

August 25, 2020
Reno County Courthouse
Hutchinson, Kansas

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

The meeting began with the Pledge of Allegiance.

Interim Health Officer Karen Hammersmith briefly went over statistics for the United States, surrounding states, Kansas, and Reno County. She said Reno County had 186 active cases and one death with 4 active clusters. We have a positive test rate of 10.27 percent and a community test rate of 6.83 percent after removing the Hutchinson Correction Facility statistics. She stated they were working with the medical community and superintendents to get schools open. The Gating criteria from the Kansas Department of Education has presented their plan and they are working on a process so that schools can open. She spoke to Dr. Pauly about increasing the rate of testing in Reno County to narrow down numbers. The Hutchinson Clinic will be concentrating on testing clinic employees, long term care givers and teachers.

Emergency Management Director Adam Weishaar met with the Board and gave an overview of the 178th day timeline since the beginning of COVID-19. He said Reno County has a declaration in place since March 19th, 2020 until December 31, 2020. He noted all 105 counties in Kansas now have active COVID cases. The quarantine guidelines have not changed still at a mass gathering of 500 or more outside of the State of Kansas. CDC has dropped all international travel requirements however we fall under the KDHE guidelines and still have some travel requirements. Governor Kelly spoke about concerns with the bad cases and deaths from the weekend along with K-12 school openings.

There were no public comments.

There was one addition to the agenda: Mr. Partington requested an executive session for 30 minutes for attorney client privilege with Mr. O'Sullivan and Mr. Partington remaining.

Mr. Bush moved, seconded by Mr. Hirst, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on August 28th, 2020 of \$490,837.41 and next item directs the chairman to sign minutes for July 2nd, 7th, 14th, 21st and 28th, 2020 as submitted. Last item as an agreement between the City of Hutchinson and Reno County pertaining to the 2019 Byrne Justice Assistance Grant (JAG) Program Award as submitted by staff.

County Administrator Randy Partington explained the JAG Grant. The City of Hutchinson received this last year and only one law enforcement agency could apply. The agreement shows Reno County had not been given any money from the City of Hutchinson even though they bought a joint purchase of equipment that benefited both agencies. Federal government requires this agreement for grant money.

County Counselor Joe O'Sullivan spoke about the Byrne Justice Assistance Grant (JAG) money that had been applied for by the City of Hutchinson for a number of years. By regulations they are required to share it with other criminal justice systems in the same local area. Traditionally Reno County receives 30 to 31 percent of the money from the City of Hutchinson and the city retains the balance. In 2019 the Sheriff and Chief of Police agreed that all the proceeds would go to purchase rifles for the joint emergency response team totaling around \$11,000. The motion was approved by a roll call vote of 3-0.

Aging/Public Transportation Director Barbara Lilyhorn met with the Board to recommend approval for an RCAT Bus transfer point moving to the northwest corner of the Wal-Mart parking lot. She stated they sent a survey out in 2012 to passengers to see where they would like to go, and most chose Wal-Mart as the #1 location. They currently have a route that goes to the front door of Wal-Mart, but she noted that traffic has changed over the years at Wal-Mart and more people are walking. She has been working on moving to the northwest corner for safety for the buses and riders. By moving the transfer point, it is a matter of safety for the passengers not having to transfer buses. They would be taking out 19 parking stalls and paint reserved for RCAT in the lot. The passengers will have to walk to the store from the corner. The buses will all be in the northwest corner meeting every half an hour. Kevin Kienzle, RCAT Transportation Coordinator, was in the audience for questions. **Mr. Hirst moved, seconded by Mr. Bush,** to approve the suggested move for

RCAT to the northwest corner of the Wal-Mart parking lot as described by Mrs. Lilyhorn. The motion was approved by a roll call vote of 3-0.

Mr. Partington gave his Administrator report briefly discussing the following:

- 1) Email from Reno County Museum Director David Raye regarding a two by four-foot display in the courthouse 1st floor area behind the Security Desk. Mr. Sellers inquired about where it would be located wanting it to be somewhere visible to the public. Mr. Hirst suggested having him hang historical pictures.
- 2) He and Mr. Bush have a meeting today with EMS Director David Johnson about the amount being charged through the month of June. The July bill of \$177,000 has not been paid yet, and he stated that there is \$244,883 left in the budget authority for this year. He stated they had budgeted \$1.4 million for the year and they have spent \$1.15 million which would put them overbudget. He said there was a need to discuss options in the agreement that has been in effect for several years. It says if they run over budget then a meeting needs to take place between the hospital and the county. Our zoom meeting will discuss costs that were up and revenues that were down due to transports/transfers being down, and he would report back to the commission after the meeting. CARES Act money has \$500,000 for EMS, and we will look at that as option.
- 3) CARES Act money has \$50,000 for rental space. The Health Department is looking at spreading out because they currently have 50 employees who need social distancing for COVID. He said they were looking to the north across the street from them. The owner was asking \$1,000 a month and the CARES Act would cover that until December 2020. The owner wants a year lease, so next year would have to be budgeted by the Health Department. County Counselor Joe O'Sullivan looked at the agreement. Mr. Partington believed it would not be temporary but a long-term rental. The environmental health and childcare people were considering moving. Mr. Hirst wanted to consider utilizing the first floor of the courthouse for this added space to save the county money. Mr. Sellers did not think the open area was for office use, maybe consider looking at it before we agree with a move. Mr. Bush agreed with both commissioners, he asked Mr. Partington to look at all options.

- 4) Census 2020 is critical for future federal funding for cities in Reno County. Over a ten-year period for every household missed, The City of Hutchinson could have a loss of \$48,927 in Federal funding. Buhler in the same ten-year period would lose \$50,384 and Abbyville \$45,595, so it really effects all cities. Social media will be sending messages out to remind people to take part. The Board wanted the citizens to stand up and be counted for the next ten years. The Board suggested using electronic traffic signs, electronic school boards, and private businesses for help to get the message out.
- 5) He discussed Non-profits and private schools as part of CARES Act grant money applications. The Board suggested a summary and a list of what the money would be used but not specific details from them.
- 6) For the CDBG-CV grant money we are still waiting on the SCKEDD contact person since they changed, and the state wanted more detailed information on tax returns from employees. The committee will meet when all information has been collected.
- 7) He discussed the Landfill project concerning the fiber connection directly from the courthouse instead of point to point. Tower to tower connections are not reliable like the fiber optics would be and he said it would also connect to the maintenance building. Originally the thought was to use CARES Act money but there was not enough time to do connections with money having to be spent by the end of the year. He stated we would rather have our own fiber lines instead of using IdeaTek.

Commissioner comments:

Commissioner Bush would be reporting on the EMS meeting. He asked the Board to remember that EMS staff their units with what they expect for calls, so they could not send people home to save costs, but he will learn more today.

Commissioner Sellers commented on schools starting, and that we need to keep children in school by wearing masks if that is what it takes. He believed this was very important for schools to be open and he heard from teachers that were in favor of masks.

At 9:57 the meeting recessed for three minutes until the public hearing.

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

At 10:00 a.m. Mr. Bush moved, seconded by Mr. Hirst, to open the public hearing to consider a petition to vacate a portion of Mohawk Road. The motion was approved by a roll call vote of 3-0.

Mr. Partington opened the discussion on Mohawk Road. Solid Waste Director Megan Davidson reviewed the project site briefly stating why the Board was considering vacating a portion of Mohawk Road today. She said the project was constructing a new scale house and customer convenience center to the east which is owned by Reno County. She said it would require tons of dirt and clay to be excavated from the east side of Mohawk Road to the west side for cover material. Closing Clark Road from the intersection to Mohawk Road to the south one-half mile and noted that both sides are owned by Reno County.

Mr. Sellers stated at the viewing it was asked to increase at the half-mile line the 30-foot radius for a semi-trailer to be able to turn around making it about 50-foot instead, and asked if that had been addressed. Ms. Davidson replied if it were larger than 30-foot radius there would be an issue with rights-of-way on both sides of the road.

SCS Senior Project Manager Steve Lineham P.E. stated the 30-foot radius would accommodate a truck, passenger vehicle, or grader blade to just turn around but not a semi and trailer. The right of ways are 33-feet from the center of the road but stated that the turnaround could go north on Reno County land to make it larger than the 30-feet. Mr. Sellers wanted adequate signage. Mr. Hirst questioned if the road rights-of-way are vacated does the land ownership goes back to the owner. Mr. O'Sullivan replied that Reno County owned both sides of the road we have just taken away the easements.

Jason Tedder, 4310 W. Blanchard, stated he was the closest resident to the landfill. He had concerns regarding closing the road and suggested several other options. He said the turnaround might be used as a dump when the landfill is closed. He also asked if the other agencies outside of Reno County were paying enough fees to cover the cost of using our landfill prolonging the life of it. Mr. Sellers stated a rate study was under way but point well made about fees.

Public Works Director Don Brittain pointed out about the cul-de-sac and if you are extending it for public use you are not closing that portion of the road. A cul-de-sac for private use is another issue if you make that cul-de-sac wider than rights-of-ways must be re-platted. You cannot make it wider on a public road.

Mr. O'Sullivan stated it was no longer a public road but a private cul-de-sac. To expand the cul-de-sac where it was originally planned you would have to acquire additional right-of-way. Mr. Sellers thought the engineers could work on this issue and move it to the north and we could use Reno County's right of way. Mr. O'Sullivan agreed that was correct.

Mr. Hirst moved, seconded by Mr. Bush, to close the public hearing. The motion was approved by a roll call vote of 3-0.

Commissioner Sellers took up the issue of vacating the Mohawk Road and stated at the viewing last Tuesday at 11:00 a.m. it was attended by County Administrator Randy Partington, Public Works Director Don Brittain, Commissioners Ron Sellers and Ron Hirst, Solid Waste Director Megan Davidson, SCS Engineering Vice President Monte Markley, Minutes Clerk Cindy Martin and four farm interests. **Mr. Bush moved, seconded by Mr. Hirst,** to vacate the portion of Mohawk Road. The motion was approved by a roll call vote of 3-0.

Commissioner Hirst commented on other options, stop signs, leg around scale house, leave road open could be safety issue for cross traffic, and drainage from west to east after the pond's setup. He said on these points he would agree to closing Mohawk Road even though he did not like to close roads. He wanted to see a larger cul-de-sac on our property because the 30-foot radius would not work.

Commissioner Bush stated Mr. Hirst made good points and with high traffic and safety issues, it would cost \$340,000 to go around the scale house to keep the road open. He said it did not make sense to use government money, so the best plan for the county was to close the road.

Commissioner Sellers was quoted in the paper last week that he did not mind spending the \$340,000. What he meant was if it worked to construct a new road around the new scale house for the next 50 years it would be a good investment. However, after hearing the details from staff and engineers regarding the traffic crossing, it could still pose a safety issue. If the

road stays open and using stop signs it could cause problems. He wanted the engineers to make the turnaround larger for a 50-year situation and thought that would be important. He would support vacating the road because not closing it would cause more issues. He noted the signage at Blanchard and Mohawk Road to the south needs to be greater than what is required by MUTCD.

SCS Engineers Monte Markley understands the concerns for being able to turn equipment around and that is why we have the viewing to have all the factors considered. He said from an engineering standpoint there was consideration for drainage for having a turn around on your property and stated that it would cost less than doing a new road. He said from an engineering standpoint we could accommodate the larger turn around for equipment. Mr. Hirst asked if 50 foot would be large enough. Mr. Markley and Mr. Lineham said they would run models to determine the size to accommodate a semi with trailer. Mr. Lineham stated MUTCD would tell them how many signs were needed for a road closure, so traffic knows well in advance.

Mr. Tedder noted if you put signage on Whiteside Road stating "No access to landfill" it would help. Then signage on west Blanchard to Mohawk Road would stop people from going the wrong way.

After speaking with Mr. Brittain and Ms. Davidson, Mr. O'Sullivan made a recommendation not to vote today to vacate Mohawk Road as legally described in the resolution and described in the public hearing. The cul-de-sac needs to be a public road not half public and half private. They also need to decide on how wide the turn-around has to be and if it's larger than the 66 foot right of way, then the county can dedicate additional property for this purpose. He recommended tabling the vote today coming back with a revised legal description for the cul-de-sac and remove that portion from the proposed road vacation leaving it as a public road. Ms. Davidson stated the timeline would still be on track if they waited another week for approval.

Mr. Hirst removed his seconded motion, Mr. Bush removed his motion, then Mr. Hirst moved, seconded by Mr. Bush, to table vacating a portion of Mohawk Road for changes in description until next week on Tuesday, September 1, 2020. The motion was approved by a roll call vote of 3-0.

At 10:40 **Mr. Hirst moved, seconded by Mr. Bush, to recess into Executive Session for a period not to exceed 30 minutes for**

the purpose of conferring with the Board's legal counsel on a privileged legal matter. At the conclusion of the session there will be no formal decision required. The Board will reconvene in regular session and adjourn for the day. For the purpose of the executive session, Mr. O'Sullivan and Mr. Partington will remain. The motion was approved by a roll call vote of 3-0.

At 11:00 the meeting adjourned until 9:00 a.m. Tuesday, September 1, 2020.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date