April 26, 2016
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with, Chairman Dan Deming, Commissioners James Schlickau and Brad Dillon, 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 Pastor Darryl Peterson, Grace Christian Church.

There was one addition to the agenda; sales tax report.

Mr. Dillon moved, seconded by Mr. Schlickau, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on April 29th, 2016 of $291,697.08 as submitted and also consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2016-450 through 454. The motion was approved by a 3-0 vote.

At 9:05 Mr. Schlickau moved, seconded by Mr. Dillon, to open the public hearing pertaining to a Resolution concerning the adoption by reference of the April, 2016 Edition of the Reno County Zoning Regulations for a portion of Reno County, Kansas as reflected on the official Zoning District Boundary Map, except those lands within a designated extra-territorial zoning jurisdiction of a city or within the corporate boundary of an incorporate city; subsequent new zoning map and subsequent properties that which will receive a conditional use permit under the new regulations. The motion was approved by a 3-0 vote.

County Planner Mark Vonachen informed the Board of one change under Section 7, the provision regarding all orders issued by the District Court, enforcing provisions of the Reno County Land Development Regulations in effect prior to the effective date of this resolution, which said orders remain within the continuing jurisdiction of the Court, shall be considered and acted upon under the provisions of said previous Reno County Land Development Regulations. He thanked the Planning Commission members for their countless hours of work to get the regulations to where they are today.

Mr. Schlickau stated the Planning Board has done an exceptional job and this Board is appreciative of their hard work.

Mr. Dillon commented that he was impressed with the consultant and stated that, "He was very helpful to me". Mr. Vonachen replied that he worked well with the Planning Commission as well.

Mr. Deming had a resident call asking questions on restricting the commercial zoning and taking away property rights with the new regulations. Mr. Vonachen replied that we are not taking away any property rights; they are allowed to develop their property for residential purposes with zoning permits. As far as commercial and industrial, we have issued conditional use permits for those businesses that exist now that are legal and compliant with the regulations. Mr. Deming's caller also asked if a request was turned down for the conditional use process do they have to wait a year before they can file again. Mr. Vonachen stated that was correct. It is different because we don't have that provision currently but is common regulation you may see across the country. It keeps people from continually applying for conditional use hoping to wear down the Planning Commission or this Board on a proposal. However, if they make significant changes they can reapply.

Harlen Priddle, 8214 S. Haven Road, Planning Commission, did a great job with the regulations. All the rewrites were done by Mr. Vonachen himself. Helping the Planning Commission with the regulations was Mr. McComb and the Reno County IT Department and was a real team effort. Mr. Priddle suggested the need for an annual review of the regulations.

Mr. Schlickau moved, seconded by Mr. Dillon, to close the public hearing. The motion was approved by a 3-0 vote.

Mr. Vonachen was also available for the next two agenda items.

Mr. Dillon moved, seconded by Mr. Schlickau, to approve resolution #2016-09; A RESOLUTION CONCERNING THE ADOPTION BY REFERENCE OF THE APRIL, 2016 EDITION OF THE RENO COUNTY ZONING REGULATIONS FOR A PORTION OF RENO COUNTY, KANSAS AS REFLECTED ON THE OFFICIAL ZONING DISTRICT BOUNDARY MAP, EXCEPT THOSE LANDS WITHIN A DESIGNATED EXTRA-TERRITORIAL ZONING JURISDICTION OF A

CITY OR WITHIN THE CORPORATE BOUNDARY OF AN INCORPORATED CITY. The motion was approved by a 3-0 vote.

Mr. Schlickau moved, seconded by Mr. Dillon, to approve a resolution #2016-10; A RESOLUTION AMENDING COUNTY RESOLUTION 2010-49 IN ITS ENTIRETY AND PROVIDING SUBSTITUTE PROVISIONS THEREFORE RELATING TO THE ISSUANCE OF ZONING COMPLIANCE PERMITS. Mr. Vonachen explained this resolution was the fee schedule and authorized him to issue permits and administer zoning regulations. A change was made under Exceptions to the Permit Fee Table that separated items into four exceptions instead of being one paragraph. The motion was approved by a 3-0 vote.

County Administrator Gary Meagher explained the sales tax report stating the county sales tax revenue for April was up $21,242.51 and year to date was down $24,533.72. The jail sales tax revenue was up for April $22,872.91 and down for the year $39,144.51 but was still in good shape to pay the bond off early.

At 9:15 Mr. Schlickau moved, seconded by Mr. Dillon, to recess the meeting until 11:00 a.m. to relocate to the Cedar Crest Amish Mennonite Church, 7213 West Mills, Hutchinson, Kansas located south and west of Pleasantview, for a public hearing on the subject of petitions seeking fire district boundary changes in Fire Districts No. #2, #3, #4 and attaching them to Fire District No. #8. The motion was approved by a 3-0 vote.

Commissioner Deming called the meeting to order and introduced County Commissioners James Schlickau and Brad Dillon, Counselor Joe O'Sullivan, County Clerk Donna Patton, 9-1-1 Director Michele Abbott, Dispatch Supervisor Leon Bouea, County Administrator Gary Meagher, and Minutes Clerk Cindy Martin.

At 11:00 Mr. Schlickau moved, to reconvene the meeting opening up the public hearing on the subject of petitions seeking fire district boundary changes in Fire District #8, **seconded by Mr. Dillon**. The motion was approved by a 3-0 vote.

County Counselor Joe O'Sullivan provided a summary of the creation and expansion of Reno County Volunteer Fire Districts which began in the late 1950's. The Fire districts eventually encompassed all of Reno County except for territory within the City of Hutchinson. Most of the Fire Districts (FD) were formed around a city which provided volunteer firefighters and facilities for storage of firefighting equipment. In many

instances the cities are not centrally located within the District. He stated that significant capital investment has been made in each District over the years for the construction of fire stations in numerous locations, for the purchase of fire trucks, firefighter equipment, communications equipment and formal firefighter training courses at Hutchinson Community College and elsewhere. He indicated that each of the Fire Districts is subject to a five mil levy cap to fund annual budgets and that all of the Districts are at or near the five mil levy limit. He stressed that keeping territory within each District was essential for maintaining the tax base to fund future budgets. He pointed out that the significant capital investment in infrastructure and equipment in each District was made to serve the territory of each District as organized, and that detaching territory from any District shifted the tax burden for firefighting services in the District to the territory remaining.

He reviewed prior requests made to County Commissions to transfer territory from one Fire District to another. The requests were generally justified because a fire station in an adjoining Fire District was closer than one in which the requesting party's property was located. He stated that the potential for many such requests exists throughout the Fire Districts; and he further stated that historically County Commissioners had rejected detaching property from one District and re-attaching it to another solely because of the location of a fire station. He recommended that Commissioners change property from one District to another only upon a showing that a property owner was not receiving adequate emergency services in his assigned District. He also urged Commissioners to remember that as the governing body for each Fire District, they have a public responsibility to all of the patrons of each District and not to the private interests of any one of them.

Mr. O'Sullivan reviewed the contract between FD #2 and the City of Hutchinson which resulted in the merger of those two fire departments. He indicated the contract was written to guarantee the property owners in FD #2 fire protection and an affordable cost perpetually, even in the event of significant lost valuation in the District. He said it breaches the spirit and intent of that contract, if not creating an actual breach of the agreement, for the governing body of the District to detach valuation from the District, thus shifting some of the tax burden to the taxpayers of Hutchinson.

Finally, Mr. O'Sullivan recommended that many of the issues facing county volunteer fire districts today, including the ones presented by the Petitioners, could be resolved by consolidating all of the County Fire Districts, except FD #2, into one unified District. He said it is a concept worth of exploration and future discussion.

Dispatch Supervisor Leon Bouea gave a ten minute Emergency Management Presentation and spoke about automatic aid between different Fire Districts. He also briefly explained the fire districts response protocol for medical runs.

Commissioner Deming asked for clarification for both stations responding. Mr. Bouea stated two respond now from the time of dispatch. EMS from Fire District #3 and #8 would be removed so there would be 50 percent reduction in service if you don't have the co-response dispatch.

9-1-1 Director Michele Abbott explained the CAD system and how it recommended the units to be dispatched for the different responses to emergency situations and where they should go. She stated they use a mapping layer that the Fire Chiefs approve for each address and the authority is based on file or record.

Fire Chief Lyndon Ropp from Fire District #8 took the floor to begin the public comments. His major concern centered on the call outs from different fire stations who took 10 to 15 minutes to respond when FD #8 was the closest station. He told a story of a lady stuck upside down in a dry creek bed and another district was dispatched when he was closer. The other concern was the safety of neighbors in their community. He discussed money for valuations and a frustration with what he deemed was a misuse of county resources to have more than one District responding. Chief Ropp stated the petitions that were based on the statues called for ten percent in signatures and ninety percent of the residents have supported the three petitions with signatures.

Commissioner Schlickau asked if the dry creek incident would not be better covered with both FD #4 and FD #8 responding to the emergency. Then he asked if in Chief Ropp's opinion did the co-response work?

Chief Ropp replied you don't need both. He stated the average expense per run was $520 and when two respond it could cost over $1,000 and in his opinion, was a waste of money.

Michele Abbott stated co-share, county/city, had 83,000 calls last year through 9-1-1 so they do the best they can with the resources available.

Assistant Chief Bob White with FD #3 spoke about the fire departments not responding to certain medical emergencies. He stated the EMT's were not medical directors and had to follow protocols. EMT in Nickerson operates under certain protocols and cannot step over their license liability. He said, "We care but have rules". Those fringe calls like the lady in the creek bed were tough calls when close to the other districts line and another district seemed closer.

James Miller Assistant Chief with FD #8 has been a volunteer firefighter for 39 years and his biggest concern was not to hinder service to communities. He stated the current system could work and that they will make it work but he believes there must be a better way to make it trouble free with less chance for errors. He asked what good is a resolution if it is overridden by authorities. He wants the fire district officials to do what is good for the community in which they serve.

Commissioner Schlickau questioned Mr. Miller's meaning when he remarked about the resolution. Mr. Miller explained that they needed 10 percent and had 90 percent of the communities support and it still may not pass.

Commissioner Deming wanted to know if it was less confusing for the community to be served by just FD #8. Mr. Miller replied that he believed there would be less confusion for just FD #8 to respond and not having to deal with the combined district agreement.

Fire Chief Kent Branscom with FD #4 gave a brief history of FD #4 and stated he had no problem with the automatic aide as far as District #4 was concerned and would help where needed. Mr. Schlickau asked Chief Branscom if in his opinion the co-response worked. The Chief replied yes it did. Then his Assistant Chief Adam Pickett stated he has been a firefighter for 20 years and spoke about fire coverage responding to medical emergencies per protocol.

Fire Chief Kenny Burgess with FD #3 has been a firefighter for 45 years and Chief for 30 of those. He stated no matter where you move the line someone would be outside that line and you can't always keep moving it. Automatic response with mutual

aid does work and gets more people on the scene for help. In his opinion, if you have one district it would delay the response by other agencies.

Attorney Greg Bell representing the petitioners had a few comments to the Board. He started with the Pleasantview residents that signed the petitions because of a bigger responsibility to their community and what was best for the citizens with FD #8 being so close. He stated it was not about money or who was better at their job, it all came down to concern for their neighbors safety, which is no different than other communities. Mr. Bell went on to say they told him it was a duplicate of services to have other districts called out when FD#8 was less than a half a mile away. He gave an example of a volunteer firefighter called out from Haven and when he responded was told to return home and wasted a half day running around. He said it was confusing who, when, and where would respond in the case of emergencies. These people are very protective over their neighborhoods and take pride in their community. Mr. Bell discussed the fixed and operational costs and the compensation agreement not being handled correctly stating that could be an easy fix. His final comment was there had to be a better way to do this and that was why 90 percent of the residents petitioned to make this change.

Commissioner Deming asked Mr. Bell to clarify that with the co-response in effect and more districts responding, why was this not a better system than just sending one district. Mr. Bell replied it was a duplication of effort, if two can do the job instead of 10 for the day to day runs. He gave two reasons (1) was wasteful, (2) co-response was more people with more room for errors.

Chief Ropp interjected with who would respond or handle the calls; the east side or west side and stated that it was confusing.

Commissioner Schlickau stated that Mr. Bell’s comments contradicted each other. Mr. Schlickau pointed out that Mr. Bell said it was not about the money but instead about the safety to citizens. He largely agreed with that comment. Mr. Schlickau then added that Mr. Bell’s response to Commissioner Deming’s question contradicted that thought. Mr. Bell said sending two districts to the scene in the co-response area was wasteful.

Assist Chief Adam Pickett with FD #4 explained that sending more units to response was protecting people in the fire districts. Some of the districts like Partridge were limited with mutual aid in what could respond to what call with what equipment.

Assist Chief Bob White with FD #3 came up to comment that Nickerson under automatic aid puts units on the road to save time. They can always turn around if not needed and it makes for a quicker response with the correct resources.

Ben Miller owner of Stutzman's Greenhouse had a question for dispatch on who gets the call for medical or fire. He was addressing an issue that happened before the December 2015 agreement. His retail properties are split on both sides of the road so he was questioning from a retail standpoint a fire issue but also a medical concern since his primary fire district was ten miles away (FD #4) not the half mile away (FD #8). He stated the community was not comfortable with the confusion of who will respond with safety and medical calls.

Ms. Abbott replied to his inquiry that joint districts would improve safety with proper fire calls and ISO annual reviews would also improve insurance ratings. She clarified that we are talking about the fire districts not the medical runs.

Mr. Meagher is working on addressing the EMS capacity under the medical director issues. He stated the Fire Chiefs know what they respond to for different levels of medical calls depending on staff to respond to those calls.

Joe Schmucker was concerned about brush or house fire when Partridge was to respond to his address and was miles away with FD #8 within a mile and a half.

Assist Chief Pickett replied that if it was a structure fire, three units would respond automatically. Both units responding, FD#4 and FD#8 would get more people to handle the fire and medical would have to follow protocol.

Ms. Abbott also agreed that it depended on the specific response if they identified it was a house fire or structure fire not brush. Brush may only require one firefighting unit or two FD#4 and FD#8 would be called to respond.

Orville Miller in FD #2 wanted to clarify a few things that were a problem for decades. This community cares about each other. He told the story of a ditch fire that FD#8 responded to and FD#3 took over. FD #3 was 13 miles away when FD #8 was only ½ mile away. He stated that it was not about respond time, we can do better. He was concerned about medical response.

Marvin Nisly lives in FD #4 and his concern was that FD #8 was less than 2 miles away and Arlington was 9.5 miles for response time. He thanked all the volunteer firefighters for their service. He stated that the community is united to have FD #8 serve them and they wanted help to be there as soon as possible. He would like to be fair but safety of family and church is the utmost so use common sense when deciding.

Commissioner Deming once again asked if more units would not be better to respond. Mr. Nisly replied that it was confusing and common sense in his opinion would be to send one not two units.

Norman Yutzy had concerns about common sense and safety to protect the community. He stated the community deserves more than to wait 10 to 15 minutes for help.

Adam Nisly stated you asked if two units responding were better. He asked, "Why do you not get the same fire district coverage county wide instead of in our area". He stated medical was taken care of in this area.

Harry Shank also asked why two were better than one. He stated an out building was on fire last October and FD #8 got there with a tender but was not the correct equipment and had to wait until FD #4 responded with an engine to fight the fire. Mr. Shank wanted to know if the engine would stay with FD #4.

Keith Nisly commented that he has worked for over a year on the petitions and one thing came out at all the meetings. It was confusion over covered response areas. Who would respond to what emergency and he would like to see it defined to help people understand. If the present Board of Commissioners were not re-elected how do we move this along in the future? He asked the Commission to seriously consider the 90 percent of landowners that signed the petition which was in excess of the 10 percent required.

Tim Nisly commented that FD #8 cannot respond to incidents until other agencies come.

Mr. Meagher heard the Fire Districts don’t have a Medical Director but he is in contact with the new EMS about covering the county also with the same protocols throughout the county. State law provides EMT services but we need to get a Medical Director in place. The assembly discussed medical calls.

Mr. Bouea briefly discussed medic 2 and 3 areas and the divided line for medical response. EMS districts are type 2 services and everyone else has Hutchinson. The transporting dividing line where EMS provides services is out by Arlington.

Richard Yoder lives in FD #3 and asked to have the lines changed for medical safety. FD #8 has EMT services and yet they were not called. We are not covered medically if you don’t approve FD #8 for coverage.

Mrs. Jay Miller lives in FD #4 and stated why do we need two units when FD #8 volunteers live a few miles away and are faster than FD #4. She felt the backup unit should be the primary unit to respond. She felt common sense needs to be used for calls.

John E. Yoder stated that just like Mohawk Road, common sense should be used since this was an important issue for this community.

Mr. Schlickau moved, seconded by Mr. Dillon, to close the public hearing. The motion was approved by a 3-0 vote.

Commissioner Schlickau read a response to the discussion that started nearly a year ago with Mr. Meagher and merchants of the Pleasantview area. The meetings generated an understanding of the confusion surrounding the area, where four fire districts come together. The discussion generated two possible solutions. Develop co-response areas between the four fire districts, or petition to detach territory from other districts and attach that area to Fire District #8.

Co-response areas have been established and approved by the Board of County Commission (BOCC), and are working as designed. Pleasantview representatives have expressed displeasure in this option, and have filed petitions to attach territory into their district. The area petitioned affects approximately 15 sections. Mr. Schlickau expressed on several occasions, to representatives that the area under consideration is too expansive and deviates from their initial concern of eliminating

confusion in the immediate area surrounding Pleasantview. He expressed that he would be willing to have discussions about the three sections to the north, northwest, and west of the area. However, today we can only consider the area petitioned, and vote in support or denial of the territory. A compromise of area, other than that contained within the petition, is not allowed. Also, two sections currently in Fire District #2 have been included in the petitioned area and have been split in half, despite recommendations not to do so. This creates a new situation of confusion and difficulty with respect to dispatching emergency responders.

Property detached from other fire districts results in loss of valuation and shifts the tax burden to the remaining property owners. If the petitions are allowed to proceed, than a minimum of 19 percent of property owners, within the petitioned area, are required to reject the change. Other property owners, within the affected districts but outside the petitioned area, will not be able to participate in the process, despite possible increased taxes. Fire District #8 would benefit from potentially lower taxes, spread out over more valuation, with no loss in services. Property owners within the petitioned area are receiving an adequate and appropriate level of emergency services. It is therefore important to distinguish the difference between public interests and private interests. Changing fire district boundaries because they are "wanted" instead of "needed" is not acting in the best interests of Reno County residents, and sets an endless precedence. It is the responsibility of the BOCC to act in the interests of all taxpayers in the district, which includes preserving the fiscal integrity of each district.

He finished with, for these reasons he was rejecting the petition requests. However, this may be the catalyst to initiate discussions of creating one rural fire district, and pursue the best interests of all Reno County residents.

Commissioner Deming expressed concerns about approving the petition that he felt were drawn too broadly and had the entire community of Pleasantview. He believes the co-response plan can and will work if given a chance, noting it has only been in effect since last December. He also noted the commission has no legal authority to modify the petitions presented. He stated that he could not approve the changes as requested but would support new petitions narrowing district changes to the basic Pleasantview business area along the highway, which would reduce

confusion by giving District 8 first response from a station closer to Pleasantview businesses.

Commissioner Dillon would not approve the petition today but was open to changing it.

Commissioner Schlickau stated that he had prepared notes before the public hearing to organize his thoughts from information collected from the past year. He was interested in hearing comments from the public before finalizing his opinion. Mr. Schlickau said those comments helped shape a proposed compromise. He proposed to detach three sections immediately surrounding the Pleasantview business area and attach those three sections to Fire District #8. The section north from Fire District #2, the section northwest from Fire District #3, and the section west from Fire District #4. Mr. Schlickau also proposed expanding the Fire District #4/#8 co-response area south to include three sections. The boundary would be Trails West Road to the south end Partridge Road to the west. Mr. Schlickau stated he would support both of those changes.

Mr. Schlickau stated he wanted a decision to be made today so that the revised petitions could be drawn to reflect the changes. He thought that if a new public hearing, publishing requirements and a protest period followed a very specific timeline, the changes could occur before the July 1st deadline, which follows state statute.

Attorney Greg Bell stated he would start on the new co-response expansion and hoped it could be done. He would work on redefining Pleasantview area.

Mr. Dillon moved to decline all three of the petition as written, **seconded by Mr. Schlickau**. The motion was approved by a 3-0 vote.

At 2:05 the meeting adjourned until 9:00 a.m. Tuesday, May 3, 2016.

Approved:

Members of the Board of Commissioners:

_____

_____

cm