory funding services requesting Mr. Partington be present. The motion was approved by a roll call vote of 3-0.

At 10:55 the meeting returned to regular open session with no formal action to be taken as a result of the executive session and the meeting adjourned until 9:00 a.m. Tuesday, March 3, 2020.

Approved:

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Chair, Board of Reno County Commissioners

(ATTEST)

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Reno County Clerk  
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Date