

March 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.

Public comments:

Amy Brown, 7406 E. Fountain Green Road, was concerned about two issues, (1) define process or procedure for Planning and Zoning on future requests, it seems like a closed process and (2) fiscal responsibility on the \$1,000,000 bond overage.

No Commissioner comments.

There was one addition to the agenda; Mr. O'Sullivan requested a privileged legal matter. Commissioner Bush noted a change on item #8a from the printed agenda stating Thursday to April 9th, 2019 as Tuesday for the canvass.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on March 15, 2019 of \$404,069.04 as submitted also consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2019-134. The motion was approved by a roll call vote of 3-0.

Commissioner Bush read the retirement recognition for Susan Castelli on her 24.5 years of service as a nurse with the Reno County Health Department. Health Department Director Nick Baldetti thanked her and expressed his appreciation for her clinical services in various areas throughout the years.

Deputy Election Officer Jenna Fager met with the Board to recommend approval for the date and time of Canvass of the April 2, 2019 United School District 267 Special Election. **Mr. Hirst moved, seconded by Mr. Sellers**, to approve canvassing for USD 267 Special Election at 8:15 a.m. on Tuesday, April 9, 2019 at the Reno County Annex Conference Room. The motion was approved by a roll call vote of 3-0.

Mrs. Fager was also present to recommend approval for the date and time of Canvass for the May 7, 2019 Drainage District #3 Special Election. **Mr. Hirst moved, seconded by Mr. Sellers,** to approve canvassing for Drainage District #3 Special Election at 8:15 a.m. on Tuesday, May 14th, 2019 at the Reno County Annex Conference Room. The motion was approved by a roll call vote of 3-0.

County Counselor Joe O'Sullivan met with the Board to recommend approval of the Reno County Commission Policy "Process for Consideration of Zoning and Other Land Use Regulation Matters". He stated after Russ Ewy had the study session with the Board, he was asked to come up with a structure policy on how public meetings would be conducted when a recommendation comes from the Planning and Zoning Commission regarding zoning matters. After meeting with Mr. Meagher and Mr. Hirst, Mr. O'Sullivan drafted two policies for consideration addressing some of Mr. Hirst concerns and questions. There are two versions of the policy, Version II states the Commission would not hold not a public hearing but a public meeting and will follow the state statute and is simple. Version I would provide an opportunity, same as Version II with no public hearing but a public meeting to present new information or if a person believes an incomplete hearing was conducted by the Planning Commission, to submit a written request for public comment a week ahead of the agenda meeting to County Administrator Mr. Meagher. It states in Version I that a detailed narrative and summary as to why this is new information, needs to be submitted. He stated the definition of "New Information" was if the information was not available at the time of the meeting. An example would be if a traffic study was not completed in time to be considered for a decision and was not information given during the hearing for various other reasons. Incomplete Hearing was defined also, stating for example, Planning and Zoning did not follow its procedure or afford a person the five-minute time limit allotted to speak. This policy provides a screening procedure where a written request of information could be sent to the County Administrator Mr. Gary Meagher and County Planner Mr. Vonachen, who would review and give their opinion on the new information or incomplete hearing. It would then be sent to the County Commission to proceed for approval, denial, or sent back for details from the Planning and Zoning Commission for adoption.

Commissioner Hirst asked if the procedure outlined by Mr. Vonachen had been discussed at a Planning Commission meeting.

Mr. Meagher replied yes, that Chairman Lisa French discussed it as other business in last month's Planning meeting.

Mr. Hirst also asked for clarification on Version I-3A, the procedure by the County Commission which states, "The County Commission will base its decision on information in the Summary of Proceeding provided by the County Planner, the Record constituting the proceedings before the Planning Commission at its public hearing and any requested additions allowed by the County Commission, County Planner's recommendation, and recommendations of the Planning Commission." His question was if the County Planner would make his recommendations after the public hearing.

Mr. O'Sullivan replied no, the County Planner makes his recommendation during the Planning Commission's public hearings making it a matter of record as their standard procedure. The Planning Commissions process is that the County Planner makes a report to the Planning Board regarding the application filed and his review of it. The County Planner then determines what factors and special conditions or exceptions he believes apply, making a recommendation to approve or deny the application and that is the last recommendation he makes. Then the Planning and Zoning Commission makes their decision. That recommendation is reported by Mr. Vonachen to this Board stating what the P&Z has recommended using the factors and special conditions they have based their decision on and then states whether staff has approved, denied, or made conditions of their own. He only states his recommendation in the public hearing and does not state his recommendation to the Board.

Commissioner Hirst was concerned about the method to hear written testimony given to them. Mr. O'Sullivan gave clarification that written information whether new or added, could ask to be clarified by the Commission, but this is not an opportunity for the public to comment at the public meetings.

Commissioner Sellers was in favor of adopting Version I stating it was good government policy and, in his opinion, the County Commission should have adopted a policy years ago. He felt strongly that Planning cases should only be heard at the county level if there was new information, especially since he had the similar situations at the City of Hutchinson level. **Mr. Sellers moved, seconded by Mr. Hirst**, to approve the Reno County Commission Policy "Process for Consideration of Zoning and Other Land Use Regulation Matters" as outlined by County Counselor. The motion was approved by a roll call vote of 3-0.

Commissioner Bush echoed Mr. Hirst concern on hearing information at the commission level that should have been given to the Planning and Zoning. The commission could approve, deny or make changes. This policy would move us down the road and he felt it was the elected official's responsibility to amend the policy in the future if needed. He would support the motion for Version I today for those reasons.

Mr. O'Sullivan pointed out it was a mistake to think this is a policy directed to NextEra's application but should apply until amended to all zoning matters before the County Commission.

Health Department Director Nick Baldetti met with the Board to recommend approval for continued financial support through the Aide to Local (ATL) Grant application through Kansas Department of Health & Environment. He stated this was an annual application and would require the Chairman's signature. **Mr. Sellers moved, seconded by Mr. Hirst,** to approve the Aide to Local Grant Submission Letter and have the Chairman sign as staff requested. The motion was approved by a roll call vote of 3-0.

Mr. Baldetti was also present to recommend approval for a Kansas Department of Health & Environment, Healthy Families Outreach, Prevention, and Early Intervention Program Funding. This Letter of Intent was to continue participation in the program and funneling \$160,000 to the Kansas Service League and Hutchinson Community Foundation and various agencies which will result in approximately \$6,000 for administrative bookkeeping services to the Reno County Health Department acting as a pass through for the grant money. He requested the Chairman's signature. **Mr. Hirst moved, seconded by Mr. Sellers,** to approve the Letter of Intent as outlined by Mr. Baldetti and have the Chairman sign as requested. The motion was approved by a roll call vote of 3-0.

Community Corrections Director Randy Regehr met with the Board for his regularly scheduled meeting. He discussed various current issues not requiring action by the Board.

Division III Judge Joseph McCarville noted he had the opportunity to attend a National Funded Abuse meeting. They were pushing the Battery Abuse Program that changes attitudes and beliefs and noted that he requires 24-weeks of training out of the 52 weeks of this program in his courtroom.

At 10:05 the meeting recessed for five minutes.

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

At 10:10 Mr. O'Sullivan requested an executive session. **Mr. Sellers moved, seconded by Mr. Hirst**, to go into executive session for thirty-five minutes to discuss a privileged legal matter with no formal action to be taken asking Mr. Meagher to be present. The motion was approved by a roll call vote of 3-0.

At 10:37 the meeting returned to regular open session with no binding action to be taken as a result of the executive session and the meeting adjourned until 9:00 a.m. Tuesday, March 19, 2019.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date