

July 9, 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 Commissioner Hirst.

At 9:05 Commissioner Bob Bush read a Proclamation declaring the month of July as "Ulster Project of Reno County Month". A few of the youth from Portadown, Northern Ireland and Reno County students commented on their experiences thanking the host families in Reno County and stating they look forward to lifelong relationships through The Ulster Project. The Ulster Project is celebrating their 20th Anniversary this year.

There were no public or commissioners' comments.

County Administrator Gary Meagher noted there would not be an agenda meeting on July 23rd, 2019.

There were two added agenda items: Kansas Department of Health and Environment follow-up report on mosquito spraying and control, and Mr. O'Sullivan requested an executive session for a privileged legal matter. **Mr. Sellers moved, seconded by Mr. Hirst**, to accept the added items. The motion was approved by a roll call vote of 3-0.

Mr. Hirst moved, seconded by Mr. Sellers, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on July 12th, 2019 of \$1,150,949.32 as submitted. Last item on consent agenda was for a Cereal Malt Beverage renewal application for Park Partners LLC, DBA Cottonwood Hills Golf Club for on-premises sales. The motion was approved by a roll call vote of 3-0 for item 6a. Mr. Bush abstained from voting on a Cereal Malt Beverage renewal for Cottonwood Hills Golf Club since it had the opportunity to provide revenue for his company, item 6b was approved by a roll call vote of 2-0.

Co-Advisor for 4-H Ambassadors Meghan Miller met with the Board with an invitation to the Reno County Fair. The fair runs from Saturday, July 13th to Monday, July 22nd. Most of the events will be at the Kansas Fair Grounds and is open to the public. The Extension Office has added a website, Renocountyfair.com, with 4-H, FFA, and Scout fair book information along with an open class fair book for anyone to enter a project in the fair this year. They moved the Blue Ribbon BBQ that was on Sunday evening to Friday evening pairing it with the Ranch Rodeo.

Health Department Assistant Director of Population Service Megan Gottschalk-Hammersmith spoke about the high mosquitoes being caught in the five traps around Reno County. Those high numbers are raising red flags with KDHE who is urging The Reno County Health Department to take steps to control the large numbers from the recent wet weather. Mrs. Hammersmith introduced Sheri Tubach, MPH, MS, Director, IDER with The Bureau of Epidemiology and Public Health Informatics at (KDHE) Kansas Department of Health and Environment, Topeka, Kansas who spoke about proposed aerial spraying to control the mosquito population. Mrs. Tubach gave a brief history of the mosquito surveillance program that has been going on for three years around Reno County and noted that a high concentration recently has been around the Turon area. She also stated that the program usually runs from May to mid-October. She stated it is usual to find 40 Culex females in a trap and stated that these species are known to carry the West Nile disease, but with increased rain the numbers have climbed. On June 25th more than 5,700 female Culex mosquitos were found in one trap, which is the highest number ever trapped. With that many females the next step is to spray to reduce the number of mosquitos and larvae. KDHE has redirected Federal funding to assist in one aerial spraying between 9:00 p.m. and 2:00 a.m. on a date within the next two weeks after the FAA gives clearance to spray around all fifteen municipalities in the county. After all the approvals are signed by the municipalities and the Commission, VDCI will apply the application of Dibrome, a chemical used nationwide for mosquitoes. She said this could drop the adult numbers by 90 percent with the one application. Reno County is in a Federal declared disaster area because of the flooding and cities and counties may be able to apply for FEMA reimbursement money for the larvicide applications. She stated the Culex mosquitos can live up to a six to eight-week period and can lay hundreds of eggs. KDHE will continue to monitor the traps around Reno County until mid-October. KDHE is in the process of drafting a Memorandum of Understanding to be signed by all municipalities, KDHE and The County Commission.

Commissioner Sellers questioned the larger spray area around Turon. Ms. Tubach replied it was a larger spray area because of the numbers of mosquitoes and previous cases of West Nile, primarily due to the location of the wetlands south of Turon. Mr. Sellers asked if the spraying would control other flying pests. She would check but believed it probably would control other types of flying insects.

Commissioner Bush had heard spraying was the least efficient way to control the mosquito population.

Amy Cook with KDHE said when adult populations become so high, the CDC (Center for Disease Control) recommends spraying at night when mosquitoes are most active. The chemical company stated it should eliminate 90 to 95 percent of flying mosquitoes by hitting them with the one application. They use an agitator to stir them out of their resting places while spraying. There would be no county matching funds used for the spraying, only Federal funding for a one-time adult application. Ms. Tubach stated the spray would be safe for animals if they were out when the spraying begins. It is about 2 tablespoons per acre and the chemical has no known effects on humans if they came in contact with the spray.

Commissioner Hirst confirmed that he knew the chemicals were used over cattle yards with no harm coming to the animals.

Mr. Meagher stated the spraying would be a one-night only. He said the Health Department had been in contact with all fifteen municipalities to make them aware of the presentation by KDHE today. He said there would be an informational meeting in the Veteran's Room for anyone who would like to speak with the KDHE representatives. The Health Department had 700 dunks for larvicide and would order more using the 75/25 percent funding. These dunks will be made available at the municipalities and for the public to use in any standing water since they become breeding grounds for the mosquitos. Notices would be sent out through all message outlets stating the date of spraying and an alternate date if needed. Mrs. Hammersmith ended the discussion stating that the Health Department would work closely with KDHE on information. Ms. Tubach thought it would take about a week for the FAA to give clearance for spraying and stated that KDHE would continue standard testing of the five traps in Reno County.

Maintenance Director Harlen Depew met with the Board to recommend approval for a proposal from Boesen Plumb Elevator Co.

and related expenses for a partial modernization of the historical manual elevator in the Courthouse. He stated the manual elevator had a failed generator so this company would convert the DC to AC operation and modernize the controls while retaining the historic car, doors, and overall appearance for \$127,225. It would still leave the north elevator as a manual operation to transport inmates and maintenance staff. The additional expenses for electrical work and miscellaneous items to complete repair of the manual elevator for approximately \$22,775; for a total repair cost not to exceed \$150,000. It will take 6 to 8 weeks to complete the repairs and they would start a month or so after receiving the signed copy of the proposal and materials. **Mr. Hirst moved, seconded by Mr. Sellers**, to approve the proposal as outlined by Mr. Depew. The motion was approved by a roll call vote of 3-0.

Human Relations Director Renee Harris met with the Board to recommend approval for revised Drug and Alcohol policies for The Department of Transportation (DOT) and non-regulated employees. She brought two policies for approval. One was the FMCSA/DOT that covers the employees at Solid Waste and Reno County Public Works. The second policy is for non-regulated and DEU employees. This policy covers all other employees not covered by the DOT policy. Both policies contain the same revisions concerning the prohibiting of medical marijuana and CBD oil usage. DOT policy still allows for random drug testing for employees that have a CDL license and includes post-accident testing requirements. The non-regulated and DEU policy includes post-accident testing but does not allow for random general drug testing for non-regulated employees. The Sheriff requested the DEU employees still be randomly tested. Post hire testing may continue as previously done. Mrs. Harris had a revised copy with a couple of changes in the DOT policy, page 7 has a flow chart on situations to test when an accident happens, looking at items 2 and 3 regarding "unless behavior can be discounted as a factor in an accident". She said this was very important because under DOT you are not allowed to Federally test if their actions can be discounted completely. These policies came under the DOT wording under non-fatal accidents that states, "a test will be conducted on each driver who receives a citation within 8 to 32 hours" and said that was not worded correctly. It should be worded with "an alcohol test will be conducted on each driver within 8 to 32 hours" and noted that it was dependent on when the accident happened not when the citation was issued. She received clarification and made corrections. The post-accident testing was added on non-regulated.

Commissioner Sellers asked if we discontinue random drug testing, would it significantly change our budget? Mrs. Harris replied that it would not be a large amount since 10 percent of the large pool we were in was tested at \$60.00 each, maybe up to 6 employees. She said that random testing had been eliminated over a year ago following the Attorney General's wording for municipality employees. After researching more, she found since other admin personnel had access to see if an employee had been taking a certain type of drug, they discontinued random testing. She noted that Reno County did not have access to those type of documents. **Mr. Hirst moved, seconded by Mr. Sellers**, to approve the FMCSA/DOT Drug and Alcohol Policy as presented by Mrs. Harris. The motion was approved by a roll call vote of 3-0.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the non-regulated and DEU employees Drug and Alcohol Policy as presented by Mrs. Harris. The motion was approved by a roll call vote of 3-0.

Public Works Director David McComb met with the Board to recommend approval for a proposal from WSP to perform flooding studies to determine realistic costs required to elevate two roadways safely above flood recurrence. He discussed the two studies for the Little Arkansas river south and west of Buhler; and Cow Creek under the 56th Avenue bridge just north of Willowbrook. The cost would be \$26,709.36 each for a total of \$53,418.72. He said the goal of the studies was to provide enough information to decide whether to proceed with a design project to accommodate one of the options that will be presented. If approved, then a consultant would be selected to design the project, provide construction cost estimates and apply for a CLOMR and LOMR. The cost for the studies would come from the Road and Bridge Fund.

Mr. McComb introduced Brad Shores, WSP Consulting and Engineering Firm's Principal-in-Charge who introduced his team: Todd Bond, PE, CFM Project Manager and Abdul Hamada, PE, Bridge Expert, Hydrology and Hydraulic along with permitting experience, and Jake Borchers, Roadway Specialist. They gave a presentation on the proposed Flooding Study.

Mr. Bond discussed the design aspects of a 25-50-100-year storm event and went over flood data.

Mr. Hamada briefly went over the study and options for fixing the problems. He then talked about cost, grading to a bridge being a factor and suggested that the flood map may have

to be revised. He also stated that 56th Avenue would be very costly to fix.

Mr. Shores said a division of their company, Advisory Services are winning grants and FEMA grants are also available. He stated that there was funding through PDM, and they will do some research for Reno County.

Mr. McComb confirmed the Board would like the study to include the cost for south of Buhler and west of Buhler individually and as a project together.

Public Works Road and Bridge Supervisor Don Brittain briefed the Board on old Fifth Street and Wilson Roads water over the road situation, stating it was not an ongoing event but from repeated rains in a short amount of time.

After a discussion with WSP representatives and a recommendation from Mr. McComb and Mr. Brittain a motion was made. **Mr. Sellers moved, seconded by Mr. Hirst**, to approve the cost of the flooding study for the Little Arkansas River south of Buhler Road, then to the west of Buhler at a cost of \$26,709.36. WSP will price them individually and together after the study, choosing the most cost effective for the project. The motion does not include 82nd / Medora and the 56th Avenue study. The motion was approved by a roll call vote of 3-0.

Mr. Shores updated the Board on the 43rd Avenue Bridge. He said Mr. Hamada closed the 43rd Avenue Bridge because it was unsafe for vehicles. The letting date could be moved to September or October instead of late November. Mr. Shores said there were two big issues on this project:

- 1) We have passed the large hurtles with the railroad and stated that they have one final ongoing approval on their concept. The railroad made them redesign the length of the bridge adding costs.
- 2) Westar had a ton of electrical lines crossing 43rd so they had to redesign around the residential and bridge area.

Mr. Meagher confirmed for the Board that at the beginning of this project the county was to build three bridges, however they included a fourth just in case there were funds leftover. The 43rd Avenue Bridge was estimated at \$1,672,000 and because the railroad made design requirements the cost is \$2,600,000.

Commissioner Bush had some residents ask if they could put a bike lane going across the 43rd Avenue Bridge. Mr. Hamada explained the dangerous condition of the timbers on the bridge. Mr. Brittain replied that it could be done for cyclists and he would consult with Mr. Hamada as to the best area to use, blocking all vehicle traffic from crossing by next week.

Commissioner Hirst said Mohawk Road was having issues south of the landfill and asked can we do something about trees on private property. Mr. Brittain replied that public works could clean the channel, but on private property they had to have permission, but stated that even if we could clean out some trees it would not fix the problem.

County Planner Mark Vonachen met with the Board to recommend approval for Planning and Zoning Case #2019-02 - a conditional use permit request by Ronald and Ruth Gorges (Applicant: KGI Wireless, Inc. Gary Buster) to construct a telecommunication tower. Constructing a not to exceed 199-foot self-support cell tower at 9410 E. Boundary Road at the intersection of Outwest Road. The property is zoned AG-Agricultural District. The Planning Commission voted 7-0 approval based on 10 factors and attached 7 conditions of approval to request. A waiver was given from a financial security requirement naming the county as found under Article 15-105 (52)(F). **Mr. Sellers moved, seconded by Mr. Hirst,** approved the Planning & Zoning Case #2019-02 - A conditional use permit request by Ronald and Ruth Gorges (Applicant: KGI Wireless, Inc. Gary Buster) to construct a telecommunication tower with factors and conditions. The motion was approved by a roll call vote 3-0.

At 10:45 the meeting recessed for ten minutes.

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

Mr. Meagher discussed with the Board the initial review of the 2020 Budget. He explained the goals, mill levy, valuations, sales tax revenue, other revenues, road and bridge projects, motor vehicle tax, tax lid, salary adjustments, special highway funds, bonded indebtedness, health insurance, agency funding requests, fire districts, special district budgets, and keeping the mill levy the same at 41.687 mills. Items for discussion were the Sheriff's request for another deputy, outside agency funding requests, courthouse weatherization, money left over

from the jail bond sales tax, \$150,000 General Fund for elevator repairs, \$550,000 Special Equipment at the Jail, proposed timeline of events with the budget and the 2020 Agency Budgets.

Commissioner Sellers inquired about the tax lid. Mr. Meagher explained the tax lid. Mr. Meagher recapped:

- 1) support for deputy had two commissioners supporting it
- 2) courthouse weatherization dollars with no tax increase stating this would save the building from leaks, the consensus was to do this now
- 3) discuss the outside agencies

Next step was to adjust budget amounts and come back with amounts as discussed today.

At 12:10 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 12:15 Mr. O'Sullivan requested an executive session. **Mr. Hirst moved, seconded by Mr. Sellers**, to go into executive session for thirty minutes to discuss a privileged legal matter concerning the Pretty Prairie information with no formal action to be taken and requesting Mr. Meagher be present. The motion was approved by a roll call vote of 3-0.

At 12:45 the meeting adjourned until 9:00 a.m. Tuesday, July 16, 2019.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date