



**Board of Riley County
Commissioners
Regular Meeting
Agenda
April 07, 2022**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

[District 1 – John Ford, Member](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

1. Public Comments

Commission Comments

2. Commission Comments

Business Meeting

3. Highway Use Permit, Larson Construction
4. Action on ballot for special mail-in Election
5. Sign Riley County Personnel Action Form(s)
6. Approve payroll/accounts payables (when completed)

Review Minutes

7. Board of Riley County Commissioners - Regular Meeting - Apr 4, 2022 8:30 AM

Review Tentative Agenda

8. Tentative Agenda

Press Conference Topics

9. Discuss Press Conference

9:00 AM

Evan McMillan, Assistant County Engineer

10. Bid opening for 2022 asphalt overlay program

9:05 AM

Rich Vargo, County Clerk

11. 2023 Budget Baseline

9:15 AM

Michael Boller, Noxious Weed Director

12. Staff Update

9:30 AM

Elizabeth Ward, Human Resource Manager

13. Request to for Employee Workgroup to Examine Compensation & Benefits Proposal

9:45 AM Clancy Holeman, Counselor/Director of Administrative Services

14. Administrative Work Session

10:00 AM Amanda Webb, Planning/Special Projects Director

15. Planning & Development - Staff Update

10:15 AM Craig Cox, Deputy County Counselor

16. David & Shawna Nehls Septic System

10:35 AM Scott Carmichael, Riley County Conservation District Director and Michael Bartmess, the Acting District Conservationist for Riley and Geary Counties

17. Riley County Conservation District update

10:45 AM Clancy Holeman, Counselor/Director of Administrative Services

18. Follow Up 2022 Legislative Conference--Zoom Appearances by Legislative Delegation

12:30 PM Executive session to discuss a performance matter involving non-elected personnel

1:30 PM Executive session to discuss a performance matter involving non-elected personnel

Adjournment

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.



PUBLIC WORKS
Permit

John Ellermann
Public Works
Director/County Engineer
6215 Tuttle Creek Blvd
Manhattan, KS 66503
Phone: 785-537-6330

COMMISSION AGENDA REPORT

FROM: Shannon Sterling, Administrative Assistant II
MEETING: April 7, 2022
SUBJECT: Highway Use Permit, Larson Construction
PRESENTER: John Ellermann, PE, Director of Public Works

BACKGROUND

Larson Construction is requesting permission to work in the right of way to install a water line via trenching located along Angelias Way.

RECOMMENDATION(S)

Staff recommends approval of the Highway Use Permit as presented

POSSIBLE MOTION(S)

Move to approve the Highway Use Permit granting the Larson Construction permission to complete the work as outlined on the Permit.

The Board agreed by consensus to

Enclosures:

- 03.28.22_Larson Construction_Kitten Creek & Angelias Way (PDF)

Permit No. _____

APPLICATION FOR HIGHWAY USE PERMIT **Riley County, Kansas**

<u>Larson Construction</u>		<u>Water Line Installation(trench) for Homeowner</u>	
<u>Applicant Name</u>		<u>Type of Construction</u>	
<u>2616 Eureka Terr</u>	<u>Manhattan</u>	<u>KS</u>	<u>66503</u>
<u>Applicant Mailing Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>

Applicant hereby requests permission to Access the public ROW to install a water line via trenching along and/or across the public roads of Riley County, Kansas, according to the details and route shown on the attached plans and standards for said construction.

A \$100 Application Fee and a detailed map of location (include an aerial when possible) are required.

In support of its application, the Applicant states it is in the best interest of the residents of Riley County to allow construction of said facility. In addition, Applicant agrees as follows:

- A. Facility shall be installed in conformance with all items on approved plans, pertinent national codes/standards and the Riley County Highway Use Permit Requirements and Procedures. Any request for variance shall be an addendum to this application. Any utility sharing facilities with another entity is required to obtain a separate Highway Use Permit for their installation.
- B. A refundable deposit as specified in the Riley County Highway Use Permit Requirements and Procedures, made payable to Riley County, Kansas, shall accompany this application to guarantee satisfactory performance of the conditions of this permit.
- C. The County Engineer and/or the Township Trustee shall have the authority to require any needed repairs resulting from such construction in the road right-of-way for a period of one year from date of completed construction.
- D. In the event of road improvement or maintenance within the right-of-way, the applicant or its assigns will be responsible for the relocation of the facility at no cost to Riley County or the Township.
- E. Applicant shall notify the County Engineer at least 2 business days prior to the beginning of construction and upon completion of construction at 785-537-6330.
- F. It is understood, the work shall commence within three (3) months of the permit approval and be completed within thirty (30) days of the estimated duration of construction otherwise, the permit becomes null and void, unless an extension of time is approved.
- G. Applicant further represents it shall comply with and abide by any rule, regulation or condition of the permit made by the County Engineer and/or the Township Trustee.

Submitted by: <u>[Signature]</u>	<u>3/28/2022</u>
<u>Submitter's signature</u>	<u>Date</u>
<u>Dusty Heller - Project Manager</u>	
<u>Printed Name & Title</u>	
<u>785-706-8171</u>	<u>Larson Const.</u>
<u>Submitter's Telephone Number</u>	<u>Contractor Name</u>
<u>dheller.larson@gmail.com</u>	<u>785-537-0160</u>
<u>Submitter's Email Address</u>	<u>Contractor Telephone Number</u>
<u>4/11/22</u>	<u>3 days</u>
<u>Proposed Date of Construction</u>	<u>Estimated Duration of Construction</u>

RECOMMENDED BY: _____
 Riley County Engineer

Permit granted this ____ day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS
 RILEY COUNTY, KANSAS

Chairperson _____

OFFICE USE ONLY:

Application Fee: \$100
 \$1,000 Deposit ____ Bond X Letter ____
 Receipt No. 012771 Date: 3-29-22
 Signature: SS.

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between multiple points on the ground

Length: 370.09 Feet

☐ Show Elevation Profile

☒ Mouse Navigation

Save Clear

ARNING
: PLACED
EEK RD

L OCCUR
WAY

DIG AREA FOR NEW
WATER LINE

Angelias Wy

Kitten Creek Rd

EXISTING WATER MAIN

Kitten Creek Rd



COUNTY CLERK & ELECTIONS
Meeting information

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Cindy Kabriel, Administrative Assistant II

MEETING: April 7, 2022

SUBJECT: Action on ballot for special mail-in Election

PRESENTER: Rich Vargo, County Clerk

POSSIBLE MOTION(S)

Move to vote the Special Mail-in Ballot.

Move to not vote.

Move to table.

Enclosures:

- 04-01-22 ballot for special mail-in election (PDF)



To: Boards of County Commissioners/Supervisors
All KAC Kansas County Members

CC: Clerks and Administrators/Managers

From: Bruce Chladny, Executive Director *Bruce A. Chladny*

Subject: Ballot for Special Mail-in Election

Date: April 1, 2022

You may remember that back in January the KAC hosted a special election to allow the Kansas County Human Resource Association (KCHRA) to transition from an Associate member of the KAC to an Affiliate member. Unfortunately, we did not have the minimum fifty-three votes cast that are required by KAC bylaws to have a valid election. Therefore, the election failed.

But we are not giving up. Included in this mailing is a ballot for this special mail-in ballot only election.

During this special election, you, our member counties, are being asked to allow the Kansas County Human Resource Association (KCHRA) to be admitted to the KAC as an affiliate member. And after paying the appropriate affiliate dues, will be granted a voting member seat on the Kansas Association of Counties Governing Board. We currently have nine Kansas County Associations represented on the Board. The KCHRA will be the tenth for a total of nineteen board members.

The purpose and scope of the KCHRA is to create opportunity for the exchange of ideas on issues challenging human resource professionals within the different Kansas Counties. They encourage participation in group discussion leading to better methods, better relationships, and improved human resource leadership. And advance the profession and the personal development of those responsible for, or who assist in, human resources.

Adding the KCHRA to the governing board is a positive step in the right direction. It gives our board a clearer vision and more balance. Plus, it gives the members of the KCHRA a voice as to the direction and the issues that the KAC tackles.

As I said before. This vote will be by mail in ballot only. Ballots will be due back to our office by Friday, April 22. It is important that we hear from as many of our member counties as possible, so I ask that you please encourage your county to vote!

Attachment: 04-01-22 ballot for special mail-in election (12055 : KAC ballot for special mail-in election)



KANSAS ASSOCIATION OF COUNTIES

Special Vote Mail-in Ballot

Per KAC Bylaws, Article V Section 2 - Such association shall be admitted as an affiliate member upon request to the KAC; election by a majority vote of the delegates attending a meeting of the KAC; and payment of dues as prescribed by the KAC Governing Board and shall have a voting member on the KAC Governing Board.

QUESTION: *Shall the Kansas County Human Resource Association be admitted to the Kansas Association of Counties as an affiliate member, consistent with Article V of the Kansas Association of Counties bylaws, as amended October 19, 2021?*

_____ **YES** (means that you wish for the Kansas County Human Resource Association (KCHRA) to be admitted to the KAC as an Affiliate member (they are currently Associate members) and after paying the appropriate affiliate dues, will be granted a voting member on the Kansas Association of Counties Governing Board.)

_____ **NO** vote means that you do not wish as such.

County: _____

Voting Delegate: _____ Date: _____
(Sign)

(Print Name)

Please return this completed ballot to the KAC office by April 22, 2022.

Attachment: 04-01-22 ballot for special mail-in election (12055 : KAC ballot for special mail-in election)



COUNTY CLERK & ELECTIONS
Personnel

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Elizabeth Ward, Human Resource Manager

MEETING: April 7, 2022

SUBJECT: Sign Riley County Personnel Action Form(s)

PRESENTER: Elizabeth Ward, Human Resource Manager

Enclosures:

- 2022-04 Attorney S Ikena(green) (PDF)
- 2022-04 HD L Posligua(green) (PDF)
- 2022-04 HD N Henderson(green) (PDF)
- 2022-treasurer T Holcomb(green) (PDF)
- 2022-04 PW K Adolph(green) (PDF)
- 2022-04 PW G Terrell(green) (PDF)

RILEY COUNTY PERSONNEL ACTION FORM

☒ Add	Supervisor:	Fill Request Date: 4-4-2022
☐ Change	Dept Head: Barry Wilkerson	Employee #

☒ New Hire	☐ Rehire	☐ Transfer	☐ Promotion	☐ Separation from
☐ Step Change	☐ Status Change	☐ Demotion	☐ Other	County Service

☒ Full Time	☐ Regular	☐ As-Needed	☐ Seasonal
☐ Part Time	☐ Grant Funded	☐ Intern	☐ Temporary

Ikena	Sarah		
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Name: Last First Middle Home Phone

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Address: Street City State Zip

Assistant County Attorney	Attorney	0001-000001
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Position Title Department Fund

4-11-2022	☐	☐		☒ Yes	☐ No
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Effective Date Exempt Non-Exempt Ending Date For Temporary Is this a budgeted position?

GG	\$	☐ Hour	\$ 3,925.70	☒ Bi-weekly	☐ 40	☐
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Grade/Step Pay Rate Hours Per Workweek

Approvals:

Department: *[Signature]* Date: 4-5-2022

Personnel: *[Signature]* 4/4/2022

BOCC
Chairman: _____

Member: _____

Member: _____

RILEY COUNTY PERSONNEL ACTION FORM

☒ Add	Supervisor:	Fill Request Date: 4-4-2022
☐ Change	Dept Head: Julie Gibbs	Employee #

☒ New Hire	☐ Rehire	☐ Transfer	☐ Promotion	☐ Separation from
☐ Step Change	☐ Status Change	☐ Demotion	☐ Other	County Service

☐ Full Time	☐ Regular	☐ As-Needed	☐ Seasonal
☒ Part Time	☐ Grant Funded	☐ Intern	☐ Temporary

Posligua	Lisbeth		
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Name: Last First Middle Home Phone

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Address: Street City State Zip

Medical Interpreter	Health Department	0030-000441
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Position Title Department Fund

4-25-2022	☐	☒		☒ Yes	☐ No
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Effective Date Exempt Non-Exempt Ending Date For Temporary Is this a budgeted position?

N	3	\$23.96	☒ Hour	\$	☐ Bi-weekly	☒ 40	☐
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Grade/Step Pay Rate Hours Per Workweek

Approvals:

Department: _____ Date: 4-4-22

Personnel: E. A. War 4/4/2022

BOCC
Chairman: _____

Member: _____

Member: _____

RILEY COUNTY PERSONNEL ACTION FORM

☐ Add	Supervisor:	Fill Request Date: 3/30/2022
☒ Change	Dept Head: Julie Gibbs	Employee #

☐ New Hire	☐ Rehire	☐ Transfer	☐ Promotion	☒ Separation from
☐ Step Change	☐ Status Change	☐ Demotion	☐ Other	County Service

☐ Full Time	☐ Regular	☒ As-Needed	☐ Seasonal
☐ Part Time	☐ Grant Funded	☐ Intern	☐ Temporary

Henderson	Nathan		
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Name: Last First Middle Home Phone

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Address: Street City State Zip

Covid-19 Contact Tracer	Health Department	0030-000400-0337
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Position Title Department Fund

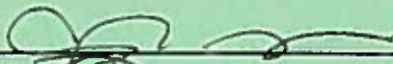
3/29/2022	☐	☒		☒ Yes	☐ No
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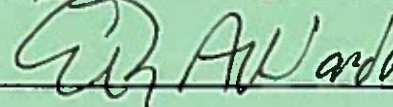
Effective Date Exempt Non-Exempt Ending Date For Temporary Is this a budgeted position?

B	09	\$15.96	☒ Hour	\$	☐ Bi-weekly	☐ 40	☐
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Grade/Step Pay Rate Hours Per Workweek

Approvals:

Department:  Date: 3-31-22

Personnel:  3/31/2022

BOCC

Chairman: _____

Member: _____

Member: _____

RILEY COUNTY PERSONNEL ACTION FORM

☒ Add ☐ Change	Supervisor: Donna Borgerding, Dept Head: Shilo Heger	Fill Request Date: 4-4-2022 Employee #
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☒ New Hire ☐ Step Change	☐ Rehire ☐ Status Change	☐ Transfer ☐ Demotion	☐ Promotion ☐ Other	☐ Separation from County Service
--	---	--	--	--

☒ Full Time ☐ Part Time	☐ Regular ☐ Grant Funded	☐ As-Needed ☐ Intern	☐ Seasonal ☐ Temporary
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Holcomb	Tasha		
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Name: Last First Middle Home Phone

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Address: Street City State Zip

Customer Service Representative I	Treasurer	00001-000007
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Position Title Department Fund

4-18-2022	☐ Exempt ☒ Non-Exempt		☒ Yes ☐ No
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Effective Date Exempt Non-Exempt Ending Date For Temporary Is this a budgeted position?

F	2	\$15.66	☒ Hour ☐ Bi-weekly	☒ 40 ☐
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Grade/Step Pay Rate Hours Per Workweek

Approvals:

Department: Shilo Heger Date: 4/4/22

Personnel: E. H. Ward 4/4/22

BOCC

Chairman: _____

Member: _____

Member: _____

RILEY COUNTY PERSONNEL ACTION FORM

☒ Add ☐ Change	Supervisor: Doug Byarlay Dept Head: John Ellermann	Fill Request Date: 04/07/2022 Employee #
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☒ New Hire ☐ Step Change	☐ Rehire ☐ Status Change	☐ Transfer ☐ Demotion	☐ Promotion ☐ Other	☐ Separation from County Service
--	---	--	--	--

☒ Full Time ☐ Part Time	☐ Regular ☐ Grant Funded	☐ As-Needed ☐ Intern	☐ Seasonal ☐ Temporary
---	---	---	---

Adolph	Keane		
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Name: Last First Middle Home Phone

--	--	--	--

Address: Street City State Zip

Traffic Control Technician	Public Works/Operations & Fleet	001-40
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Position Title Department Fund

04/18/2022	☐	☒		☒ Yes ☐ No
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Effective Date Exempt Non-Exempt Ending Date For Temporary Is this a budgeted position?

I	4	\$19.37	☐ Hour	\$	☐ Bi-weekly	☒ 40	☐
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Grade/Step Pay Rate Hours Per Workweek

Approvals:

Department: John Ellermann Date: 4-5-2022

Personnel: Edy A Ward 4/8/2022

BOCC

Chairman: _____

Member: _____

Member: _____

RILEY COUNTY PERSONNEL ACTION FORM

☐ Add	Supervisor: Evan McMillan	Fill Request Date: 04/07/2022
☒ Change	Dept Head: John Ellermann	Employee #

☐ New Hire	☐ Rehire	☐ Transfer	☐ Promotion	☒ Separation from
☐ Step Change	☐ Status Change	☐ Demotion	☐ Other	County Service

☒ Full Time	☐ Regular	☐ As-Needed	☐ Seasonal
☐ Part Time	☐ Grant Funded	☐ Intern	☐ Temporary

Terrell	Gilbert		
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Name: Last First Middle Home Phone

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Address: Street City State Zip

PW Operator II	Public Works/Solid Waste Div	150-150
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Position Title Department Fund

06/20/2022	☐	☒		☒ Yes	☐ No
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Effective Date Exempt Non-Exempt Ending Date For Temporary Is this a budgeted position?

I	18	\$29.30	☐ Hour	\$	☐ Bi-weekly	☒ 40	☐
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Grade/Step Pay Rate Hours Per Workweek

Approvals:

Department: John Ellermann Date: 4-5-2022

Personnel: Evan McMillan 4/15/2022

BOCC

Chairman: _____

Member: _____

Member: _____



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
April 11, 2022**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

[District 1 – John Ford, Member](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Rich Vargo, County Clerk

1. Year to date budget and expenditure reports

9:15 AM

Craig Cox, Deputy County Counselor

2. Guardian Ad Litem and Military Attorney for the tax foreclosure case

9:30 AM

Press Conference

3. Downtown Manhattan update - Gina Synder (3-5 minutes)

10:00 AM

Break

10:10 AM

John Ellermann, Public Works Director/County Engineer

4. Project update
5. North County EMS Consultant Selection

10:40 AM

Clancy Holeman, Counselor/Director of Administrative Services

6. Administrative Work Session

11:00 AM

Allana Saenger, Museum Director

7. Staff update

Attachment: 04-11-22 tentative agenda (11649 : Tentative Agenda)

12:30 PM **Executive session to discuss a performance matter involving non-elected personnel**

1:30 PM **Executive session to discuss a performance matter involving non-elected personnel**

Adjournment

Announcements

Riley County Planning Board/Board of Zoning Appeals meeting will be held tonight at 7:30 p.m. in the Commission Chambers, Courthouse Plaza East Building, 115 N. 4th Street.

A commissioner will be on In Focus live at 9:05 a.m. Tuesday, April 12, 2022 (JF).

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 04-11-22 tentative agenda (11649 : Tentative Agenda)



**Board of Riley County
Commissioners
Regular Meeting
TENTATIVE Agenda
April 14, 2022**

115 North 4th Street
Manhattan, KS 66502
www.rileycountyks.gov

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

[District 2 – Greg McKinley, Chair](#)

[District 3 – Kathryn Focke, Vice Chair](#)

[District 1 – John Ford, Member](#)

8:30 AM

Call to Order

Pledge of Allegiance

Public Comment

Commission Comments

Business Meeting

1. Discuss Joint City/County/County Meeting
2. Discuss Intergovernmental Luncheon

Review Minutes

Review Tentative Agenda

Press Conference Topics

9:00 AM

Clancy Holeman, Counselor/Director of Administrative Services

3. Administrative Work Session

9:20 AM

Break

9:30 AM

Shilo Heger, Treasurer

4. Monthly Revenue Reports

9:45 AM

Jason Smith, Manhattan Area Chamber of Commerce

5. Economic development update

10:00 AM

Julie Gibbs, Health Department Director

6. Staff update

10:30 AM

Budget and Planning Committee - Budget and Finance Officer

7. Monthly Cash Flow Reports

10:50 AM

Executive session to discuss a performance matter involving non-elected

Attachment: 04-14-22 tentative agenda (11649 : Tentative Agenda)

personnel

Adjournment

In order to comply with provisions of the Americans with Disabilities Act (ADA), Riley County will make reasonable efforts to accommodate the needs of persons with disabilities. Please contact the Division of Human Resources at (785) 537-6303 (voice and TTY) for assistance.

Attachment: 04-14-22 tentative agenda (11649 : Tentative Agenda)



COUNTY CLERK & ELECTIONS
Budget

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Rich Vargo, Riley County Clerk
MEETING: April 7, 2022
SUBJECT: 2023 Budget Baseline
PRESENTER: Rich Vargo, Riley County Clerk

BACKGROUND

Attached is the 2023 Budget Calendar. Due to the Revenue Neutral Rate process the calendar is much extended from prior years. Also the dates are somewhat fluid with the legislature still being in session as they have adjusted a couple of the dates from last year and could do it again.

Annually the Board of County Commissioners (BOCC) has given direction to the departments and outside agencies in establishing the Budget Baseline. The baselines below have been used in the past 11 budget cycles:

<u>Budget Year</u>	<u>Baseline used:</u>
2022	All budgets reflecting departmental needs being aware of current economic conditions and tax sentiment of the public. New positions will not be added to the proposed budgets. STEP will be included on the proposed budgets for all personnel. New position request will go to the Human Resource Manager to be presented for consideration at a future budget work session.
2021	All budgets were requested to be frozen or reduced. Non-essential purchases were not to be included. Only critical, essential and emergency purchases should be part of the budget. Do not include requests for new personnel positions. Do not include strategic planning requests. Further adjustments may be requested as deemed necessary.

- 2015-2020 Present budgets reflecting statutory requirements and business needs as well as the costs to implement each department's five-year strategic plan.
- 2014 Present budgets reflecting their statutory requirements and 2014 business needs.
- 2013 Present budgets reflecting their 2013 budgets reflecting their statutory requirements
- 2012 Present budgets reflecting their departmental needs being aware of the current economic conditions and tax sentiment of the public.
- 2011 2009 actual expenditure figures as well as the direction for Department Heads request what they need to operate their departments.

DISCUSSION

In the past, prior year actual values or budget figures have been used while other considerations have recently been used including the allowance of Department Heads to submit budget requests based on what they project is necessary for each of the 3 C's (Contractual Services, Commodities, and Capital Outlay).

FISCAL IMPACT

N/A

RECOMMENDATION(S)

N/A

POSSIBLE MOTION(S)

Move to approve

Move to deny

Move to modify

Move to table

No action required.

The Board agreed by consensus to

Enclosures:

- 2023 Budget Calendar (PDF)



Riley County 2023 Internal Budget Calendar

Date	Activity
April 7, 2022	Present 2023 Budget Calendar to Commission and Board establish 2023 budget baseline.
April 8, 2022	Distribute 2023 budget calendar to department heads for review at the Department Head meeting.
Apr 8	Budget and Finance Officer to formulate 2023 budget baseline estimates as applicable.
Apr 11	HR Manager to forward preliminary personnel reports to departments for verification. CPI-U for December annual from Bureau of Labor Statistics included in reports as guideline.
On or before Apr 20	Budget & Finance Officer sends letters to outside entities/agencies for appropriation requests.
Apr 22	Departments submit preliminary personnel reports to HR Manager & Budget & Finance Officer.
May 1	2023 Rev/Exp Budget Request Forms distributed to depts/funds w/personnel numbers & budget baseline estimates.
On or before Apr 30	Total real estate appraised value determined by the Appraiser's Office.
On or before May 20	Outside agency appropriation requests due to Budget and Finance Officer
On or before May 27	Departmental revenue and expenditure budget requests due to Budget and Finance Officer. Benefit district and special fund budgets due to Budget & Finance Officer. Revenue estimates received from the County Treasurer.
June 1 (Statute)	Personal Property, Utilities, 16/20 M Vehicles, and Oil & Gas valuations certified.
June 6, 9, 13 & 16	Meetings between Commissioners and agencies/entities requesting appropriations. Meetings between Commissioners and Department Heads to discuss budget requests.
June 7	Budget & Planning Committee to discuss compiled budget information.
June 15	Value of 1 Mill and Revenue Neutral Rate established for all taxing subdivisions and distributed by County Clerk.
June 20	Preliminary budgets are distributed to BOCC. 2022 COLA presentation included for consideration by BOCC.
June 23 - July 14	Budget & Planning Committee & Commission budget work sessions. Department Heads review final proposed budgets with Commission as necessary.
July 15	Final day to notify County Clerk of intent to levy above RNR
on or before Aug 10	Clerk sends information to taxpayers of intent to exceed RNR
August 15	Commissioners approve auditor review of county budgets.
August 19	Budget documents are finalized and sent to auditor for review.
September 1	Present Final Proposed Budget & Notice of Budget Hearing and Intent to Exceed RNR to Commissioners
September 1	Send Hearing and RNR Notice to <i>Manhattan Mercury</i>
September 6	Publication in the <i>Manhattan Mercury</i> of the proposed budget and notice of public and RNR hearing.
September 19	2023 Budget - Public Hearing and RNR Hearing
October 1	Adopted budget due to County clerk (intent to exceed RNR)--Resolution passed between Aug. 20-Sept. 20

Attachment: 2023 Budget Calendar (12056 : 2023 Budget Calendar & 2023 Budget Baseline)



NOXIOUS WEED/HHW
Staff Update

Michael Boller
Noxious Weed Director
6245 Tuttle Creek Blvd
Manhattan, KS 66503
Phone: 785-539-3202

STAFF REPORT

FROM: Director Noxious Weed Michael Boller

MEETING: April 7, 2022

SUBJECT: Staff Update

PRESENTER: Director Noxious Weed Michael Boller

Enclosures:

- 4-7-22 Staff Report (DOC)

Riley County Noxious Weed/HHW Department

Michael Boller, Director

April 7, 2022

Staff Report

Noxious Weed/Mowing:

- Spring spraying began this week with bare ground applications on county roads. Bare ground includes sign spraying, roadside, guardrails and parking lots and utility areas maintained by the county. Weather has not been a factor so far this spring and we are right on schedule.
- Solid spraying for noxious and annual weeds will begin this month as weather permits. One-third of the county is solid sprayed every year. This year the middle county will be treated.
- Spring seeding projects on county right-of-way began March 31st. Public Works crews were busy over the fall with ditch clean outs and projects so there are several areas in the county that will require seeding. There are over 40 project areas across the county and crews began in the north part of the county and working south.
- Noxious Weed Department currently has a full stock of cost share chemical to sale although availability and cost have been effected due to several events at the international level. This information has been updated on the county website and we continue to monitor the situation and do what we can to keep costs down and a stock on hand but this is subject to change.
- County roadside mowing will begin in May.

HHW:

- Next HHW collection at Howie's Recycling is Saturday, April 9, 2022 from 8:00am to 12:00 noon. No business waste will be accepted at this event or truck loads of waste. Due to the City of Manhattan clean out we have seen an increase of material at the HHW.
- Clean Harbors (HHW contractor) conducted clean-out at our facility in March.
- The Riley County HHW Facility has recycled latex paint to give away. We have one gallon and five gallon containers available.
- Regional training for HHW operators will be conducted in cooperation with Barton County Community College. The training will take place May 8th at the Riley County Public Works training room.
- Justin Brenner and I will be attending WORKS training for solid waste and HHW management in Topeka from April 25th to April 27th



COUNTY CLERK & ELECTIONS
Personnel

Rich Vargo
County Clerk
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

COMMISSION AGENDA REPORT

FROM: Elizabeth Ward, Human Resource Manager

MEETING: April 7, 2022

SUBJECT: Request to for Employee Workgroup to Examine Compensation & Benefits Proposal

PRESENTER: Elizabeth Ward

BACKGROUND

In 2008 a full study of Riley County positions was conducted and implemented in January 2009.

In 2011 the Health Department was added and study provided to place all positions on Riley County pay system.

In 2015 a “mini compensation study” was conducted by McGrath for 21 positions submitted by request of each Department Head. Of those submitted 18 adjustments were made in January 2016.

In 2017 EMS/Ambulance was added as a department and a study implemented a pay system for the new 24 hour work schedule

Other requests of position reviews have been presented to McGrath since 2009 due to specific situations where we were not receiving qualified candidates applying for open positions. This occurred when industry was dictating the pay and we were not keeping up with the market.

For the 2022 budget, funds were approved for the purpose of conducting a salary study for Riley County. However, with the current market and the incredible changes in employee expectations over the last 2 years, the question on how to meet Riley County’s recruiting and retention needs has changed drastically.

DISCUSSION

Since the start of the pandemic, millions of people have left the job market. There are fewer workers available, and more employers vying for talent. Currently almost 50% of all businesses in America have job openings. For that reason alone, talent is simply more expensive.

Further, in past years, Riley County has deviated from our standard pay structure in several ways.

- 1) We were slated to have another salary study 5 years after the last one, it has now been 13 years since we have completed a full salary study.
- 2) In 2010 and again in 2021, Riley County did not offer a merit (step) increase to employees, which put us behind on pay an average of 6%
- 3) In 2010, 2011, 2017 and the first half of 2021 Riley County did not offer a Cost of Living increase to its employees which pushed our whole pay scale out of proportion with the actual costs in our region.
- 4) 2021 presented an increased inflation rate which has affected living expenses at a current rate of 5.1%. Riley County offered a 1% increase in COLA in 2022, so again the effect is a 4.1% decrease in buying power from 2021 to 2022.

In light of all of these challenges, Human Resources would like to form a workgroup to examine the needs at Riley County, investigate what benefits current employees value most from their employer, and recommend a course of action to the Department Heads and ultimately the County Commissioners.

To be effective, this group needs to consist of employee groups across our strata to include:

- Human Resources
- Department Head/Manager involvement
- Supervisors
- Employees with longevity at Riley County
- Employees who have recently joined Riley County.

I would propose this group consists of no more than 5-7 people total.

FISCAL IMPACT

Riley County has experienced increased staff turnover which costs not only productivity, but also significant cost to hire and train new employees.

Furthermore, our time to fill those positions has also increased greatly which extends the cost, but also puts pressure on the employees who are picking up the extra tasks, and potentially causes further turnover.

In 2022, as of April 1, we are on track to have 84 jobs posted this year. The cost estimate of this is hard to nail down, but some estimates include:

- \$31,000 in Human Resource admin costs
- \$25,200 in advertising costs
- \$5000 in department head costs, just to open position

- Unknown costs for supervisors, department heads and team members for onboarding a new employee

RECOMMENDATION(S)

Recommendation is for the Commissioners to approve the formation of a workgroup to examine the needs of Riley County current and future employees and empower the group to investigate valuable benefits and to propose one or more potential solutions to the County Commissioners.

POSSIBLE MOTION(S)

Move to approve the formation of an employee-focused workgroup to lead the compensation and benefits discussions at Riley County.

Move to deny

Move to modify

No action required.

The Board agreed by consensus to

Enclosures:



PLANNING & DEVELOPMENT
Staff Update

Amanda Webb
Planning/Special Projects
Director
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-537-6332

STAFF REPORT

FROM: Amanda Webb

MEETING: April 7, 2022

SUBJECT: Planning & Development - Staff Update

PRESENTER: Amanda Webb

Enclosures:

- April PD Update (PDF)
- 4 - April Staff Update Master (PDF)
- 2021 Annual Report (PDF)



PLANNING & DEVELOPMENT

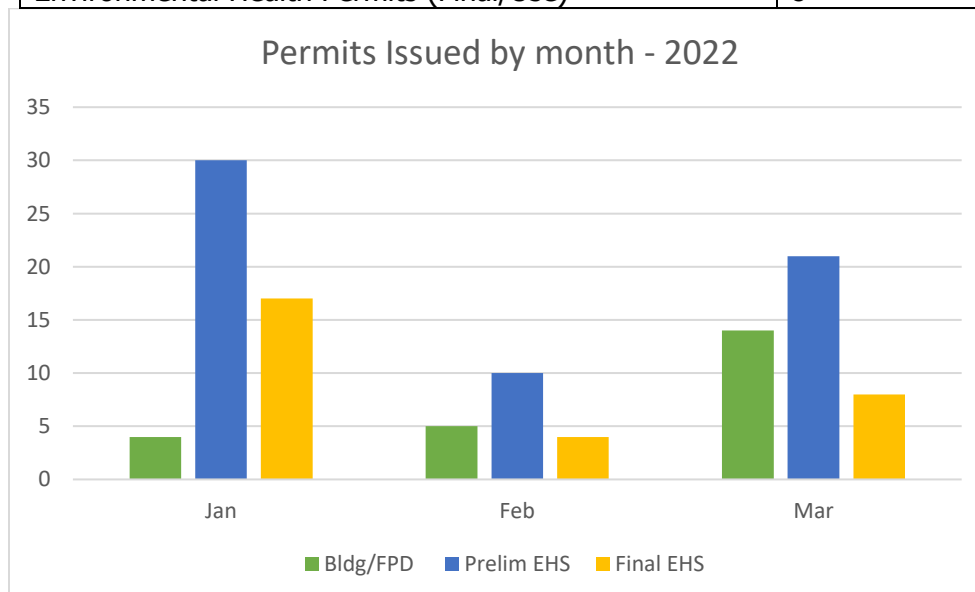
Date: April 7, 2022
To: Riley County Board of County Commissioners
From: Amanda Webb, Planning & Special Projects Director
Re: Planning & Development March Staff Report

Please see the attached project spreadsheet for more details.

March Highlights:

- The 2021 Planning & Development Annual Report is complete and attached.
- The Solid Waste Management Committee met March 24 to discuss the 2022 annual review, which is due to the state by May 15, 2022. The group does not anticipate many changes and nothing major.
- The Master Food Plan Leadership committee continued work on the Master Food Plan, reviewing and drafting goals and action steps.
- We are working with GovBuilt to get our new permit software set up.

March 2022 permits issued:	
Building/floodplain development permit:	14
Environmental Health Permits (Preliminary Approval)	21
Environmental Health Permits (Final/Use)	8



Attachment: April PD Update (12031 : Staff Update)

- I attended the following:
 - City of Manhattan Housing Market Analysis presentation
 - Intergovernmental luncheon
 - Master Food Plan Leadership Team meeting
 - KAC legislative liaison calls (weekly)
 - Downtown Manhattan Inc.
 - Web Team meeting
 - Digital Planning in a Digital World webinar through Ohio APA
 - Grant writing workshop through Kansas State University Research and Extension

Upcoming of note in April:

- The Manhattan Urban Area Planning Board and the Riley County Planning Board will conduct public hearings on the proposed Land Development Regulation amendments on April 4, 2022, and April 11, 2022 respectively.
- The Riley County Planning Board will also review the 2021 Annual Report and discuss the 2022 Annual Comprehensive Plan update.
- There will be a presentation on the proposed Master Food Plan at the Joint City and County meeting on April 21, 2022.
- Staff will provide a Keats sewer benefit district update to the BOCC on April 21, 2022.
- The Solid Waste Management Committee's Battery Recycling Program will kick off to coincide with Earth Day, April 22, 2022. We have received permission from the trash haulers in town to place awareness stickers on residential cans (with some of the haulers offering to do it for us!). We will also send out an informational flyer and do other outreach to get the word out.
- The Kansas Association of County Planning & Zoning Officials (KACPZO) annual conference is scheduled for April 27 and 28 in Mulvane. Bob Isaac, Darrin Hobbs, and I will be attending the first in person conference in over two years.

Further Ahead:

- Staff will give Comprehensive Plan update presentations to the Riley County Planning Board and the Manhattan Urban Area Planning Board in May.

“When in doubt, don’t throw it out!”

15.a

DO NOT THROW BATTERIES IN THE TRASH!



Please take them to your nearest recycling center, or visit www.rileycountyks.gov for a list of drop-off sites.

Help us...

**Prevent trash truck fires!
Recycle all types of used batteries!
Spread the word and help make a difference!**



Packet Pg. 31

Attachment: April PD Update (12031 :

Projects	Staff	Status	Task	Start Date	Request to Prosecute	Deadline
Long Range Planning						
Land Development Regulations	Amanda Webb, Bob Isaac & Darrin Hobbs	BOCC adopted; effective 1/1/2022. Held workshop with RCPB on 2/14/2022 and MUAPB on 2/21/2022. Discussion with BOCC on 3/3/2022.	Conduct public hearings.	1/1/2022		5/2/2022
Keats Sewer District	Amanda Webb & Perry Piper	Sam Johnson working on final PER. Committee met with USDA. Cost have risen significantly since original estimates and there are concerns with higher property owner cost. BOCC committed \$800,000 in ARPA funding. Sent letters to prospective property owners to inquire about purchasing 10 acres for a lagoon. No interest.	Providing BOCC update 4/21/2022.	11/1/2014		12/31/2022
Sewer agreement for County shop area	Clancy Holeman & Craig Cox	Met with City staff to discuss report and agreement. City staff analysis reveals that the sanitary system has adequate capacity for the proposed development area.	Wait on City and County Counselors to draft agreement. Investigate water options. Update BOCC on process.	2/1/2014		TBD
NG911 - Private Road Naming	Amanda Webb & Lisa Daily	NG911 Committee met to discuss funding. Emergency Management has agreed to funding the advertising and filing fee as long as only two or three are done per year. Planning & Development has agreed to funding the postage. Committee decided to move forward with renaming a private road off Marlatt Avenue to Dodge Lane. Pre-notification letters were mailed 2/18/22. Second notification letters were mailed 3/21/22.	Schedule notice of public hearing.	8/1/2015		4/21/2022
Develop Riley County - historic land use changes in Wildcat Creek Watershed	Darrin Hobbs	Information gathering from NASA complete for report. Report has been finalized. Waiting for end product.	Present report to all participating entities.	6/1/2020		6/30/2022
Regulations						
Grants						
Keats Sewer District	Amanda Webb	Sam Johnson working on final PER. Committee met with USDA. Cost have risen significantly since original estimates and there are concerns with higher property owner cost. BOCC committed \$800,000 in ARPA funding. Sent letters to prospective property owners to inquire about purchasing 10 acres for a lagoon. No interest.	Providing BOCC update 4/21/2022.	TBD		12/31/2022
CDBG-CV	Amanda Webb & Lisa Daily	Grant awarded for meal program and job retention program. Close out meeting with KDOC on August 3, 2021.	Sent everything to the State, waiting response.	7/27/2020		4/30/2022
KDHE Solid Waste Grant	Amanda Webb	Awarded grant for battery recycling education program. Held meeting September 20th. Sticker design complete. 1000 stickers have been received. Committee met 2/24/2022. Ordered more stickers.	Working on flyers. Plan to kick off project on Earth Day 4/22/2022.	8/1/2021		7/1/2022
Current Planning						
No Stone Unturned Foundation - PUD Amendment	Bob Isaac	Application received.	Process application. MUAPB	2/18/2022		4/4/2022
Land Development Regulation Amendments	Bob Isaac	NOPH's published.	Conduct MUAPB and RCPB public hearings			4/4/2022 & 4/11/2022
Wood - RUD EF	Bob Isaac	Application received.	Process application. MUAPB	2/17/2022		5/2/2022
Tegtmeier/LAWE LLC - PUD Amendment	Bob Isaac	Publish NOPH.	Conduct RCPB public hearing.	3/28/2022		5/9/2022
Fleming/Weiser - Plat & Rezone	Bob Isaac	Application received.	Process application. MUAPB			6/6/2022
Permits						
22-0020-NBLD Pottorff	Darrin Hobbs	Application received and processed. Conducted site inspection.	Permit issued.	2/4/2022		3/18/2022
22-0021-ADCP Pottorff	Darrin Hobbs	Application received and processed. Conducted site inspection.	Permit issued.	2/4/2022		3/9/2022
22-0032-NBLD Sanchez	Darrin Hobbs	Application received and processed.	Permit issued.	2/23/2022		3/29/2022
21-0146-MRWW Worrel	Perry Piper & Craig Cox	Application received and inspection completed. Spoke to property owner and mailed repair application with no response, additionally lateral field installed unlawfully. Repair application received. Met with Mrs. Worrel, she stated no Conservation money available. Told to contact USDA to see if they would qualify for low interest loan, they never. Sanitary Code Violation 21-0038.	Waiting on legal counsel to send compliance letter.	7/8/2021		8/23/2022
21-0174-MRWW Nehls	Perry Piper	Agreed on prescriptive easement route.	Conduct hearing officer meeting on 4/4/2022	8/10/2021		4/7/2022
21-0185-ADGR Myers & Maupin (shed)	Darrin Hobbs	Inspections completed, determined a variance is required. Bob and Darrin contacted property owner.	Follow up with property owner.	8/23/2021		5/1/2022
21-0228-MRWW Parker	Perry Piper	Application received and processed.	Schedule on site visit with homeowner to look at soils.	10/5/2021		4/30/2022
22-0006-OSPE Wilcoxson	Perry Piper	Application received. Soil profile completed and will need to install a lagoon or raised bed alternative system.	Lagoon application received from new property owners. Close out permit.	1/13/2022		4/15/2022
22-0013-XSTR Niehaus	Darrin Hobbs	Application received and processed.	Waiting on DWR and flood plain permit and elevation certificate.	1/25/2022		4/30/2022
22-0026-XAGB Kitterman	Darrin Hobbs	Application received and processed. Property owner hasn't cleared construction site area.	Conduct follow up inspection.	2/16/2022		4/28/2022
22-0042-ADGR Jones	Darrin Hobbs	Application received and processed. Conducted site inspection.	Proposed location of the garage does not meet setback requirements. After setback amendments to the Land Development Regulations are approved, permit will be issued.	3/3/2022		5/2/2022
20-0275-NBLD Williams	Darrin Hobbs	Due to situation with lagoon, certificate of occupancy can not be issued. Permit to build was issued for a 4 bedroom home.	Wait for lagoon issues to be resolved.	11/19/2021		4/30/2022
20-2085-OWWD Williams	Perry Piper	Preliminary construction approval for a M-35 for a 4 bedroom home was approved. An inspection of the home it was discovered the house is being built for 6 bedrooms. Letter was mailed to property owner to reduce the number of bedrooms or build a M-40 lagoon.	Consult with legal to revoke preliminary construction approval.	11/19/2021		4/30/2022
Property Maintenance Code Violations						
Kilner - Unsafe structure	Craig Cox	Judgment granted on 9.16.2021. Property enjoined from violating Property Maintenance Code. Defendant failed to comply	Filing Citation of Contempt.	8/18/2016		5/27/2022
21-0025 Harry Baxter - Dangerous Structure- 780 Tabor Valley Rd.	Darrin Hobbs	Property owner is aware that the building needs to be torn down.	Follow up with property owner.	4/27/2021		5/31/2022
Hermesch - Unsafe structure	Clancy Holeman	Counselor met with P&D staff for Property Maintenance Code application. Photos of property taken.	Counsel put property in 2018 tax case for 2014 & 2015 delinquent taxes.	11/24/2015		TBD

Attachment: 4 - April Staff Update Master (12031 : Staff Update)

Projects	Staff	Status	Task	Start Date	Request to Prosecute	Deadline
21-0088 Tuttle Terr - Inoperable vehicles/Unregistered vehicles, Mobile Homes that could be harboring rodents and animals, appliances, etc.	Darrin Hobbs	Inspection conducted and notification letter sent. Notification letter sent. No response, sent notice of violation. Due to violations, unable to issue Mobile Home Park license. Water leak has been repaired. Trash issues have been taken care of.	Conduct follow up inspection.Working with park manager on other violations.	12/9/2021		5/31/2022
Zoning Violations						
Doyle - Illegal mobile home storage (Mobile Gardens) Violation #10-0050	Craig Cox	Staff met with Charlotte Doyle on 8.31.2021.	Replat property and comply with zoning regulations.	12/17/2010	4/17/2012	6/10/2022
Doyle - Illegal salvage at residence Violation #05-0007	Craig Cox	Counsel and staff conducted site visits on 6/25/18 and 7/20/18. Mr. Doyle removed 600 tires and 3 mobile homes. March 19, 2021 conference with Mr. Doyle. He agreed to remove vehicles from the property. Set site visit for May 4, 2021. Mr. Doyle has moved about 90% of the tires and multiple vehicles to a staging area across from his residence for a salvage company to pick up, and will continue with this method. Next site visit 08/11/2021. Staff met with Charlotte Doyle on 08/31/2021.	Continue removing cars from property.	4/15/2013	5/1/2014	6/10/2022
Zeller/Thomas - Illegal sign	Craig Cox	Owner has limited signage to MHK Airport (governmental entity).	Counsel to schedule meeting with staff to discuss case status.	12/1/2011	9/27/2012	7/15/2022
Kilner - Unsafe structure	Craig Cox	Judgment granted on 9.16.2021. Property enjoined from violating Property Maintenance Code. Defendant failed to comply	Filing Citation of Contempt.	8/18/2016		5/27/2022
20-0063 - Satterlee: Inoperable vehicles and campers	Darrin Hobbs	Determined to be a violation. Notification letter sent. The Notification letter was resent by me for a fresh start to make contact with the property owner. Contacted property owner on what still needs to be removed and provided an aerial map.	Working on forwarding to legal.	9/27/2021		5/1/2022
20-0077 - Scott - Illegal salvage operation in residential zoning	Darrin Hobbs	Inspection completed and sent notification letter to property owner. Met with property owner on site and will be removing some items by 3/1/2021.	Working on forwarding to legal.	12/8/2020		5/1/2022
21-0053 Myers - building without a permit	Darrin Hobbs	Inspection completed, Notification Letter and Violation Notice sent. Applications received and processed. Bob and Darrin visited with property owner on 10/27/21 to confirm a Certificate of Survey would need to be done to confirm if the "well house" is located in the building setback. Property owner indicated he wanted to seek legal counsel.	Follow up with property owner.	7/14/2021		5/1/2022
20-0079 Miller - Illegal auto repair and salvage operation 1382 Pillsbury Dr	Darrin Hobbs	Inspection completed and sent notification letter to property owner. Property owner is making progress but no contact. Staff met with property owner and agreed to provide a plan to abate violations by 1/29/2021. Final notice of violation sent to property owner. Sent violation, final notice, property owner met with staff and agreed to provide a plan to abate the violation. No response or plan received.	Sending request to prosecute to Deputy County Counselor.	12/8/2020		5/1/2022
20-0087 Miller - Illegal auto repair and salvage operation 1420 Pillsbury Dr	Darrin Hobbs	Inspection completed and sent notification letter to property owner. Property owner is making progress but no contact. Staff met with property owner and agreed to provide a plan to abate violations by 1/29/2021. Final notice of violation sent to property owner. Sent violation, final notice, property owner met with staff and agreed to provide a plan to abate the violation. No response or plan received.	Sending request to prosecute to Deputy County Counselor.	12/21/2020		5/1/2022
20-0090 Fishgill LLC - Illegal auto repair and salvage operation 1312 Pillsbury Dr	Darrin Hobbs	Inspection completed and sent notification letter to property owner. Property owner wants an extension to remove tenant. Vehicles being removed. Sent notice of violation. No response.	Sending request to prosecute to Deputy County Counselor.	12/22/2020		5/1/2022
L21MHP-0004 TDJ Stables	Darrin Hobbs & Craig Cox	Renewal applications and fees received. License can't be issued until property is compliance sanitary code.	Waiting for sanitary code issues to be resolved.	11/20/2020		5/31/2022
21-0019 Britt - non compliance in flood hazard area/floodway	Darrin Hobbs & Craig Cox	Temporary Agreed Injunction filed with the Court. Review dates: July 15-DWS, August 15-No Rise, September 15-Riley County permit, November 1-Remove trees.	Settlement agreement filed. Darrin Hobbs to monitor for compliance, Darrin to monitor compliance and set contract date.	4/6/2021		7/15/2022
21-0090 Britt - Building a greenhouse without a permit and checking set-backs.	Darrin Hobbs	Inspection conducted and notification letter sent.	Contact property owner.	12/17/2021		5/31/2022
21-0091 Rogers - Inoperable/Unregistered vehicle, also outside storage.	Darrin Hobbs	Inspection conducted and notification letter sent. No response, sent notice of violation.	Monitoring progress.	12/21/2021		5/31/2022
22-0001 Servicemember AG Vo Ed Center - Building a greenhouse without a permit	Darrin Hobbs	Inspection conducted and notification letter sent.	Permit issued.	1/12/2022		4/1/2022
Sanitary Code Violations						
TDJ Stables - illegal repair	Perry Piper & Craig Cox	Legal and P&D staff met with Mr. Jones.	Waiting for better weather to have Mr. Jones dig up site to see what was done.	4/7/2020		6/28/2022
21-0022 Goss/Masterson - undersized lagoon	Perry Piper & Craig Cox	Violation determined.	Counsel to send letter.	4/14/2021		7/19/2022
21-0038 Worrell - Sanitation Violation	Perry Piper & Craig Cox	Spoke to property owner and mailed repair application with no response, additionally lateral field installed unlawfully. Repair application received.	Met with Mrs. Worrel, she stated no Conservation money available. Told to contact USDA to see if they would qualify for low interest loan, they never. Legal to send compliance letter.	6/23/2021		8/23/2022
21-0048 Wurtz - lagoon fencing requirement not completed	Perry Piper & Craig Cox	Violation letter sent to property owner. Counsel sent a letter to property owner. Fencing deadline 8/31/2021 and seeding deadline 9/30/2021. No trespassing sign placed at entrance. Legal to schedule meeting with staff.	Counsel to send letter.	7/9/2021		8/10/2022

Attachment: 4 - April Staff Update Master (12031 : Staff Update)

ANNUAL REPORT

January - December
2021



PLANNING & DEVELOPMENT
ENVIROMENTAL HEALTH

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**BOARD OF COMMISSIONERS
OF RILEY COUNTY, KANSAS**

Chair

John Ford
District 1

Vice-Chair

Greg McKinley
District 2

Member

Kathryn Focke
District 3



PLANNING AND DEVELOPMENT

OFFICE STAFF

110 Courthouse Plaza
 Manhattan, Kansas 66502
 Phone: (785) 537-6332
 Fax: (785) 537-6331

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Planning Compliance Specialist

Darrin Hobbs
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Environmental Health Specialist

Perry Piper, REHS/RS
 Extension: 7505
 Email: ppiper@rileycountyks.gov

Zoning Enforcement Officer January-September

Steve Higgins, CFM

Administrative Assistant II

Lisa Daily
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 Email: ldaily@rileycountyks.gov

Clerical Assistant

Stefanie Kastner
 Extension: 7504
 Email: skastner@rileycountyks.gov



RILEY COUNTY PLANNING BOARD/ BOARD OF ZONING APPEALS

MEMBERS

The Riley County Planning Board was established by the BOCC on December 17, 1973. The Board consists of 5 members who shall be residents of the County and a majority of which must live outside the corporate limits of any incorporated city in the County. This Board conducts public hearings on zoning, platting and special use requests and makes recommendations to the BOCC. They also review the Riley County Comprehensive Plan on an annual basis and recommend changes to the BOCC.

The Board of Zoning Appeals was established by the BOCC on September 15, 1965 as a board of not less than 3 members and not more than 7 members. This Board considers applications for variances and conditional uses. They also hear appeals from administrative decisions of the Planning and Development Department.

Resolution No. 021810-12 – A resolution relating to the designation of the Riley County Planning Board as the Riley County Board of Zoning Appeals for Riley County, Kansas; dissolving the existing Riley County Board of Zoning Appeals; and calling the first meeting for Riley County Board of Zoning Appeals was adopted February 18, 2010.

Chair

Dr. Tom Taul
3326 Trevelyan Ave
Manhattan, Kansas 66503

Terms Served:

2001-2003
2004-2006
2007-2009
2010-2012
2013-2015
2016-2018
2019-2021

Vice Chair

Diane Hoobler
1239 Sandy Land Rd
Manhattan, KS 66502

Terms Served:

Aug 2009-2010
2011-2013
2014-2016
2017-2019
2020-2022

Members

John Wienck
7990 Swede Creek Rd
Randolph, KS 66554

Terms Served:

2012-2014
2015-2017
2018-2020
2021-2024

Nathan Larson
15400 Madison Rd
Riley, KS 66531

Terms Served:

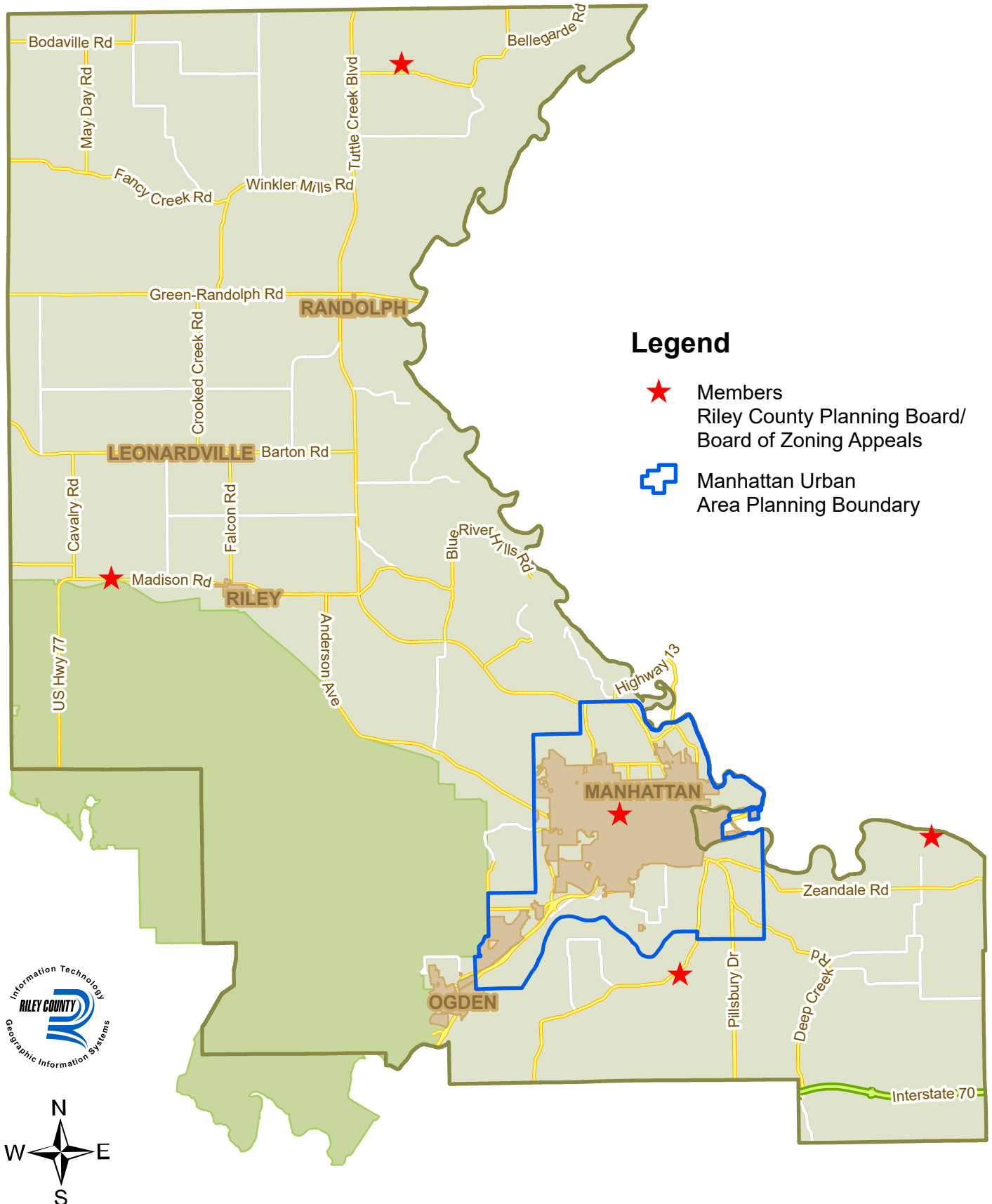
2018-2020
2021-2024

Joe Gelroth
2810 McDowell Creek Rd
Manhattan, KS 66502

Terms Served:

Feb 2018-Dec 2018
2019-2021

Location of Members Riley County Planning Board/Board of Zoning Appeals

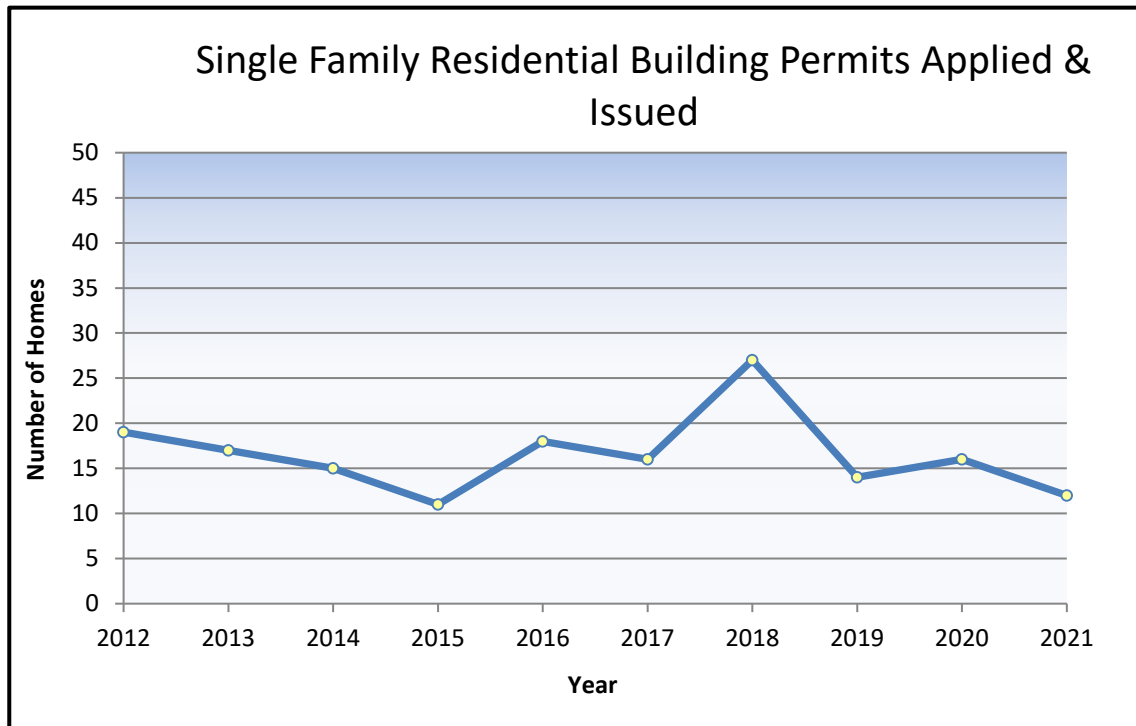


Attachment: 2021 Annual Report (12031 : Staff Update)

SUMMARY OF BUILDING PERMITS ISSUED IN 2021

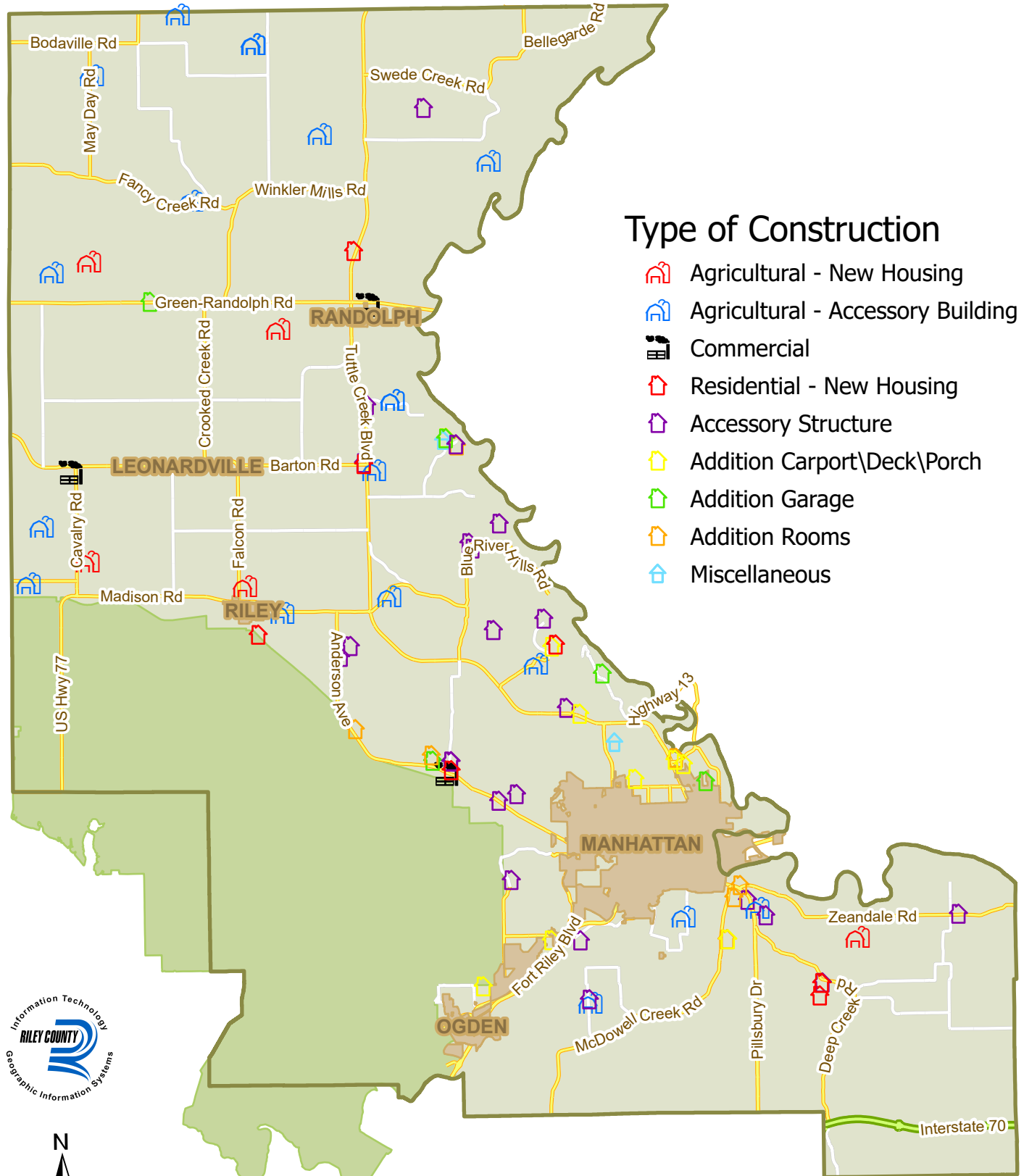
TYPE OF CONSTRUCTION	PERMITS APPLIED & ISSUED 2020	PERMITS APPLIED & ISSUED 2021	% OF CHANGE
Residential - New Housing	5	7	40%
Agricultural - New Housing	11	5	-55%
Residential - Accessory Structure	23	23	0%
Residential - Addition Carport\Deck\Porch	15	8	
Residential - Addition Garage	5	6	20%
Residential - Addition Rooms	9	7	-22%
Agricultural - Accessory Building	19	20	5%
Commercial	6	3	-50%
Miscellaneous: Accessory pool, Change of Use	2	2	0%
TOTAL PERMITS ISSUED	95	81	-15%

5



SINGLE FAMILY RESIDENTIAL BUILDING PERMITS APPLIED & ISSUED	
# of Homes	Year Built
12	2021
16	2020
14	2019
27	2018
16	2017
18	2016
11	2015
15	2014
17	2013
19	2012

Building Permits Issued - 2021

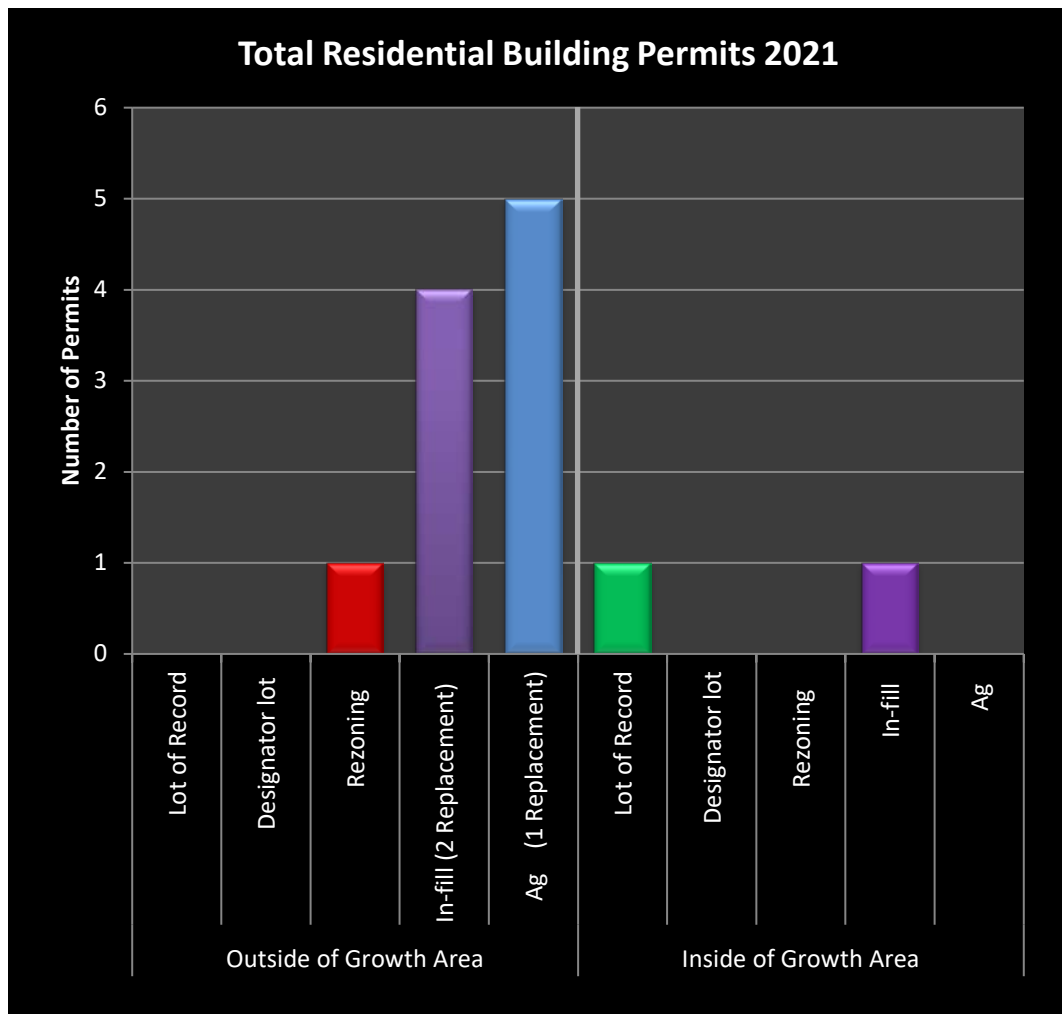


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January 29, 2022

81 Permits Issued in 2021

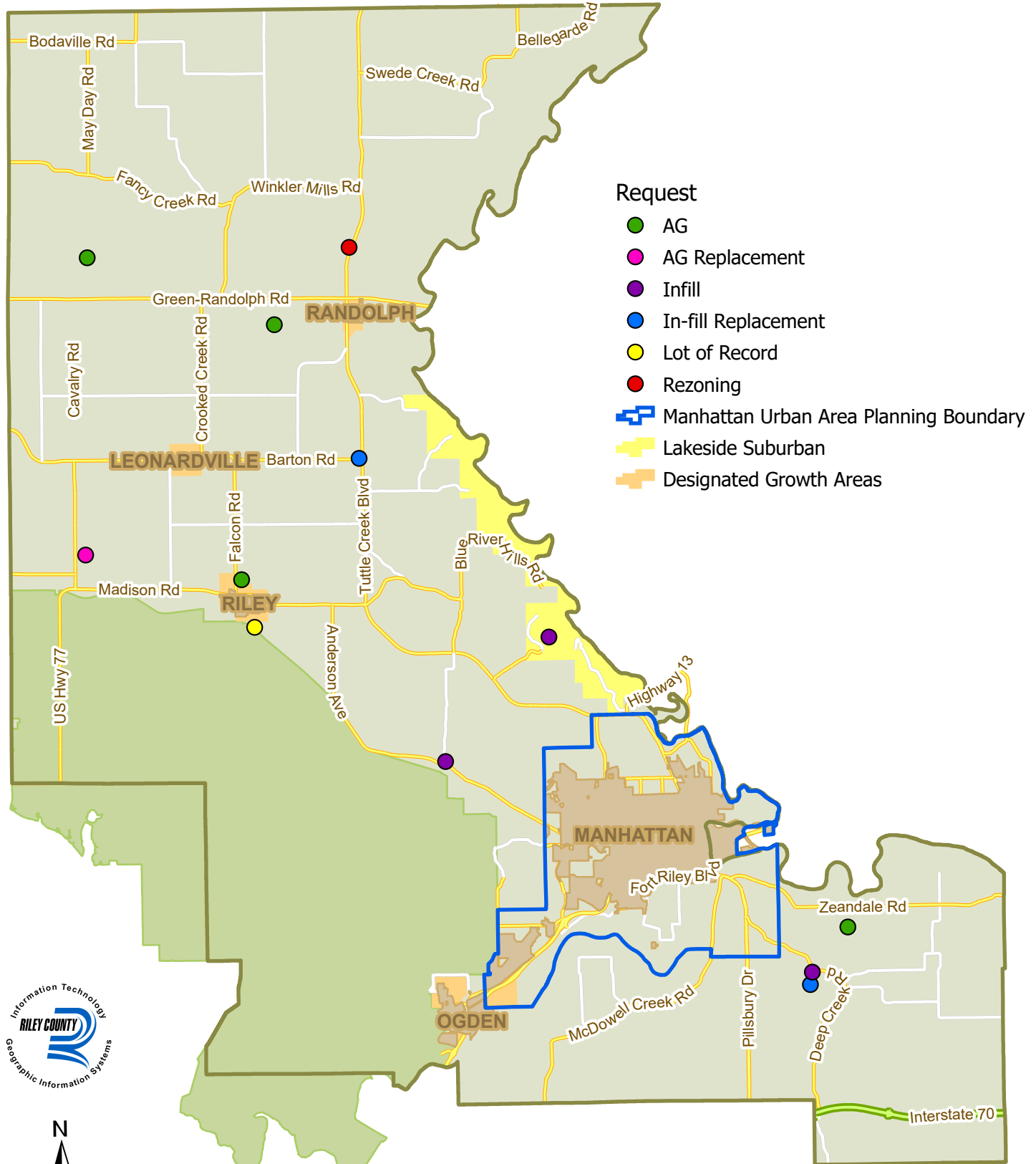


Principal Building Permits Issued			% of Total Non-Ag BPs
Outside of Growth Area	Lot of Record	0	71%
	Designator lot	0	
	Rezoning	1	
	In-fill (2 Replacement)	4	
	Ag (1 Replacement)	5	
	Sub-Total Non-Ag	5	
Inside of Growth Area	Lot of Record	1	29%
	Designator lot	0	
	Rezoning	0	
	In-fill	1	
	Ag	0	
	Sub-Total Non-Ag	2	

Total Building Permits Issued: 12
Total BPs Non-Ag Residence Issued: 7

- * Rezoning = building permit for principal structure for tracts rezoned AFTER May 21, 2012
- * In-fill = building permit for principal structure for tracts rezoned BEFORE May 21, 2012

Residential Building Permits Issued - 2021



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SIGN PERMITS ISSUED IN 2021

SIGN CLASSIFICATION	PERMITS ISSUED IN 2020	PERMITS ISSUED IN 2021
Advertising	3	0
Business - Awning	1	0
Business - Freestanding	1	0
Business - Wall	4	0
Business - Roof	0	0
Bulletin Board	0	0
Identification	0	1
TOTAL PERMITS ISSUED	9	1

Attachment: 2021 Annual Report (12031 : Staff Update)

FLOODPLAIN DEVELOPMENT PERMITS ISSUED IN 2021

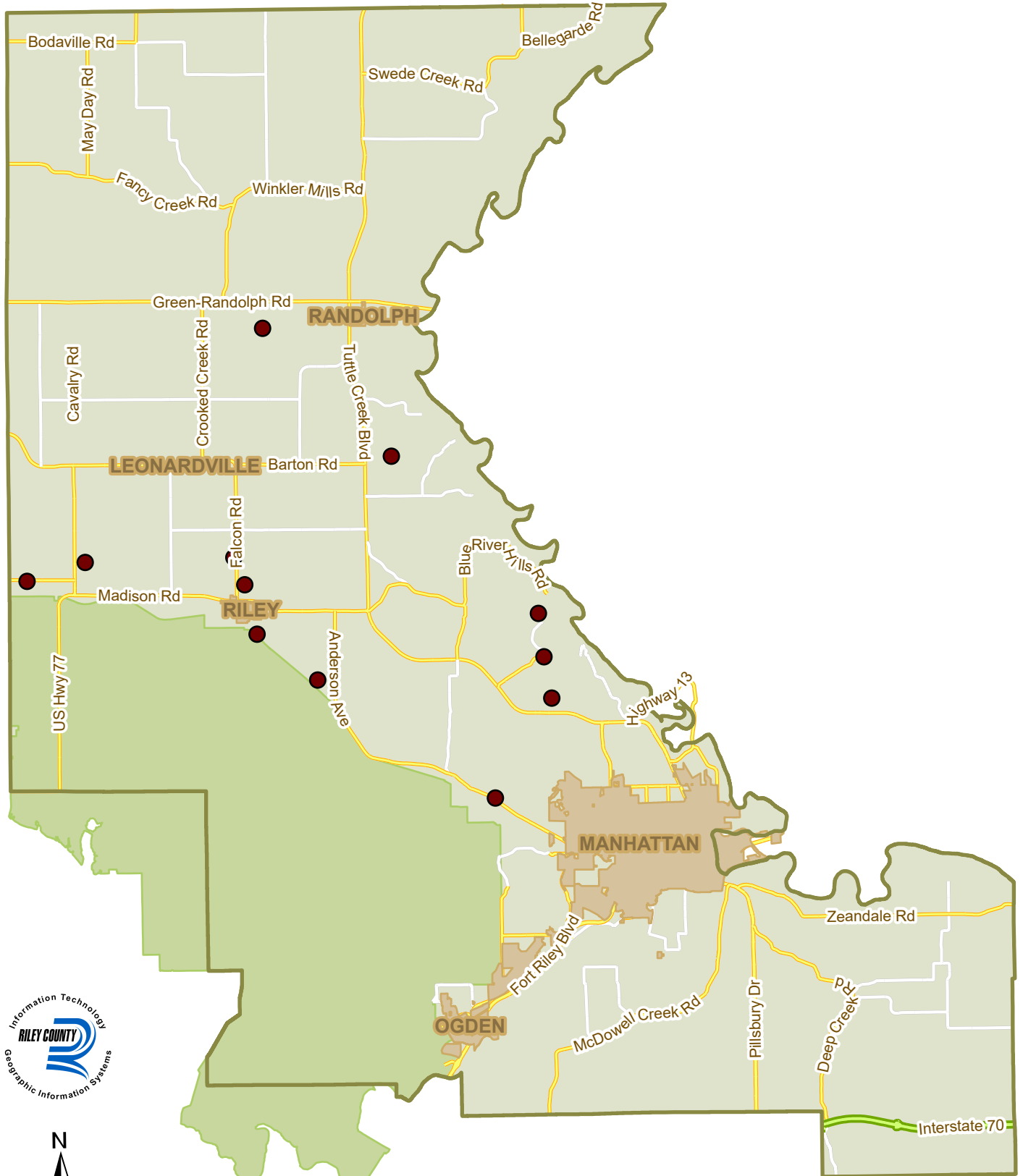
PERMIT #	PROPERTY LOCATION	OWNER	S-T-R	TYPE OF DEVELOPMENT
21-0043-OFLD	Manhattan Township	Union Pacific Railroad	26-10-7	Bridge replacement
21-0056-OFLD	9677 Sunstead Ln	Jennifer Livingood & Brenton Sullivan	9-9-6	New construction
21-0076-OFLD	7280 Zeandale Rd	Robert & Mary Mertz	22-10-9	Substantial improvement
21-0100-OFLD	3950-3990 Stagg Hill Rd	Stagg Hill LLC	27-10-7	New construction
21-0104-OFLD	3761 Cumberland Rd	Charles & Sandra Pottorff	15-10-7	Filling
21-0153-OFLD	1000 S Scenic Dr	Richard Jr & Angela Britt	22-10-7	Filling
21-0248-OFLD	48330000002000	The Larson Family Trust	33-6-5	Substantial improvement

SOIL PROFILE EVALUATIONS IN 2021

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Soil Profile Evaluations - 2021



January 29, 2022

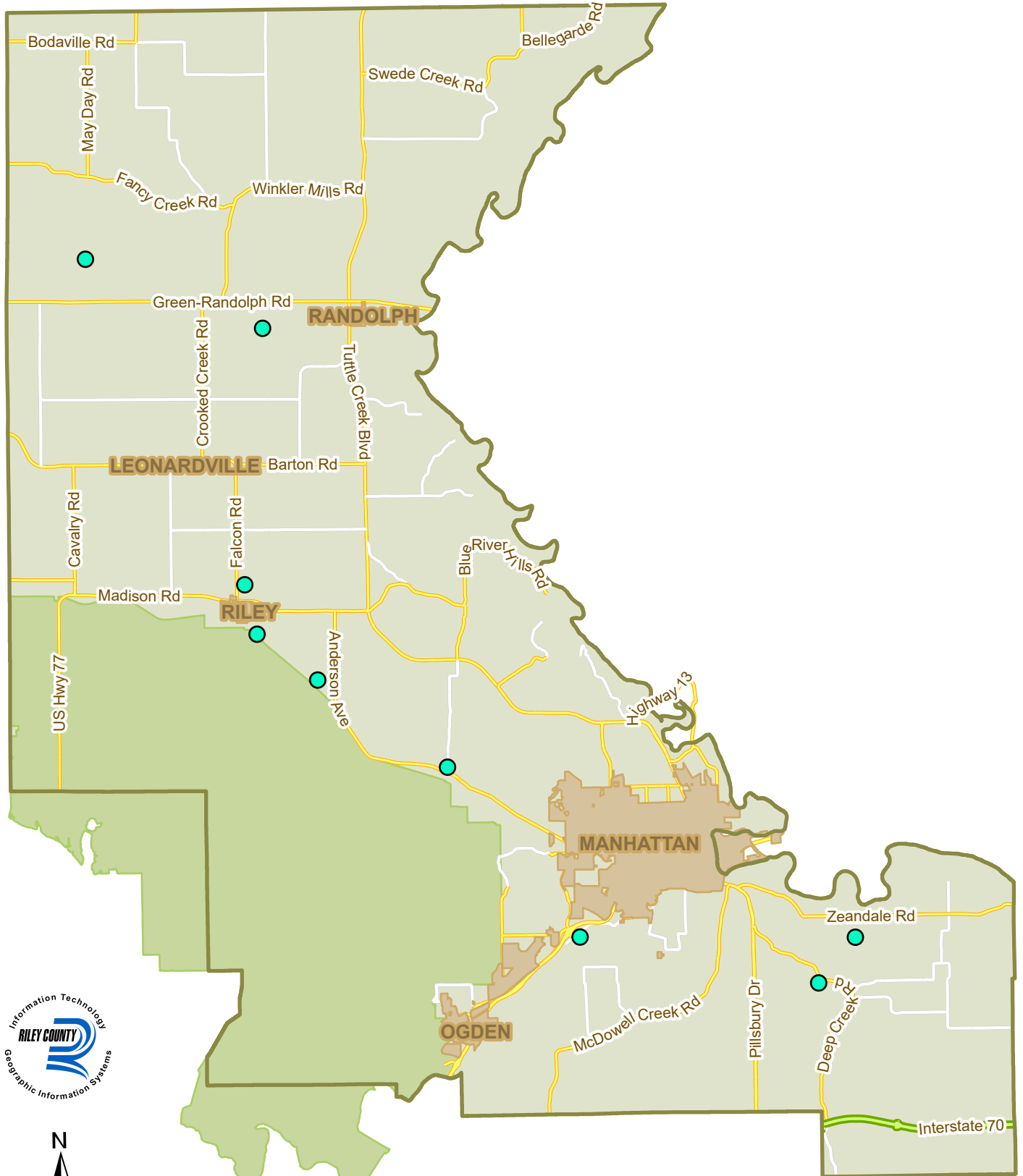
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NEW WASTEWATER DISPOSAL SYSTEM PERMITS ISSUED IN 2021

PERMIT #	PROPERTY ADDRESS	S-T-R	TYPE OF SYSTEM INSTALLED
21-0009-OWWD	4441 Stagg Hill Rd	27-10-7	Standard
21-0036-OWWD	16000 Pleasant Hill Rd	7-7-5	Stablization Pond
21-0071-OWWD	1399 Rock Springs Ln	25-10-8	Standard
21-0112-OWWD	00000 Union Rd	12-9-5	Standard
21-0136-OWWD	14130 Union Rd	19-7-6	Stablization Pond
21-0200-OWWD	5735 W 104th Ave	17-9-6	Standard
21-0216-OWWD	1608 Deep Creek Ln	2-11-8	Standard
21-0221-OWWD	7251 Angelias Way	36-9-6	Stablization Pond
21-0250-OWWD	7714 Falcon Rd	36-8-5	Stablization Pond

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New Wastewater Disposal Systems - 2021



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January 29, 2022

**REPAIR OF WASTEWATER SYSTEM PERMITS
ISSUED IN 2021**

PERMIT #	PROPERTY ADDRESS	CITY	TYPE OF REPAIR
21-0005-MRWW	2830 Marque Hill Rd	Manhattan	Major
21-0006-MRWW	3711 Rocky Ford Ave	Manhattan	Minor
21-0008-MRWW	9760 Jerusalem Rd	Randolph	Minor
21-0010-MRWW	6860 N 52nd St	Manhattan	Minor
21-0023-MRWW	3505 River Bend Rd	Manhattan	Major
21-0028-MRWW	12595 Green-Randolph Rd	Randolph	Major
21-0029-MRWW	5604 High Meadow Cir	Manhattan	Major
21-0039-MRWW	2803 Lakewood Dr	Manhattan	Minor
21-0044-MRWW	6621 Tuttle Creek Blvd	Manhattan	Major
21-0046-MRWW	6951 N 52nd St	Manhattan	Minor
21-0047-MRWW	17350 Bala Rd	Riley	Major
21-0049-MRWW	7018 Deer Trail Rd	Manhattan	Minor
21-0050-MRWW	5005 Vista Acres Dr	Manhattan	Major
21-0051-MRWW	1411 Collins Ln	Manhattan	Major
21-0052-MRWW	6909 Margaret Dr	Manhattan	Minor
21-0063-MRWW	11105 High Ridge Dr	Manhattan	Major
21-0066-MRWW	1910 Sod Ln	Manhattan	Major
21-0075-MRWW	8380 Frog Holler	Manhattan	Major
21-0077-MRWW	2510 Bent Tree Dr	Manhattan	Major
21-0078-MRWW	2261 Priboth Rd 216	Manhattan	Major
21-0081-MRWW	9411 Parallel Rd	Randolph	Major
21-0084-MRWW	2424 Rogers Blvd	Manhattan	Major
21-0090-MRWW	3706 Cottonwood Cir	Manhattan	Major
21-0091-MRWW	12263 Falcon Rd	Leonardville	Major
21-0095-MRWW	4241 Kaw Rd	Manhattan	Major
21-0096-MRWW	3306 Driftwood Dr	Manhattan	Minor
21-0097-MRWW	2619 Marque Hill Rd	Manhattan	Major
21-0106-MRWW	16140 Homestead Rd	Riley	Major
21-0107-MRWW	9301 Shady Ln	Manhattan	Major
21-0110-MRWW	4916 Tuttle Cove Rd	Manhattan	Major
21-0115-MRWW	9280 Barton Rd	Leonardville	Major
21-0117-MRWW	3381 Mineral Springs Spur	Manhattan	Minor
21-0118-MRWW	3211 Buffalo Rd	Manhattan	Major
21-0119-MRWW	12481 Blue River Hills Rd	Manhattan	Major
21-0126-MRWW	10016 Blue River Hills Rd	Manhattan	Major
21-0127-MRWW	5002 Vista Acres Dr	Manhattan	Major
21-0131-MRWW	3706 Cottonwood Cir	Manhattan	Major
21-0132-MRWW	9310 Blue Ridge Rd	Manhattan	Major
21-0134-MRWW	9270 Barton Rd	Leonardville	Major
21-0138-MRWW	14404 Lake Ridge Rd	Randolph	Major
21-0140-MRWW	16 Perry Dr	Manhattan	Major
21-0141-MRWW	25 Perry Dr	Manhattan	Major
21-0145-MRWW	9301 Shady Ln	Manhattan	Major
21-0146-MRWW	4240 Kaw Rd	Manhattan	Major

Attachment: 2021 Annual Report (12031 : Staff Update)

**REPAIR OF WASTEWATER SYSTEM PERMITS
ISSUED IN 2021**

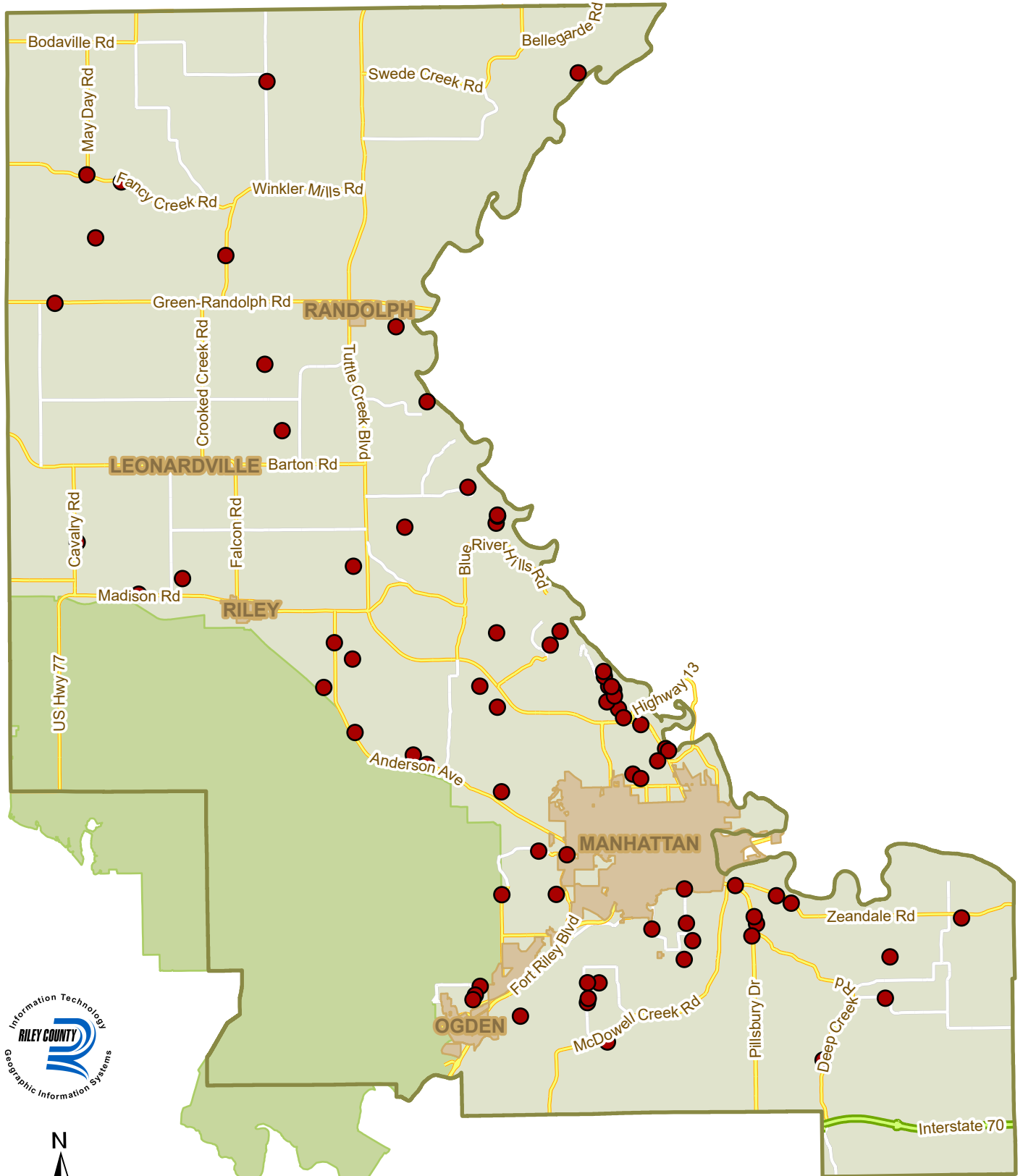
PERMIT #	PROPERTY ADDRESS	CITY	TYPE OF REPAIR
21-0147-MRWW	461 Tabor Valley Rd	Manhattan	Major
21-0148-MRWW	2467 Woodside Ln	Manhattan	Major
21-0149-MRWW	6617 Harbour Haven Dr	Manhattan	Minor
21-0154-MRWW	5884 Tuttle Creek Blvd	Manhattan	Major
21-0156-MRWW	3971 McDowell Creek Rd	Manhattan	Major
21-0159-MRWW	17350 Bala Rd	Riley	Major
21-0160-MRWW	3906 Wildcat Creek Rd	Manhattan	Major
21-0168-MRWW	2422 Rogers Blvd	Manhattan	Major
21-0169-MRWW	1167 S Manhattan Ave	Manhattan	Major
21-0173-MRWW	3197 Reservation Dr	Manhattan	Minor
21-0174-MRWW	7114 Lake Land Dr	Manhattan	Major
21-0177-MRWW	15720 S Otter Creek Rd	Leonardville	Major
21-0180-MRWW	8454 Fairview Church Rd	Manhattan	Minor
21-0186-MRWW	18750 School Branch Rd	Randolph	Major
21-0189-MRWW	8080 Anderson Ave	Manhattan	Major
21-0194-MRWW	1374 Collins Ln	Manhattan	Minor
21-0199-MRWW	6767 Deer Trail Rd	Manhattan	Major
21-0206-MRWW	2962 Marlatt Ave	Manhattan	Major
21-0212-MRWW	9521 Lakeshore Dr	Manhattan	Major
21-0217-MRWW	1464 McDowell Creek Rd	Manhattan	Major
21-0218-MRWW	8884 Longhorn Ln	Manhattan	Major
21-0219-MRWW	3410 Top of The World Dr	Manhattan	Minor
21-0225-MRWW	7003 Deer Run	Manhattan	Major
21-0227-MRWW	2802 W 40th Ave	Manhattan	Major
21-0228-MRWW	3120 S 20th St	Manhattan	Major
21-0229-MRWW	1167 S Manhattan Ave	Manhattan	Major
21-0238-MRWW	2920 W 40th Ave	Manhattan	Major
21-0245-MRWW	2464 Brookfield Dr	Manhattan	Major
21-0246-MRWW	1301 Zeandale Rd	Manhattan	Minor
21-0249-MRWW	7214 Neef Dr	Manhattan	Minor
21-0251-MRWW	880 Zeandale Rd	Manhattan	Major
21-0256-MRWW	4464 Harbour Hills Dr	Manhattan	Major
21-0257-MRWW	6010 Tuttle Ter	Manhattan	Major
21-0260-MRWW	3623 Rocky Ford Ave	Manhattan	Major
21-0264-MRWW	3623 Rocky Ford Ave	Manhattan	Major
21-0266-MRWW	7030 Anderson Ave	Manhattan	Major
21-0269-MRWW	7019 Deer Run	Manhattan	Minor
21-0271-MRWW	3761 Kitten Creek Rd	Manhattan	Major
21-0275-MRWW	6001 White's Rd	Manhattan	Major
21-0276-MRWW	6740 N 52nd St	Manhattan	Major
21-0277-MRWW	111 Gehrt Rd	Manhattan	Major
21-0278-MRWW	828 S Scenic Dr	Manhattan	Minor
21-0286-MRWW	2943 Wildcat Creek Rd	Manhattan	Minor
21-0287-MRWW	5523 Turkeyfoot Ln	Manhattan	Minor
21-0288-MRWW	14831 S Otter Creek Rd	Leonardville	Major
21-0289-MRWW	6040 N 52nd St	Manhattan	Major

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**REPAIR OF WASTEWATER SYSTEM PERMITS
ISSUED IN 2021**

PERMIT #	PROPERTY ADDRESS	CITY	TYPE OF REPAIR
21-0290-MRWW	2505 Brookfield Dr	Manhattan	Major
21-0292-MRWW	14124 Diana Dr	Randolph	Minor
21-0293-MRWW	14024 Diana Dr	Randolph	Minor
21-0294-MRWW	5515 High Meadow Dr	Manhattan	Major
21-0295-MRWW	6837 Anderson Ave	Manhattan	Major
21-0296-MRWW	4604 Freeman Rd	Manhattan	Major
21-0297-MRWW	16591 Winkler Rd	Randolph	Major

Wastewater System Repairs - 2021



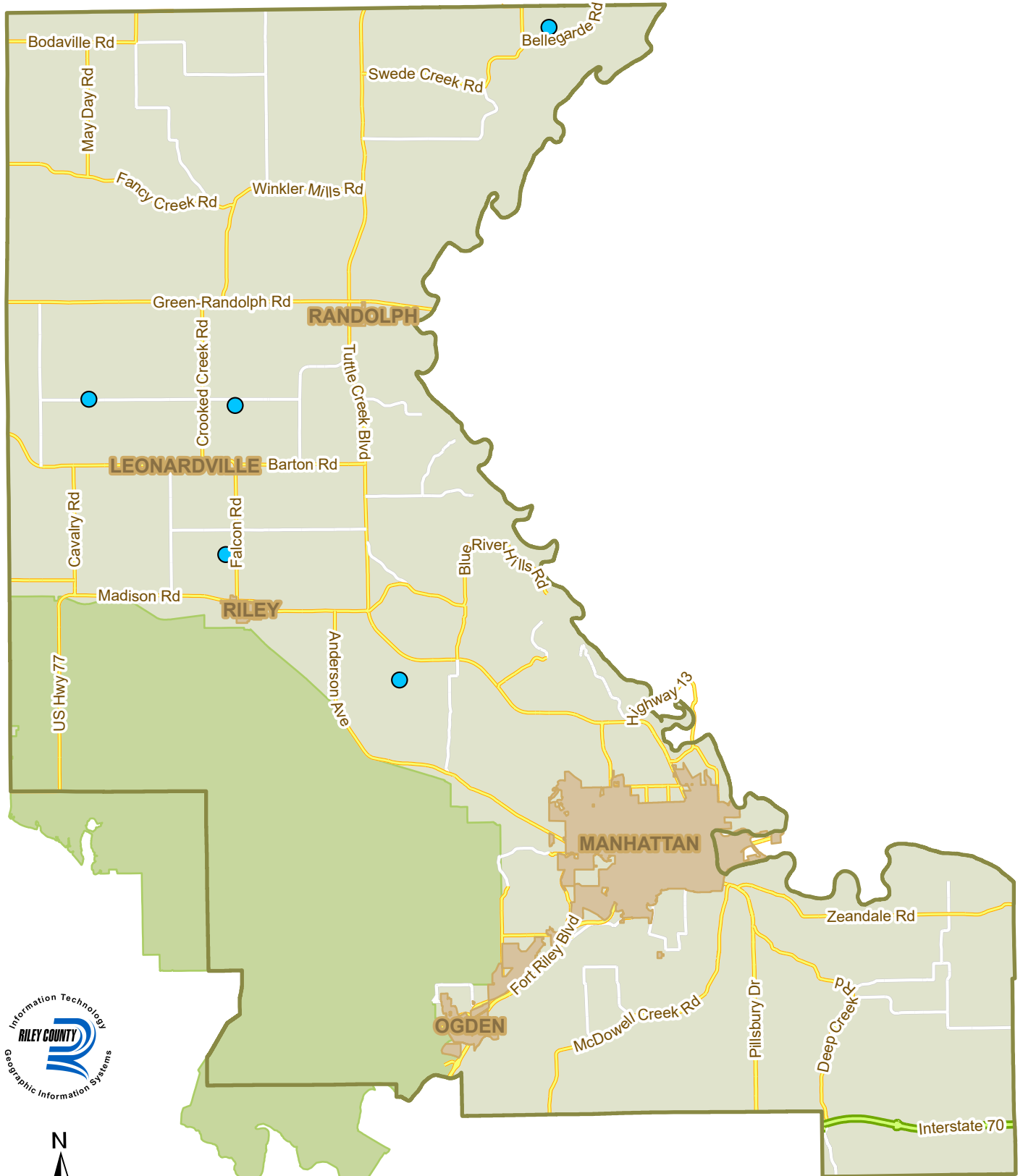
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PRIVATE WATER SUPPLY WELL PERMITS ISSUED IN 2021

[illegible]

Private Water Supply Well Permits Issued - 2021



Attachment: 2021 Annual Report (12031 : Staff Update)

January 29, 2022

SUMMARY OF ACTIONS DURING 2021

Manhattan Urban Area Planning Board, Riley County Planning Board, Board of County Commissioners and Board of Zoning Appeals

Type of Request	Total Requests Submitted	MUAPB				RCPB				BOCC				BZA			
		Approved	Denied	In Process	Withdrawn	Approved	Denied	In Process	Withdrawn	Approved	Denied	In Process	Withdrawn	Approved	Denied	In Process	Withdrawn
Regulation Amendment	2	2				1				2							
Planned Unit Development	0																
Rezoning	3	1				2				3							
Special Use	2	1				1				2							
Plat	6	1				5				6							
Replat	4					4				4							
Residential Use Designator	5	1				4											
Conditional Use	3													3			
Variance	6													6			
Zoning Appeal	0																
Total:	31																

ZONING APPEALS SUBMITTED IN 2021

PETITION #	PETITIONER	S-T-R	TOWNSHIP	APPEAL REQUEST	DATE AND DECISION OF MEETING
	No zoning appeals submitted.				

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REGULATION AMENDMENTS SUBMITTED IN 2021

PETITION #	PETITIONER	REGULATIONS AFFECTED	CHANGE	DATES AND DECISIONS OF MEETINGS		
				RCPB	MUAPB	BOCC
21-0074	Riley County Planning Board	Zoning, Floodplain and Subdivision	Repeal the Riley County Zoning, Floodplain and Subdivision Regulations in their entirety and replace them with the Land Development Regulations.	10/18/2021 Approved	11/01/2021 Approved	11/18/2021 Tabled 12/6/2021 Approved
	Riley County Board of Commissioners		Replace the Manhattan Urban Area Subdivision Regulations with the Manhattan Development Code.		11/1/2021 Approved	12/9/2021 Approved

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REZONING REQUESTS SUBMITTED IN 2021

PETITION #	PETITIONER	S-T-R	ACRES	ZONING CHANGE	NAME OF SUBDIVISION	DATES AND DECISIONS OF MEETINGS	
#21-0001	Board of Commissioners of Riley County	28-10-7	2.76	N-1 to D-2		MUAPB 2/1/2021 Approved	BOCC 2/18/2021 Approved
#21-0029	Kansas Department of Transportation	23-9-7	1.73	AG to D-2		RCPB 5/10/2021 Approved	BOCC 5/27/2021 Approved
#21-0031	Daniel E. Sharp	22-10-8	6.78	AG to SF-4	Little Valley Addition Unit 3	RCPB 5/10/2021 Approved	BOCC 5/27/2021 Approved
#21-0047	Bluestem Electric Cooperative Inc.	13-8-4	7.4	SPECIAL USE	A Special Use to all for the construction and operation of a 750 KW commercial solar energy conversion system.	RCPB 7/12/2021	BOCC 8/2/2021
#21-0075	Evergy Central Kansas Inc.	6-10-8	7.52	SPECIAL USE	A Special Use Authorization to establish and operate an electrical substation.	MUAPB 11/1/2021 Approved	BOCC 11/18/2021 Approved

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PLATS/REPLATS SUBMITTED IN 2021

PETITION #	PETITIONER	S-T-R	ACRES	# OF LOTS	NAME OF SUBDIVISION	DATES AND DECISIONS OF MEETINGS	
21-0003	Peterson Ranch LLC	21-9-7 22-9-7	174	18	Peterson Ranch Unit One	RCPB 03/08/2021 Approved	BOCC 03/18/2021 Approved
21-0026	LaRae Kraemer, Trustee	22-8-5	10	1	Kraemer Addition	RCPB 05/10/2021 Approved	BOCC 05/20/2021 Approved
21-0030	Curt & Cindy Friedrich	12-8-6	1.7	1	University Park, Unit 13	RCPB 05/10/2021 Approved	BOCC 05/20/2021 Approved
21-0031	Daniel Sharp	22-10-8			Little Valley Addition Unit 3	RCPB 05/10/2021 Approved	BOCC 05/27/2021 Approved
21-0037	Josephine Zahner	12-8-6	0.88	1	University Park Unit 14	RCPB 06/14/2021 Approved	BOCC 06/24/2021 Approved
21-0049	Charles & Sandra Pottorff	15-10-7	1.6	1	Pottorff Addition	MUAPB 07/08/2021 Approved	BOCC 07/19/2021 Approved
21-0060	Marc & Andrea Rose Xavier & Alisha Almeda	20-8-7	4.5	2	Blue River Hills Unit 5	RCPB 8/9/2021 Approved	BOCC 8/19/2021 Approved
21-0061	David & Danielle Tegtmeier	8-10-7 17-10-7	37	1	Tegtmeier Addition Unit 2	RCPB 8/9/2021 Approved	BOCC 8/19/2021 Approved

Attachment: 2021 Annual Report (12031 : Staff Update)

PLATS/REPLATS SUBMITTED IN 2021

PETITION #	PETITIONER	S-T-R	ACRES	# OF LOTS	NAME OF SUBDIVISION	DATES AND DECISIONS OF MEETINGS	
21-0066	Stanley A. Cook	30-10-8	2.59	1	Callaghan Ranch Subdivision	MUAPB 09/09/2021 Approved	BOCC 09/20/2021 Approved
21-0069	David & Janet Vinduska	17-6-6	11.7	1	Vinduska Addition	RCPB 10/18/2021 Approved	BOCC 10/28/2021 Approved

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RESIDENTIAL USE DESIGNATOR REQUESTS SUBMITTED IN 2021

PETITION #	PETITIONER	S-T-R	ACRES	DESIGNATOR TYPE	NAME OF SUBDIVISION	DATES AND DECISIONS OF MEETINGS
21-0026	LaRae Kraemer, Trustee	22-8-5	10	Extraneous Farmstead	Kraemer Addition	RCPB 05/10/2021 Approved
21-0049	Charles & Sandra Pottorff	15-10-7	1.6	Extraneous Farmstead	Pottorff Addition	MUAPB 07/08/2021 Approved
21-0066	Stanley A. Cook	30-10-8	2.59	Reconversion Lot	Callaghan Ranch Subdivision	MUAPB 09/09/2021 Approved
21-0069	David & Janet Vinduska	17-6-6	11.7	Extraneous Farmstead	Vinduska Addition	RCPB 10/18/2021 Approved
21-0076	Bret & Nicole Tremblay	26-8-5	20.32	Country Estate		RCPB 11/08/2021 Approved

Attachment: 2021 Annual Report (12031 : Staff Update)

CONDITIONAL USES/VARIANCES SUBMITTED IN 2020

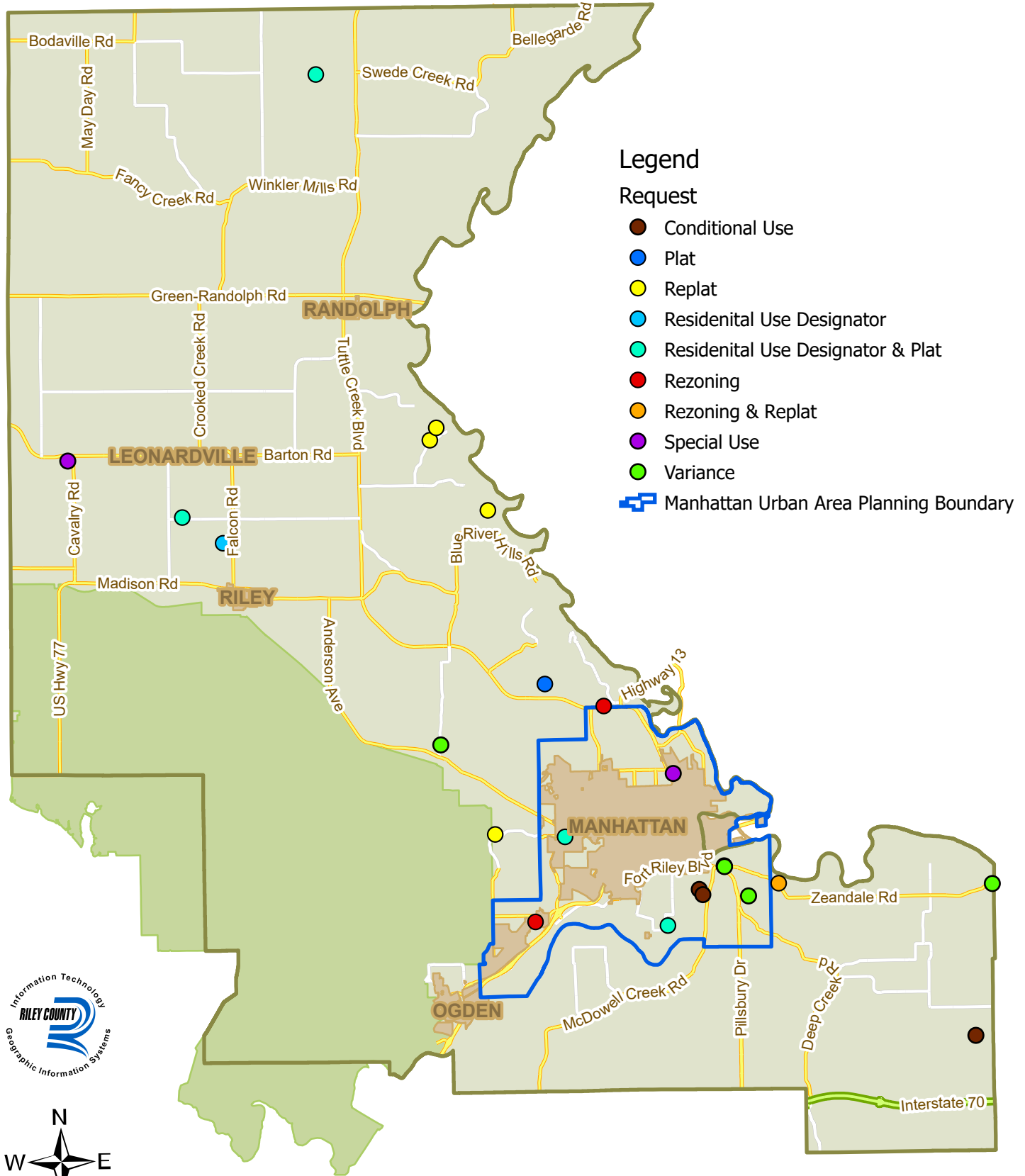
PETITION #	PETITIONER	S-T-R	VARIANCE/ CONDITIONAL USE	REQUEST	DATE AND DECISION OF MEETING
21-0002	Al Dieball	21-10-8	VARIANCE	To reduce the required front yard setback from 25 feet to 15 feet.	BZA 02/08/2021 Approved
21-0038	Rockin Kansas	10-11-9 15-11-9	CONDITIONAL USE	A conditional use for a limestone quarry operation.	BZA 06/14/2021 Approved
21-0039	City of Manhattan	19-10-8	CONDITIONAL USE	A Conditional Use Authorization to permit a borrow pit for resource extraction.	BZA 06/14/2021 Approved
21-0040	Greg and Theresa LLC	19-10-8	CONDITIONAL USE	A Conditional Use Authorization amending Conditional Use #09-16 allowing a borrow pit operation for resource extraction.	BZA 06/14/2021 Approved
21-0048	Bob & Mary Mertz	22-10-9	VARIANCE	A variance to permit the restoration and re-purposing of a historical agricultural accessory the lowest floor of which is 2.4 feet below the required elevation of one (1) foot above base flood elevation (990.5 ft.)	BZA 07/12/2021 Approved
21-0050	Robyn James	17-10-8	VARIANCE	To reduce the required front yard setback along Deibler Place from 25 feet to 13 feet.	BZA 07/12/2021 Approved
21-0051	Robyn James	17-10-8	VARIANCE	To reduce the required front yard setback along Rannells Road from the required 25 feet to 24 feet.	BZA 07/12/2021 Approved
21-0052	Robyn James	17-10-8	VARIANCE	To reduce the side yard setback along the east property line from the required 7.5 feet to 3.6 feet.	BZA 07/12/2021 Approved

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CONDITIONAL USES/VARIANCES SUBMITTED IN 2020

PETITION #	PETITIONER	S-T-R	VARIANCE/ CONDITIONAL USE	REQUEST	DATE AND DECISION OF MEETING
21-0067	Chris & Karen Hunter	36-9-6	VARIANCE	A variance to increase the maximum cumulative square footage for accessory structures from 1311 sq. ft. to 1372 sq. ft. (4.5%) for a 1-acre tract in the "SF-2" (Single Family Residential) zoning district.	BZA 09/13/2021 Approved

Applications Submitted - 2021



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AGRICULTURAL EXEMPTIONS IN 2021

REQUEST #	APPLICANT	PROPERTY OWNER	S-T-R	ACRES	AGRICULTURAL EXEMPTION	DATE APPROVED/ DENIED
21-0021	Andy Hawkins	Howard Andrew & Kristy Hawkins	36-10-8	8.39	Agricultural Exemption for a subdivison of land with an existing house.	Preliminary 03/17/2021 Granted 11/19/2021
21-0022	Dalton Henry	Annetta Schultes & Ralph Schultes	4-6-6	8	Agricultural Exemption for a Residence, with or without Subdivision	Preliminary 03/19/2021 Granted 08/06/2021
21-0023	Gregory Fief	Gregory & Gayla Fief	16-8-6	34	Agricultural Exemption for a Residence, with or without Subdivision	Granted 03/17/2021
21-0024	Sharon Tucker	Lee & Sharon Tucker	32-7-5	3	Agricultural Exemption for a Residence, with or without Subdivision	Preliminary 03/19/2021 Granted 11/19/2021
21-0025	Nicholas Hargrave	Lee & Sharon Tucker	32-7-5	3	Agricultural Exemption for Subdivision (tracts less than 20 acres) without a Residence	Preliminary 03/23/2021 Granted 11/19/2021
21-0027	Paul Blodgett	Warren E & Kaye J Blodgett Trust	36-9-6	11	Agricultural Exemption for a Residence, with or without Subdivision	Preliminary 03/26/2021
21-0035	Dwight Johnson	City of Manhattan	21-10-8	5.86	Agricultural Exemption for Subdivision (tracts less than 20 acres) without a Residence	Preliminary 05/05/2021 Granted 11/23/2021
21-0045	Garrett Glanzer	Jerod Glanzer	15-6-5	5	Agricultural Exemption for a Residence, with or without Subdivision	Preliminary 05/19/2021

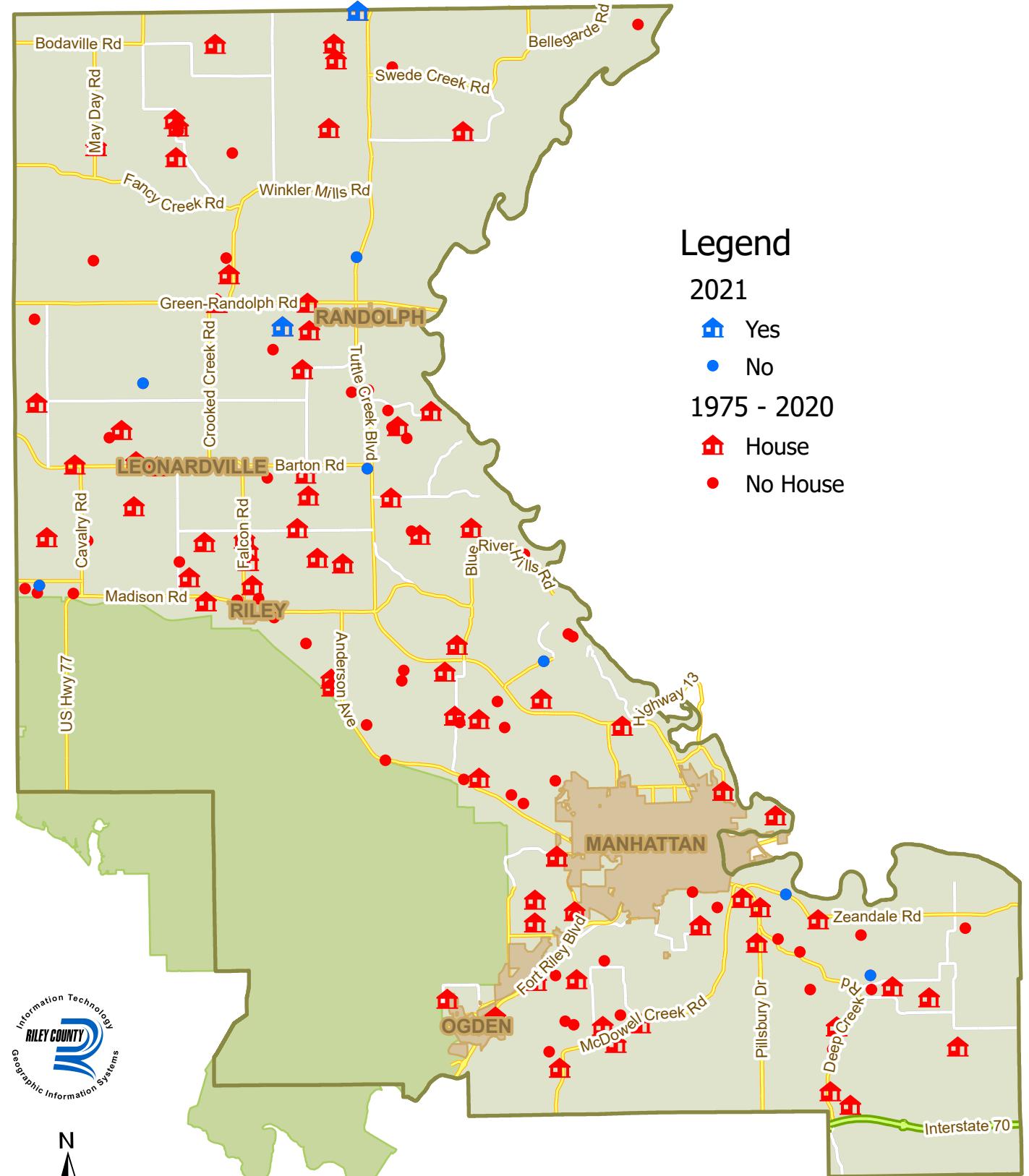
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AGRICULTURAL EXEMPTIONS IN 2021

REQUEST #	APPLICANT	PROPERTY OWNER	S-T-R	ACRES	AGRICULTURAL EXEMPTION	DATE APPROVED/ DENIED
21-0046	Chad & Megan Larson	Chad & Megan Larson	19-7-6	158	Agricultural Exemption for a Residence, with or without Subdivision	Granted 05/19/2021
21-0057	James & Donna Saunders	James & Donna Saunders	35-8-4	49	Agricultural Exemption for a Residence, with or without Subdivision	Granted 06/24/2021
21-0063	Deam & Cook LC	Theodore & Abbey Olson Trust	36-10-7	142	Agricultural Exemption for a Residence, with or without Subdivision	Preliminary 07/09/2021
21-0079	Bruce & Kristi Kaump	Bruce & Kristi Kaump	24-6-6	5	Agricultural Exemption for a Residence, with or without Subdivision	Preliminary 11/09/2021
21-0081	Chad & Tana Parker	Chad & Tana Parker	6-11-8	12	Agricultural Exemption for a Residence, with or without Subdivision	Preliminary 11/23/2021
22-0007	Pfaff Farms General Partnership	Pfaff Farms General Partnership	22-6-5	9.9	Agricultural Exemption for a Residence, with or without Subdivision	Granted 12/14/2021
22-0008	Ryan and Sami Borg	Ryan and Sami Borg	22-6-5	9.84	Agricultural Exemption for a Residence, with or without Subdivision	Granted 12/14/2021

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Agricultural Exemptions Granted 1975 - 2021



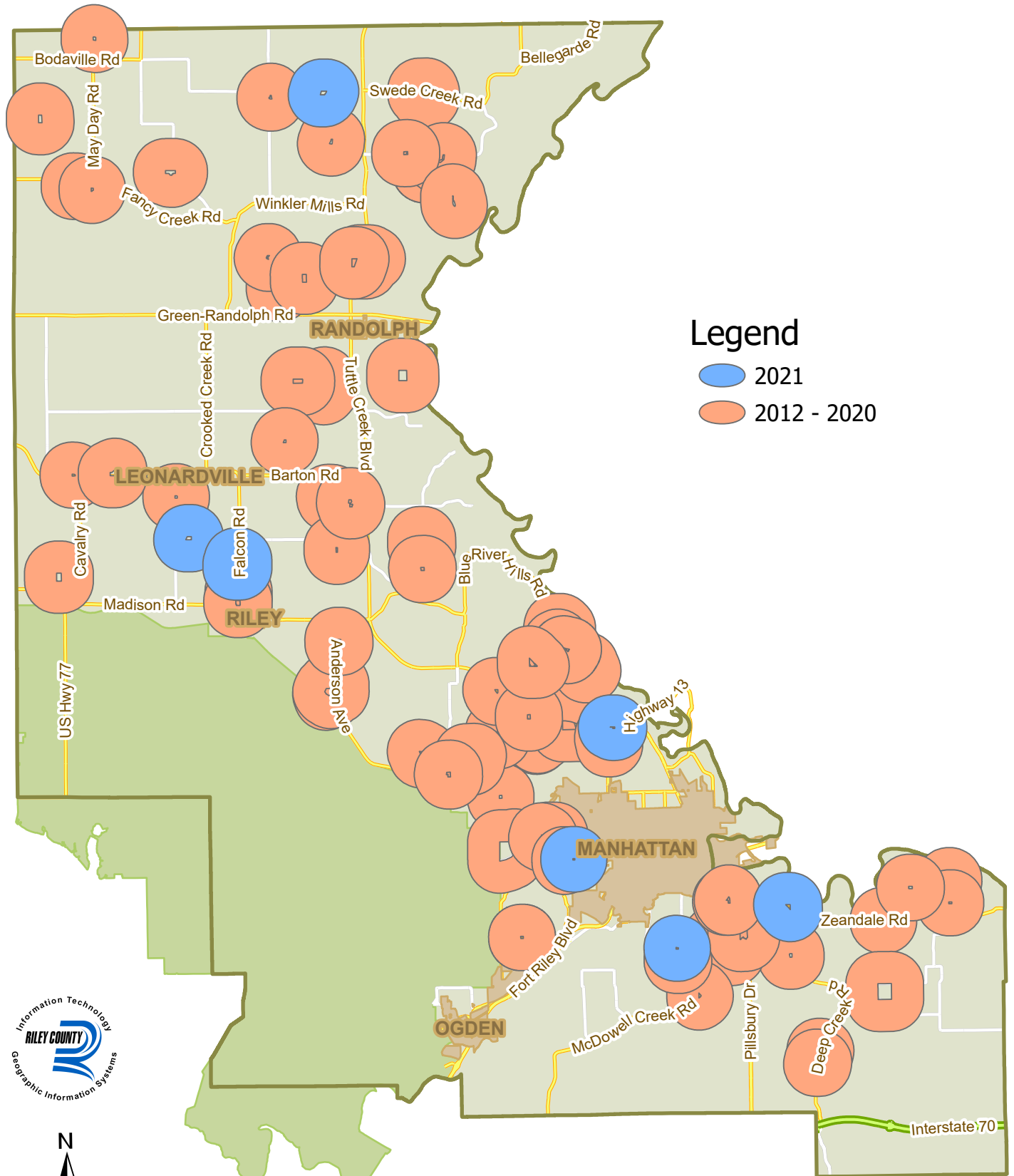
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AGRICULTURAL PROTECTION EASEMENTS FILED IN 2021

PETITION/ REQUEST #	PETITIONER/APPLICANT	REZONING OR RESIDENTIAL USE DESIGNATOR/REZONING	DATE APPROVED	S-T-R	DATED FILED	BOOK/PAGE
20-0051	Jim Schmidt & Sarah Ellis Schmidt	Extraneous Farmstead	11/02/2020	29-10-7	1/5/2021	883/7397
20-0062	Karla Buchanan	Extraneous Farmstead	12/14/2020	6-8-6	1/11/2021	883/8262
20-0052	Larry & Diane Hoobler	SF-5 to AG	11/30/2020	20-10-9	1/15/2021	884/37
20-0060	Sharon Sherwood	Extraneous Farmstead	1/4/2021	15-10-7	3/16/2021	884/8249
21-0029	Kansas Department of Transportation	AG to D-2	5/27/2021	23-9-7	6/8/2021	886/2577
21-0026	LaRae Kraemer	Extraneous Farmstead	5/10/2021	22-8-5	6/7/2021	886/2335
21-0031	Daniel Sharp	AG to SF-4	5/27/2021	22-10-8	6/10/2021	886/2995
21-0049	Charles & Sandra Pottorff	Extraneous Farmstead	7/8/2021	15-10-7	7/26/2021	887/486
21-0066	Stanley A. Cook	Reconversion Lot	9/9/2021	30-10-8	9/29/2021	887/8743
21-0069	David & Janet Vinduska	Extraneous Farmstead	10/18/2021	17-6-6	10/29/2021	888/3541
21-0069	Jon & Angela Pope	Country Estate	11/8/2021	26-8-5	11/11/2021	888/5170

Agricultural Protection Easements 2012 - 2022



January 29, 2022

Attachment: 2021 Annual Report (12031 : Staff Update)

2021 LOT OF RECORD DETERMINATIONS

REQUEST #	APPLICANT	PROPERTY OWNER	S-T-R	ACRES	LOT OF RECORD DETERMINATION	DETERMINATION DATE
21-0004	Joshua Markley	Dewey & Kathleen Caster	2-9-5	20.25	IS a Lot of Record	02/08/2021
21-0005	Joshua Markley	Dewey & Kathleen Caster	2-9-5	38.2	IS a Lot of Record	02/08/2021
21-0008	Michael D. Meldon	Fishgill LLC	13-8-6	22.92	IS a Lot of Record	02/23/2021
21-0009	Michael D. Meldon	Fishgill LLC	13-8-6	21.91	IS a Lot of Record	02/26/2021
21-0010	Michael D. Meldon	Fishgill LLC	13-8-6	27.33	IS a Lot of Record	02/25/2021
21-0012	Michael D. Meldon	Fishgill LLC	13-8-6	75.88	IS a Lot of Record	02/25/2021
21-0014	Michael D. Meldon	Fishgill LLC	13-8-6	433.24	IS a Lot of Record	02/25/2021
21-0015	Greg Fief	Greg Fief	16-8-6	34	IS NOT a Lot of Record	2/25/2021
21-0016	Sharon Tucker	Lee & Sharon Tucker	32-7-5	157.4	IS NOT a Lot of Record	2/25/2021
21-0017	Bret Tremblay	Pope Inc.	3-9-5	56.62	IS NOT a Lot of Record	3/15/2021
21-0018	Bret Tremblay	Pope Inc.	3-9-5	21.98	IS a Lot of Record	3/15/2021

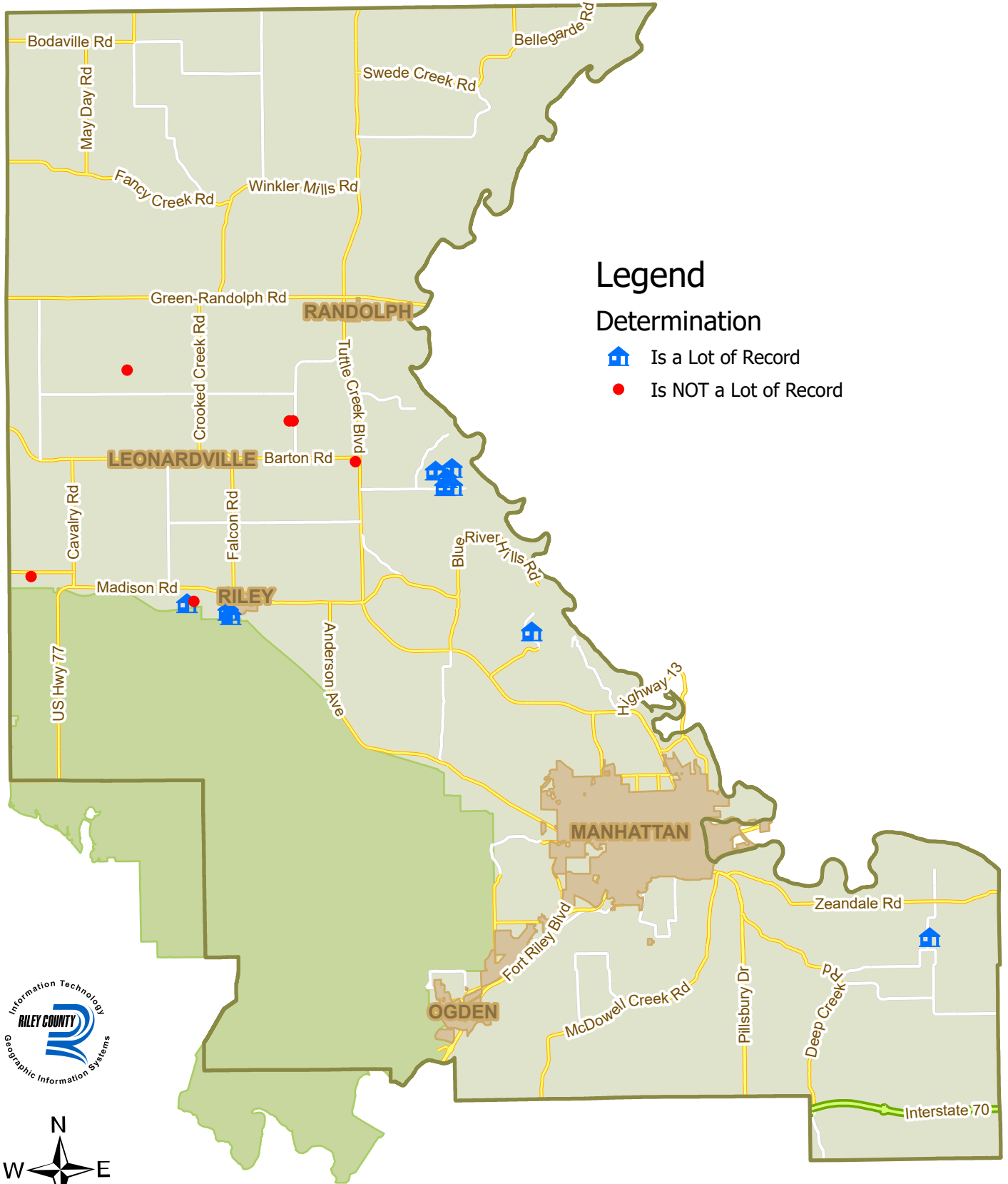
Attachment: 2021 Annual Report (12031 : Staff Update)

2021 LOT OF RECORD DETERMINATIONS

REQUEST #	APPLICANT	PROPERTY OWNER	S-T-R	ACRES	LOT OF RECORD DETERMINATION	DETERMINATION DATE
21-0044	Edward Currier	Barbara & William Currier	32-10-9	50	IS a Lot of Record	5/18/2021
21-0055	Donna Saunders	Donna Saunders	35-8-4	48	IS NOT a Lot of Record	6/3/2021
21-0062	Lori Rogge	Vern Bulk	6-8-6	22	IS NOT a Lot of Record	7/9/2021
21-0064	Lori Rogge	Vern Bulk	6-8-6	20.34	IS NOT a Lot of Record	7/9/2021
21-0071	Matthew & Karlene Floersch	Layman Ranch LLC	9-9-7	241.33	IS a Lot of Record	9/10/2021

Attachment: 2021 Annual Report (12031 : Staff Update)

Lot of Record Determinations - 2021



January 29, 2022

Attachment: 2021 Annual Report (12031 : Staff Update)

MOBILE HOME PARKS LICENSED FOR 2021

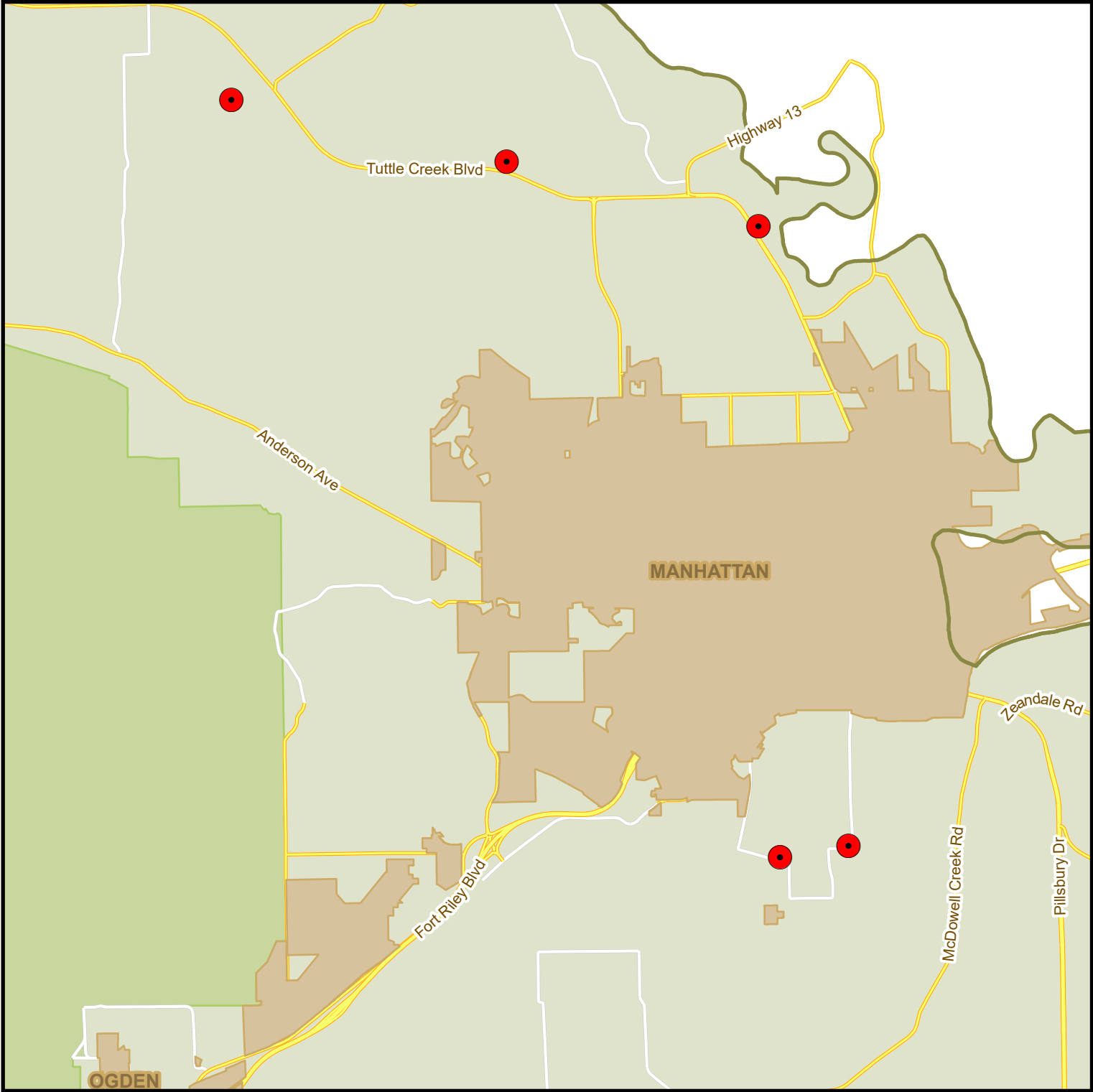
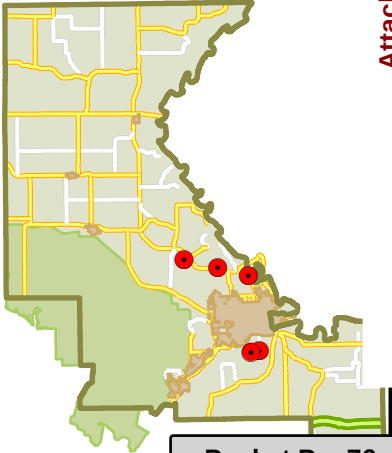
NAME OF PARK	PARK ADDRESS	S-T-R	ZONING	OWNER	MANAGER	# OF SPACES
Sedalia	6320 N 52nd St	18-9-7	AG	Sherri Engle & Terry Umscheid-McAfee	Sherri Engle	5
Tuttle Terrace	6030 Tuttle Terrace	22-9-7	B-3	Daniel Wild	Connie Rogers	36
Riverchase	4440 Tuttle Creek Blvd	25-9-7	R-PUD	Riverchase LLC	Stacy Wedel-Bryant	162
Northcrest I	1726 S Manhattan Ave	30-10-8	B-3	Roger Nauerth	Rodney Dembkowski	12
O'Callaghan's Place	2750 Moehlman Rd	25-10-7	AG	Carlos Aviles	Carlos Aviles	8



**MOBILE HOME
PARK LICENSES
2021**



VICINITY



EXCAVATION LICENSES ISSUED IN 2021

PROPERTY ADDRESS	OWNER	CONTRACTOR	S-T-R	TOWNSHIP	ZONING	TYPE	SIZE
1330 Temple Lane	Greg & Theresa LLC	Greg & Theresa LLC	19-10-8	Manhattan	AG CU	Borrow Pit	>5 acres
McDowell Creek Rd	Tri-Lake Dist LLC	Hartford Sand & Gravel	30-10-8	Manhattan	AG CU	Borrow Pit	>5 acres
Fancy Creek Rd	Darcy Kunze	Orval Jueneman Dozer Svc	36-6-5	Center	AG	Borrow Pit	1-5 acres

Excavation Licenses - 2021



January 29, 2022

Attachment: 2021 Annual Report (12031 : Staff Update)

2021 LICENSED PRIVATE WASTEWATER DISPOSAL SYSTEM INSTALLERS

INSTALLER	PROFILE HOLE	SEWER TAP	STANDARD WASTEWATER SYSTEM INSTALLATION	WASTEWATER STABILIZATION POND	WASTEWATER SYSTEM REPAIR	ALTERNATIVE WASTEWATER SYSTEM INSTALLATION	ALTERNATIVE WASTEWATER MAINTENANCE & INSPECTION
Alternative Septic & Excavation	X	X	X		X		
BAM Excavation & Trucking LLC	X	X	X	X	X	Eljen (GSF)	Eljen (GSF)
Brenner's Excavation LLC	X	X	X	X		Eljen (GSF)	
Cat Cans Portable Services, LLC	X		X	X	X	Infiltrator ATL Bio Microbics "FAST"	Infiltrator ATL Bio Microbics "FAST" Pentair "Delta"
CL Backhoe Service LLC	X		X	X	X		
CCS Corp LLC	X	X	X	X	X	Eljen (GSF)	Eljen (GSF)
Frankfort Porta Potty Inc DBA Purple Portables							
Gideon Excavating Inc	X	X	X	X	X		
Harris Construction & Dirt Work	X		X	X	X	X	
J & G Plumbing, Heating & AC	X	X	X		X		
Jay White Excavating Inc	X			X			
Johnson Excavation	X		X	X	X		
Josh Connet Excavation LLC	X	X	X	X	X		
Larson Construction Inc	X	X	X		X		
Lee Plumbing Heating & AC			X		X		
Leonard Backhoe Service Inc	X	X	X	X	X	X	
Mid-American Water & Plumbing	X	X	X		X		
Midwest Concrete Materials	X	X	X	X			
Tim's Backhoe Service Inc	X	X	X	X	X	X	
Thunder Pump & Plumbing LLC	X		X	X	X		
Wamego Recycling	X	X	X	X	X		

Attachment: 2021 Annual Report (12031 : Staff Update)

2021 LICENSED SEPTAGE HAULERS

BUSINESS NAME
A-1 Rental Inc
Cat Cans Portable Services of Manhattan, LLC
Purple Portables and Septic Pumping

2021 ENVIRONMENTAL SYSTEM EVALUATIONS

PERMIT #	PROPERTY ADDRESS	CITY	S-T-R
20-0296-OENV	9545 Walsburg Rd	Leonardville	28-10-8
20-0298-OENV	9677 Sunstead Ln	Riley	9-9-6
21-0012-OENV	5500 Eureka Dr	Manhattan	29-10-7
21-0017-OENV	5215 Terra Heights Dr	Manhattan	14-9-7
21-0018-OENV	2520 Marlatt Ave	Manhattan	36-9-7
21-0019-OENV	6621 Tuttle Creek Blvd	Manhattan	18-9-7
21-0020-OENV	5005 Vista Acres Dr	Manhattan	23-9-7
21-0031-OENV	3706 Cottonwood Cir	Manhattan	10-9-7
21-0033-OENV	2803 Lakewood Dr	Manhattan	23-9-7
21-0037-OENV	9411 Parallel Rd	Randolph	4-6-6
21-0038-OENV	6930 Summit Ridge Dr	Manhattan	12-8-6
21-0040-OENV	2424 Rogers Blvd	Manhattan	36-9-7
21-0045-OENV	2619 Marque Hill Rd	Manhattan	36-9-7
21-0053-OENV	2510 Bent Tree Dr	Manhattan	25-9-7
21-0065-OENV	8955 Mill Creek Rd	Manhattan	27-8-6
21-0069-OENV	2412 Woodside Ln	Manhattan	6-11-7
21-0074-OENV	12460 Homestead Rd	Riley	26-8-5
21-0080-OENV	2417 Rogers Blvd	Manhattan	36-9-7
21-0086-OENV	2814 Nelson's Lndg	Manhattan	31-9-8
21-0093-OENV	3381 Mineral Springs Spur	Manhattan	19-11-9
21-0094-OENV	1340 Garibay Ln	Manhattan	28-10-8
21-0101-OENV	2633 Bent Tree Dr	Manhattan	25-9-7
21-0105-OENV	4916 Tuttle Cove Rd	Manhattan	23-9-7
21-0121-OENV	6863 Anderson Ave	Manhattan	36-9-6
21-0122-OENV	2495 Woodside Ln	Manhattan	6-11-7
21-0123-OENV	9310 Blue Ridge Rd	Manhattan	19-8-7
21-0124-OENV	16 Perry Dr	Manhattan	29-10-5
21-0139-OENV	9414 Blue Ridge Rd	Manhattan	19-8-7
21-0161-OENV	7003 Deer Run	Manhattan	4-9-7
21-0172-OENV	7500 Anderson Ave	Manhattan	36-9-6

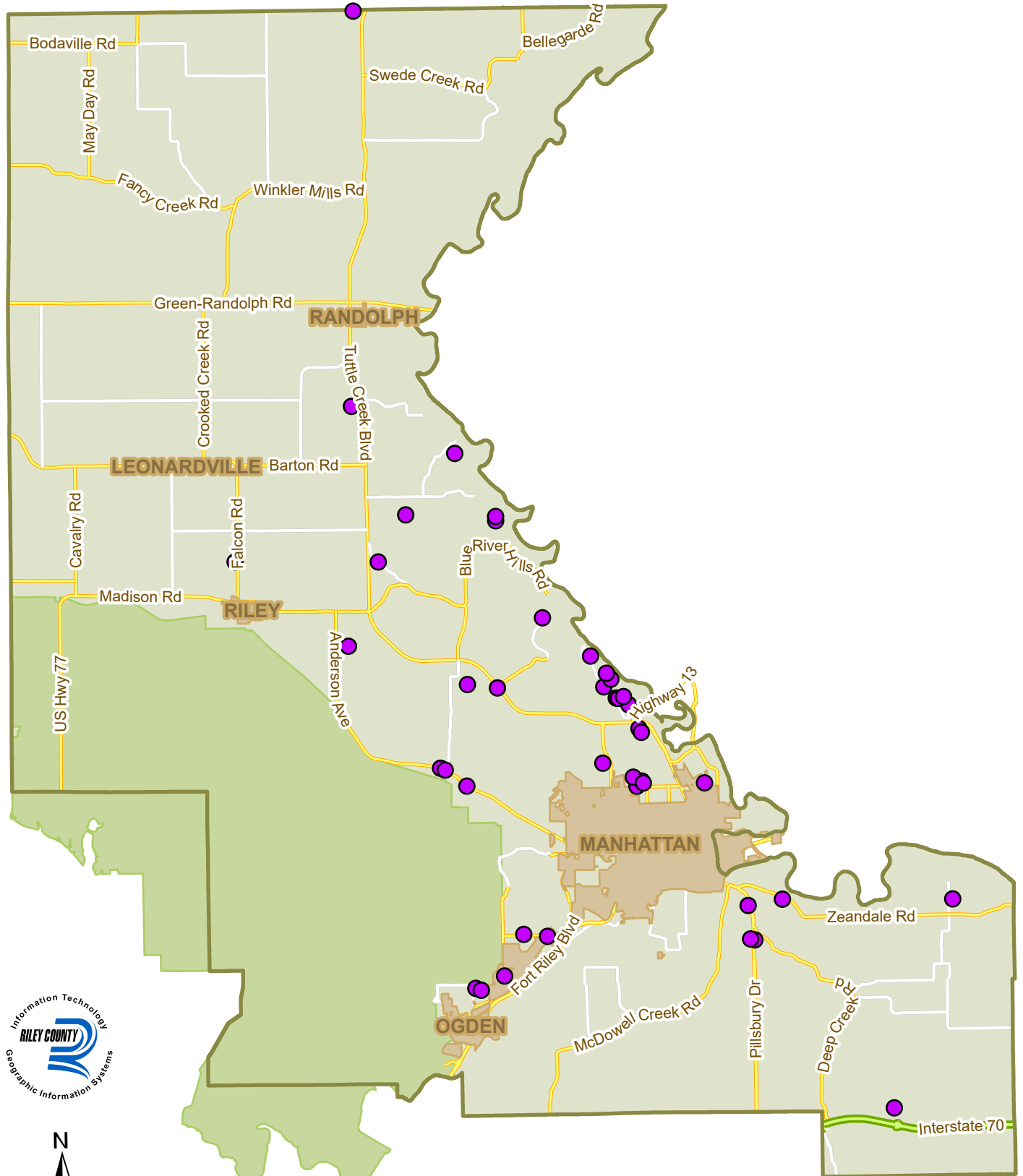
Attachment: 2021 Annual Report (12031 : Staff Update)

2021 ENVIRONMENTAL SYSTEM EVALUATIONS

PERMIT #	PROPERTY ADDRESS	CITY	S-T-R
21-0181-OENV	4920 Lakewood Dr	Manhattan	23-9-7
21-0190-OENV	3410 Top of The World Dr	Manhattan	35-9-7
21-0197-OENV	3211 Buffalo Rd	Manhattan	14-9-7
21-0202-OENV	9500 Condray Rd	Manhattan	23-8-6
21-0205-OENV	3425 Germann Dr	Manhattan	23-9-7
21-0209-OENV	5226 Wildcat Creek Rd	Manhattan	32-10-7
21-0233-OENV	4921 Cattle Dr	Manhattan	21-10-9
21-0240-OENV	2160 Pillsbury Dr	Manhattan	20-10-8
21-0244-OENV	1301 Zeandale Rd	Manhattan	23-10-8
21-0252-OENV	7214 Neef Dr	Manhattan	36-9-6
21-0255-OENV	6740 N 52nd St	Manhattan	18-9-7
21-0259-OENV	111 Gehrt Rd	Manhattan	29-10-5
21-0267-OENV	2505 Brookfield Dr	Manhattan	6-11-7
21-0268-OENV	4905 Eureka Dr	Manhattan	28-10-7
21-0284-OENV	5523 Turkeyfoot Ln	Manhattan	14-9-7

Attachment: 2021 Annual Report (12031 : Staff Update)

Environmental Systems Evaluation - 2021



January 29, 2021

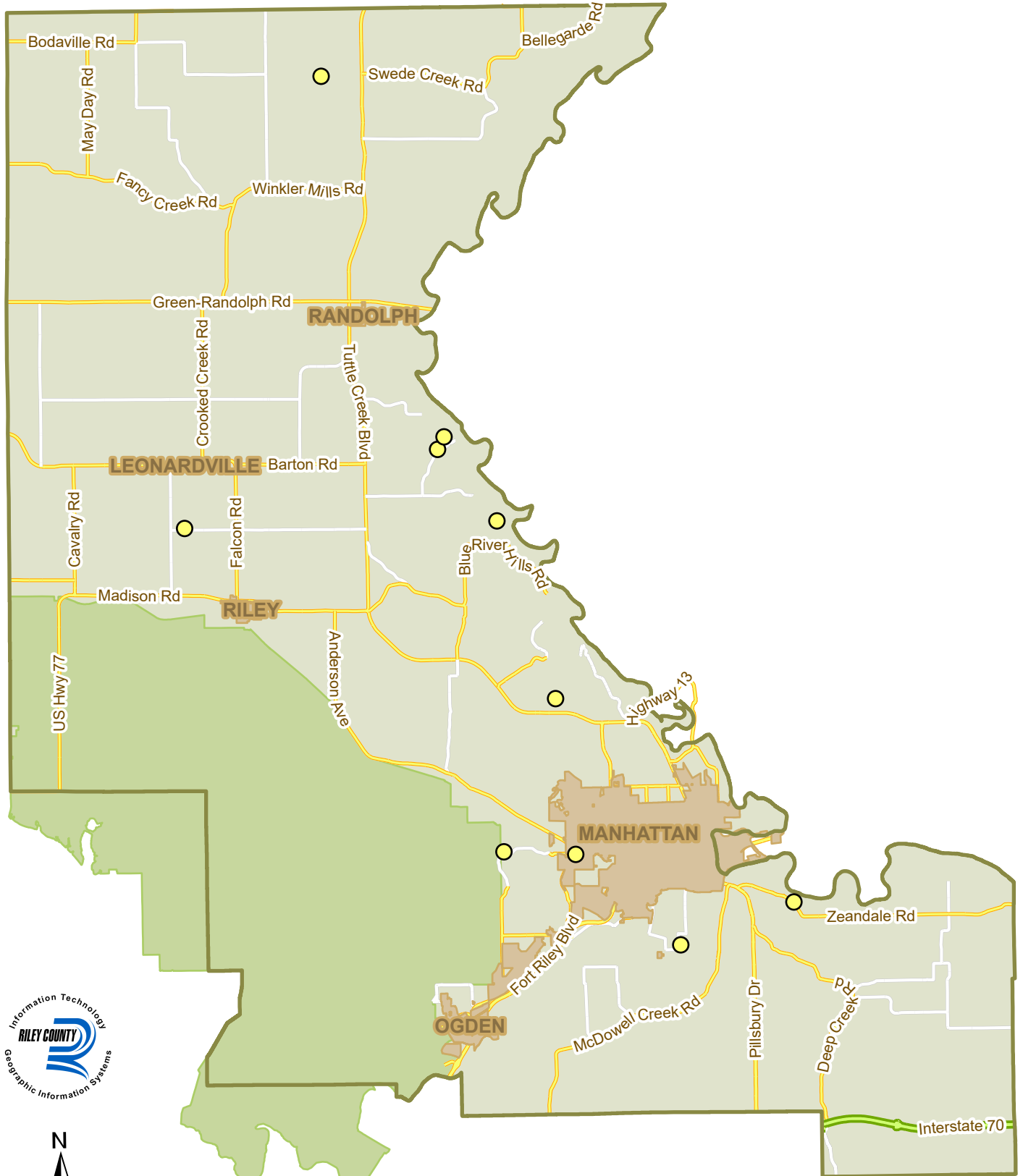
Attachment: 2021 Annual Report (12031 : Staff Update)

2021 UTILITIES REVIEW

SUBDIVISION/PUD/RUD	S-T-R
Peterson Ranch, Unit One	21 & 22-9-7
Kraemer Addition	22-8-5
Little Valley Addition, Unit 3	22-10-8
Pottorff Addition	15-10-7
O'Callaghan Ranch Subdivision	30-10-8
Vinduska Addition	17-6-6
University Park Unit 13	12-8-6
University Park Unit 14	12-8-6
Blue River Hills, Unit 5	20-8-7
Tegtmeier Addition Unit 2	8-17-10

Attachment: 2021 Annual Report (12031 : Staff Update)

Utilities Review - 2021



January 29, 2021

Attachment: 2021 Annual Report (12031 : Staff Update)

2021 ENFORCEMENT SUMMARY

PROPERTY MAINTENANCE CODE

Type of Action	Total
No violation found	1
Notification Letter	8
Notice and Order to Abate	4
Request to Prosecute	0
Abated	9
Dismissed	0
Still in Progress	0
Type of Violation	
Refrigerators	4
By Complaint	2
By Staff	2
Exterior Structure	4
By Complaint	2
By Staff	2
Exterior Property Areas	1
By Complaint	1
By Staff	
Outdoor Storage	2
By Complaint	
By Staff	2
Structure Unfit for Human Occupancy	3
By Complaint	2
By Staff	1

SANITARY CODE

Type of Action	
No violation found	6
Notification Letter	2
Notice of Violation	10
Request to Prosecute	1
Abated	8
Type of Violation	
Use of Non-approved Private Systems	1
By Compliant	
By Staff	1
Proper Maintenance and Operation	1
By Complaint	
By Staff	1
Additional Maintenance Requirements for Septic Tanks	3
By Complaint	
By Staff	3

2021 ENFORCEMENT SUMMARY

PROPERTY MAINTENANCE CODE

Type of Action	Total
No violation found	1
Notification Letter	8
Notice and Order to Abate	4
Request to Prosecute	0
Abated	9
Dismissed	0
Still in Progress	0
Type of Violation	
Refrigerators	4
By Complaint	2
By Staff	2
Exterior Structure	4
By Complaint	2
By Staff	2
Exterior Property Areas	1
By Complaint	1
By Staff	
Outdoor Storage	2
By Complaint	
By Staff	2
Structure Unfit for Human Occupancy	3
By Complaint	2
By Staff	1

SANITARY CODE

Type of Action	
No violation found	6
Notification Letter	2
Notice of Violation	10
Request to Prosecute	1
Abated	8
Type of Violation	
Use of Non-approved Private Systems	1
By Compliant	
By Staff	1
Proper Maintenance and Operation	1
By Complaint	
By Staff	1
Additional Maintenance Requirements for Septic Tanks	3
By Complaint	
By Staff	3

Attachment: 2021 Annual Report (12031 : Staff Update)

2021 ENFORCEMENT SUMMARY

Additional Maintenance Requirements for Alternative Systems	1
By Complaint	
By Staff	1
Use Permit Required	3
By Complaint	
By Staff	3
Application for Permit Required	2
By Complaint	1
By Staff	1
Approval of Plans	1
By Complaint	
By Staff	1

ZONING REGULATIONS

Type of Action	Total
No violation found	6
Verbal	0
Notification Letter	25
Notice of Violation	8
Final Notice of Violation	0
Request to Prosecute	1
Abated	16
Still in Progress	6
Type of Violation	
Building without a permit	12
By Complaint	8
By Staff	3
Non-compliance with Excavation License	1
By Complaint	1
By Staff	
Floodplain Regulations	4
By Complaint	2
By Staff	2
Mobile Home Park	1
By Complaint	1
By Staff	
Non-Permitted Use	2
By Complaint	2
By Staff	
Unregisterd/Inoperable Vehicles	6
By Complaint	2
By Staff	4



**COUNTY
COUNSELOR/ADMINISTRATIVE
SERVICES**
Permit

Clancy Holeman
Counselor/Director of
Administrative Services
115 North 4th Street
Manhattan, KS 66502
Phone: 785-565-6844

COMMISSION AGENDA REPORT

FROM: Craig Cox, Deputy County Counselor
MEETING: April 7, 2022
SUBJECT: David & Shawna Nehls Septic System
PRESENTER: Craig Cox

BACKGROUND

In July, 2021, it was discovered that Mr. & Mrs. Nehls' lateral field crossed Mill Cove Park property line in violation of Riley County Sanitary Code.

DISCUSSION

FACTS:

- a. Current septic system installed and permitted Jul 26, 2006. (Attachment 1)
- b. Owners of property have continuously and exclusively operated the lateral field for 15 years. (July, 2006 to July, 2021)
- c. Use and operation of the lateral field has been open (visible to the public) - two inspection ports are visible on the property. (See photos A&B)
- d. Reasonable to believe installation of lateral field in 2006 was on owner's property. (See photo C)
- e. When property line established in 2021, lateral field crossed Mill Cove Park property line. See photo D)
- f. Nehls' have met the elements of adverse possession and have acquired a prescriptive easement for the lateral field in Mill Cove Park, filed with the Riley County Register of Deeds. (Attachment 2)
- g. K.S.A. 60-503: ADVERSE POSSESSION. No action shall be maintained against any

person for the recovery of real property who has been in open, exclusive and continuous possession of such real property, either under a claim knowingly adverse or under a belief of ownership, for a period of fifteen (15) years.

Case Example: Koch v. Packard:

- a. Prescriptive Easement obtained by adverse possession.
- b. Acquisition by adverse possession is a fact question.

The Affidavit of Prescriptive Easement supports the Nehls' request for a variance from the 50 foot property boundary set-back requirement. With the variance, the Nehls' are not only able to stay in their home, they are able to enlarge the septic system for a 3-bedroom home.

FISCAL IMPACT

None.

RECOMMENDATION(S)

Because the Nehls have acquired a prescriptive easement for the lateral field to cross the Mill Cove Park property line, County staff recommends a variance from the 50 foot property boundary set-back requirement.

County staff recommends the Board adopts the findings of the Hearing Officer on page 3 and sign page four of the Variance Hearing form. (Attachment 3)

POSSIBLE MOTION(S)

A. "The Board has reviewed and adopts the findings of the Hearing Officer. David and Shawna Nehls is granted a variance from set-back requirements for both the current lateral field and the additional lateral field for 3 bedrooms."

B. "The Board has reviewed the findings of the Hearing Officer, and denies the requested variance based on the following findings of fact..."

Enclosures:

- Attachment 1 (PDF)
- Photos A-D (PDF)
- Attachment 2 (PDF)
- Attachment 3 (PDF)

Riley County-Manhattan Health Department
2030 Tecumseh Road
Manhattan, KS 66502
(785) 776-4779, ext. 278

Log #	01153115
Date rec'd	
Client #	791624
Enc #	403547
\$25.00 fee	

16.a

APPLICATION TO REPAIR OR MODIFY
A PRIVATE WASTEWATER DISPOSAL SYSTEM

Work Phone: 564-0161
Home Phone: 539 3224

DOB: 5-28-65

I, Artz Danham Jacobs, whose present mailing address is:
(Print full legal name)

7114 Lakeland Dr. Manhattan Kansas 66503
(Street) (City/State) (Zip Code)

apply to repair or modify a private wastewater disposal system to serve a 2 bedroom family dwelling which is or will be located on a tract described as follows:

Legal Description (copy may be attached): Lot 34 Lakeland Addition

Address: 7114 Lakeland Dr. Manhattan Kansas 66503
(Street) (City) (Zip Code)

Name of licensed installer: Kansas Pumping Services 479-7133

Cause of failure: old septic tank

I hereby certify the information on this application is true and correct to the best of my knowledge and belief.

Date: 10-29-05 Signature of applicant: [Signature]

Preliminary proposal approved this 22 day of November, 2005 with conditions and/or remarks as follows: Install an approved filter and riser on existing septic tank. Place 50(4'x2') chambers in level trench with inspection port at the end of each series. Maintain all set back and call for inspection.

by: Charles R. [Signature] Installed 47 chambers (4'x2') due to space restriction.
(Health Officer)

PRIVATE WASTEWATER DISPOSAL SYSTEM USE PERMIT

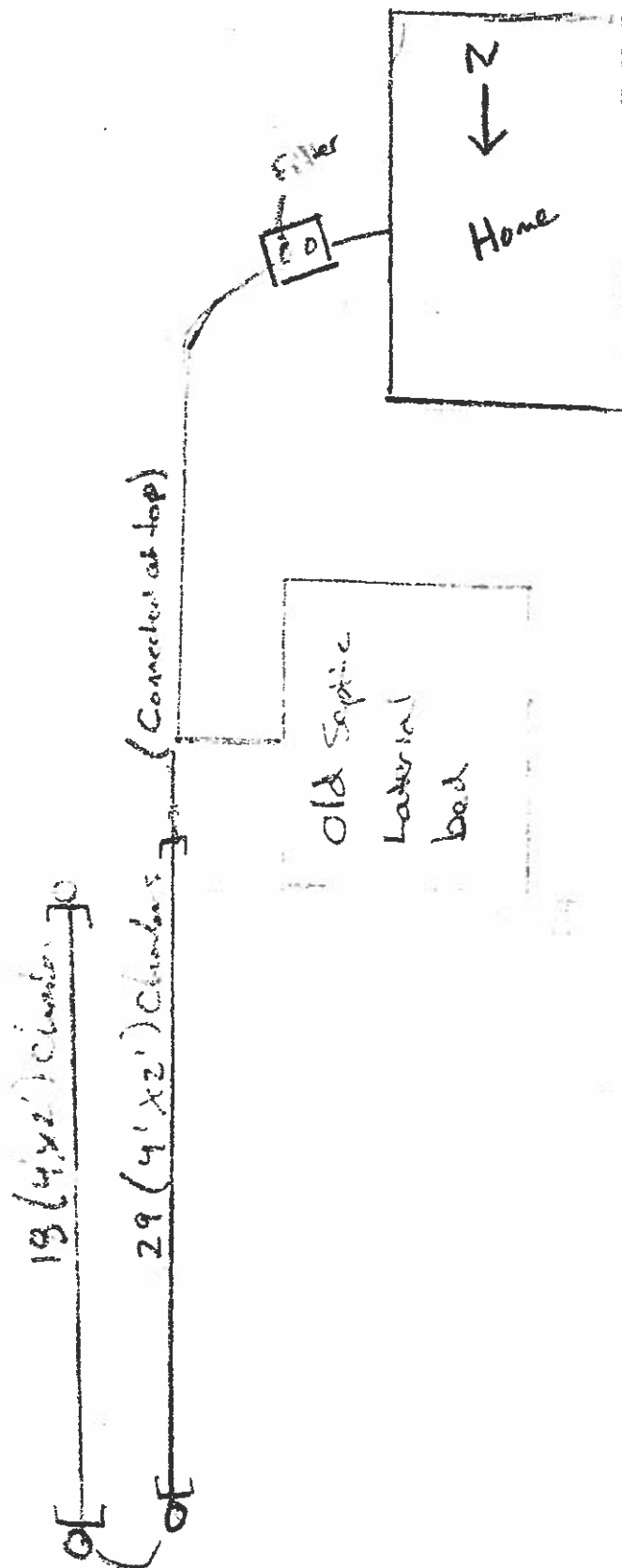
Final construction is approved and permit is hereby issued this 26 day of July, 2006,

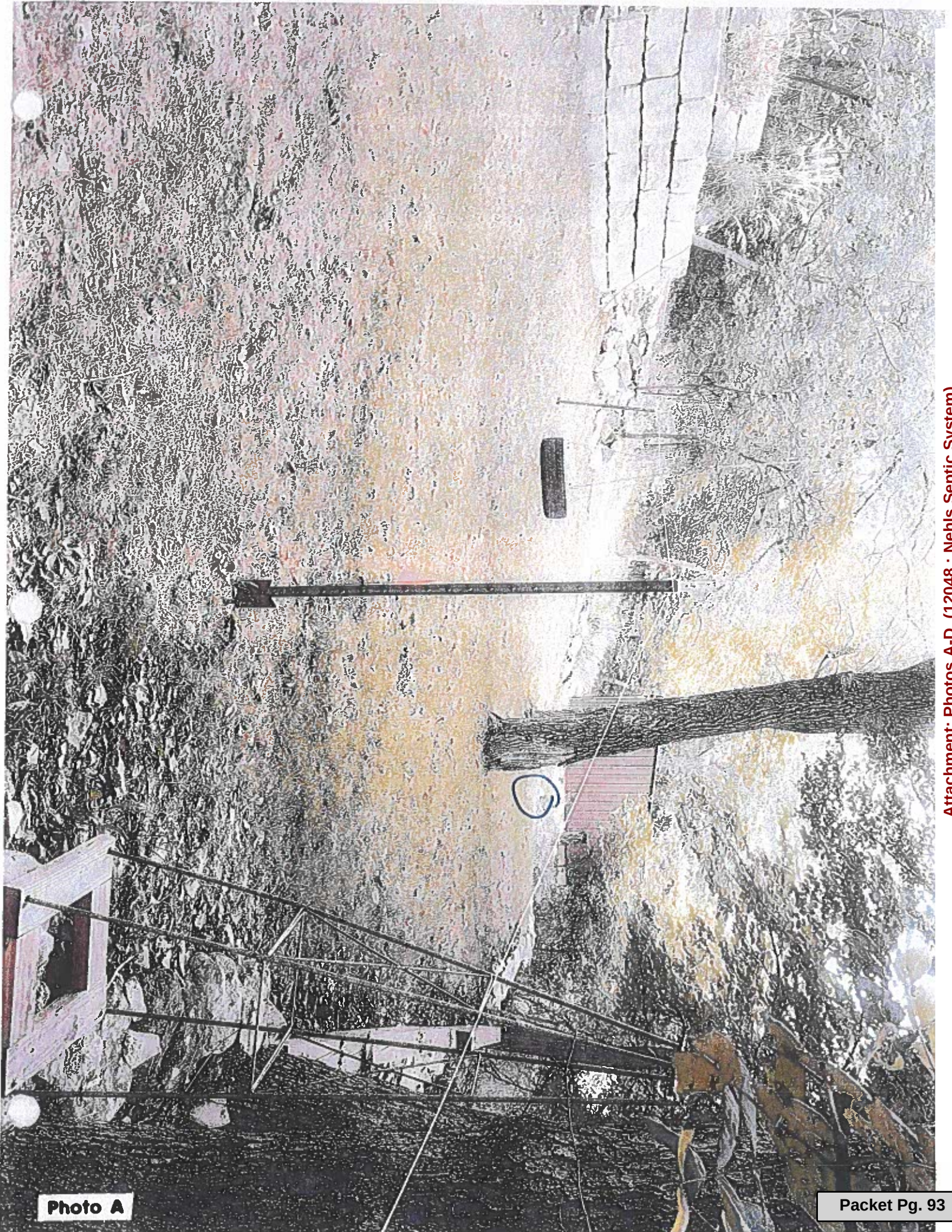
by: Steve DeMark R.S.
(Health Officer)

Attachment: Attachment 1 (12048 : Nehls Septic System)

ATTACHMENT 1

Called and checked on 8/1/06 but completed work.



**Photo A**

Attachment: Photos A-D (12048 : Nehls Septic System)

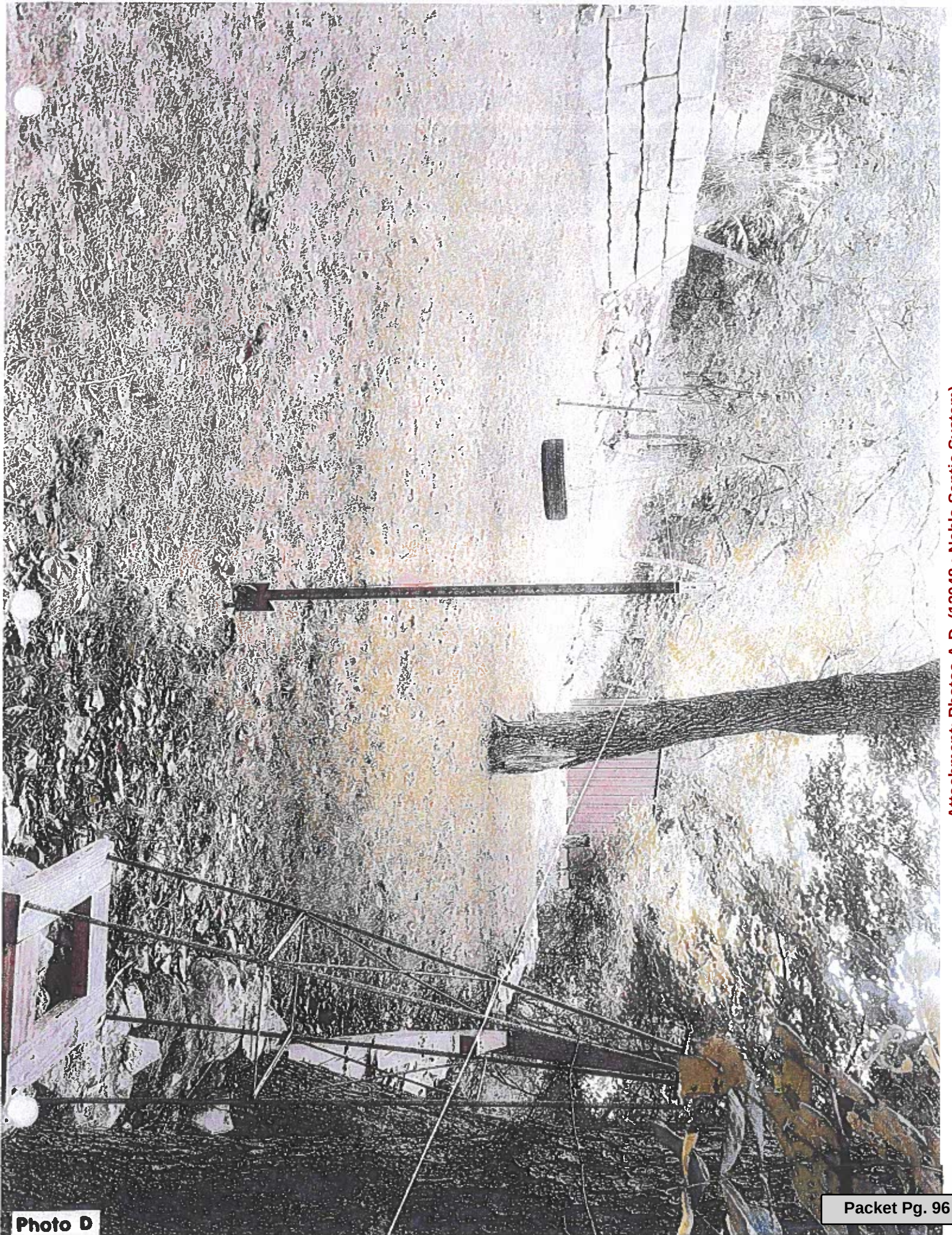


Attachment: Photos A-D (12048 : Nehls Septic System)

Photo B



Attachment: Photos A-D (12048 : Nehls Septic System)



Attachment: Photos A-D (12048 : Nehls Septic System)



Riley County Scanning Label



Amy M. Manges
Register of Deeds
Riley County, Kansas
Book: 890 Page: 1271
Receipt #: 244711 Total Fees: \$72.00
Pages Recorded: 4
Date Recorded: 4/1/2022 3:24:15 PM

AFFIDAVIT OF PRESCRIPTIVE EASEMENT

We, David M. Nehls and Shawna R. Nehls, the undersigned, being first duly sworn, do hereby state as follows:

1. We are the current owners of the following described real estate in Riley County, Kansas:

Lot 34, Lakeland Addition

(also known as 7114 Lake Land Drive, Manhattan, Riley County, Kansas)

Hereinafter, such real estate shall be referred to as the "Dominant tract."

2. Various individuals, who are owners of real estate in the Mill Cove Park subdivision (Lakeland Addition) in Riley County, Kansas, are owners of undivided interests in the following described real estate in Riley County, Kansas:

Mill Cove Park Replat, 2 acres

Hereinafter, such real estate shall be referred to as the "Servient tract."

3. Our residence is located on the Dominant tract, and such residence is served by a private septic system.
4. The residence and the private septic system were first constructed in 1968 under a permit issued by Riley County, Kansas.

MORRISON,
FROST, OLSEN,
IRVINE &
SCHARTZ, LLP
Attorneys at Law
323 Poyntz Ave., Suite 204
Manhattan, KS 66502
(785) 776-9208
Fax: (785) 776-9212

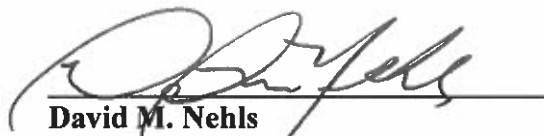
Attachment: Attachment 2 (12048 : Nehls Septic System)

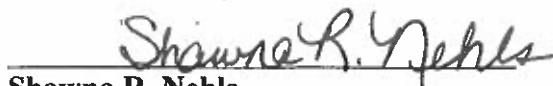
5. The private septic system was repaired pursuant to a permit issued by Riley County, Kansas, on or about July 26, 2006. The private septic system has remained operational, in its present arrangement and location since that date.
6. A portion of the lateral field serving the private septic system, including standpipes that are above ground level, is located on the Servient tract. Attached to this Affidavit is a photograph of the boundary line between the Dominant Tract and the Servient Tract. The stringed line in the photograph represents the property line between the tracts, with the area left of the string being the Dominant Tract and the area right of the string being the Servient Tract. A standpipe for the lateral field is visible in the photograph on the Servient Tract.
7. The affiants' use of a portion of the Servient tract for the private septic system has been open and exclusive. Additionally, such use, including their predecessors' similar use, has been continuous, for a period of time exceeding Fifteen (15) years under a belief of ownership.
8. Based upon the facts set forth herein, Affiants claim a prescriptive easement on the Servient Tract to the extent of the lateral field's incursion on such property.

That this Affidavit of Prescriptive Easement is given for the purpose of providing notification of the affiants' use of the Servient tract as set forth herein and a claim of prescriptive easement.

Further, Affiants saith not.

AFFIANTS:


David M. Nehls


Shawna R. Nehls

ACKNOWLEDGMENT**STATE OF KANSAS, COUNTY OF RILEY, SS:**

BE IT REMEMBERED, that on this 31st day of March 2022, before me, the undersigned, a notary public in and for the County and State aforesaid, came David M. and Shawna R. Nehls, who are personally known to me to be the same persons who executed the foregoing Affidavit, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.



Gwen E. Eyestone
 NOTARY PUBLIC

My appointment expires:

**MORRISON,
 FROST, OLSEN,
 IRVINE &
 SCHARTZ, LLP**
 Attorneys at Law
 323 Poyntz Ave., Suite 204
 Manhattan, KS 66502
 (785) 776-9208
 Fax: (785) 776-9212

Attachment: Attachment 2 (12048 : Nehls Septic System)



Attachment: Attachment 2 (12048 : Nehls Septic System)

VARIANCE HEARING

DATE: April 4, 2022

TIME: 7:00pm

APPEARANCES: Clancy Holeman, Riley County Counselor, Perry Piper, Riley County Environmental Health Specialist, David and Shawna Nehls, Applicant, Bernard Irvine, Applicant's Attorney.

PROPERTY: Lot 34, Lake Land Addition, also known as 7114 Lake Land Drive, Manhattan, Kansas.

HEARING OFFICER: Tom Taul

SUBJECT: Variance request from 50 foot property boundary set-back for septic system on 7114 Lake Land Drive.

FACTS:

- Existing lateral field crosses Mill Cove Park property line.
- Current septic system for 2 bedrooms
- Nehls' need additional lateral for 3 bedrooms
- County can waive 50 foot set-back down to 10 feet
- Nehls' need variance to cross Mill Cove Park property line:
 - ✓ To permit current septic system, and
 - ✓ To add lateral line for 3rd bedroom
- KDHE approves easement for lateral field to cross Mill Cove Park property line.
- Prescriptive easement is easement acquired by adverse possession.
- Adverse Possession: Use is open, continuous, exclusive under belief of ownership for 15 years.
- Nehls' adverse possession facts:
 - ✓ Current septic system permitted July 26, 2006.
 - ✓ 7114 Lake Land Drive owners have continuously and exclusively operated lateral field for 15 years collectively (July 2006 to July, 2021).
- Use and operation of lateral field has been open (visible to public). Two inspection ports visible on property.

Attachment: Attachment 3 (12048 : Nehls Septic System)

- Reasonable to believe 2006 installation of lateral field on 7114 Lake Land Drive due to physical dimensions of yard.

FINDINGS:

(select one)

☒ 1. Nehls have met the elements of adverse possession and acquired prescriptive easement for the lateral field to cross Mill Cove Park property line (if selecting #1, please complete A and B below.)

☒ A. The Affidavit of Prescriptive Easement supports Nehls request for variance from 50 foot property boundary set-back requirement.

☒ B. A variance from set-back requirements is approved for both the current lateral field and the additional lateral field for 3 bedrooms.

or

☐ 2. Nehls have not met the elements of adverse possession and have not acquired a prescriptive easement. (If selecting this, no further action needed.)

Tom Taul
Tom Taul, Hearing Officer

THE BOARD OF COUNTY COMMISSIONERS OF RILEY COUNTY, KANSAS

SUBJECT: David and Shawna Nehls variance request from 50 foot property boundary set-back for septic system on 7114 Lake Land Drive.

_____ The Board has reviewed and adopts the findings of the Hearing Officer. David and Shawna Nehls is granted a variance from set-back requirements for both the current lateral field and the additional lateral field for 3 bedrooms.

or

_____ The Board has reviewed the findings of the Hearing Officer, and denies the requested variance based on the following findings of fact:

Attachment: Attachment 3 (12048 : Nehls Septic System)

Date: April 7, 2022

THE BOARD OF COUNTY COMMISSIONERS
OF RILEY COUNTY, KANSAS

Greg KcKinley, Chair

Kathryn Focke, Vice-Chair

John Ford, Member

ATTEST:

Rich Vargo, Riley County Clerk

Attachment: Attachment 3 (12048 : Nehls Septic System)



OUTSIDE AGENCY
Update

Outside Agency
110 Courthouse Plaza
Manhattan, KS 66502
Phone: 785-565-6200

MEMORANDUM

FROM: Scott Carmichael, Riley County Conservation District Director and Michael Bartmess, the Acting District Conservationist for Riley and Geary Counties

MEETING: April 7, 2022

SUBJECT: Riley County Conservation District update

PRESENTER: Scott Carmichael, Riley County Conservation District Director and Michael Bartmess, the Acting District Conservationist for Riley and Geary Counties

Enclosures:

- Riley County Conservation District (PPTX)



Riley County Conservation District

April 7, 2022

"The Mission of the Riley County Conservation District is to provide guidance for the wise use of our natural resources through working with land users, cooperating agencies, and the general public by providing educational information, financial assistance, and represent the interest of land users in the establishment of conservation policies and programs".





Governance and Funding



Local Government

- Conservation Districts are controlled by a Board of 5 local citizens
- The Board meets monthly to identify local priorities, establish policy and administer voluntary conservation programs
- The Board does not receive payment and is responsible for hiring and supervising employees that coordinate daily operations
- Districts are local entities that are funded by their county and from the KDA, are housed with a similar Federal agency (NRCS) and have the independence and citizen leadership to make locally important, well-informed decisions based on county needs

Riley County Board of Supervisors

- Steve Hargrave, Chair
- Charles Dugan, Vice Chair
- Nathan Larson, Treasurer
- Steve Strauss, Member
- Stan Johnson, Member
- These board members serve as an advisory board to the NRCS Field Office, are farmers and leaders in the community, represent the people we serve and collectively have over 89 years of service to the people of Riley County

Funding Conservation District Operations

Riley County	\$55,136
State of Kansas	<u>\$23,697</u>
Total 2022 Funding	\$78,833

County

The majority of operating expense funding comes from the Riley County general fund:

- All Kansas Districts operate this way
- Salaries, travel, dues, taxes, educational outreach, etc.
- Does not cover awards, cost-share projects, equipment purchases etc.

State

The KDA Division of Conservation funds up to \$25,000 toward operating expenses:

- This is a matching fund, meaning the less received from the county, the less received from the state
- These funds are used in the same way as the county general funds

Operational expenses are kept to a minimum including a staff of one employee and utilization of NRCS office space, supplies, computer, and phone line



Conservation Practices



Soil Conservation / Water Quality Practices

- Terraces
- Waterways
- Tile outlet systems
- Buffer strips
- Streambank Stabilization



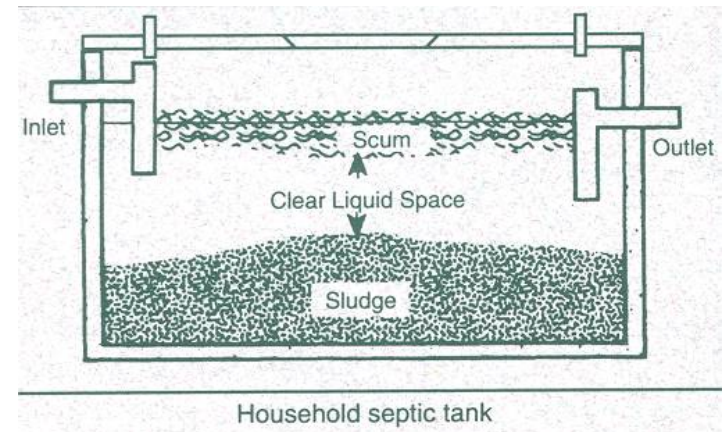
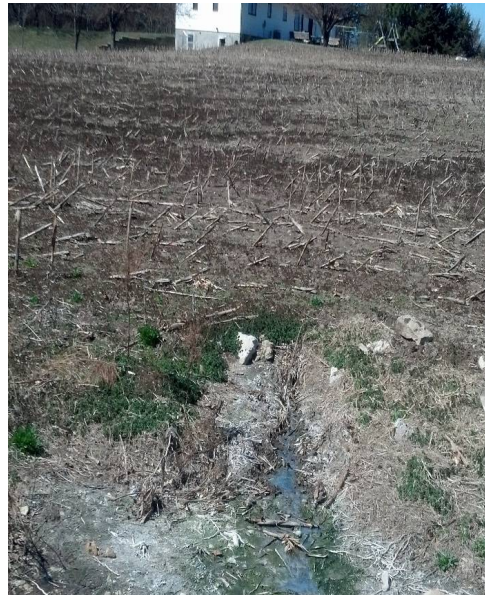
Rangeland Management Practices

- Watering facilities
- Cross fencing
- Solar pumps
- Spring developments
- Pond/stream exclusion



Non-point Source Pollution Control Practices

- Septic system repair
- Lagoon repair
- Abandoned water-well decommissioning





Cost-Share Financial Impact



Cost-Share Funding

- Cost-share funds are appropriated for use in each of the 105 counties based on availability and need
- State cost-share funds remain with the Division of Conservation
- Kansas Conservation Districts administer, manage and direct cost-share funds
- Cost-share funds have no bearing on day-to-day operational expenses



Financial Impact / State Cost-Share

State Cost-Share 2022

- Water Resources (WR)
 - \$28,081 paid/committed on 9 contracts
- Riparian Wetlands (RW)
 - \$7,032 committed on 1 contract
- Non-point Source (NPS)
 - \$5,756 paid/committed on 4 contracts
- Total **State** paid/committed to date for FY2022 (July 2021 – June 2022):
 - \$40,869 on 14 contracts

Financial Impact / Federal Cost-Share

Federal Cost-Share 2022

- RCCD is the point of contact for producers interested in Federal NRCS conservation programs
- The primary federal program of interest in Riley County is the Environmental Quality Incentive Program (EQIP)
- Paid/Committed to date for FY 2022 (10/1/21 – 9/30/22):
 - \$153,764 on 7 contracts
 - Majority of contracts support Water Quality
 - One contract supports Grazing Land Health

Total Financial Impact for Riley County / FY 2022

- State: \$40,869
- Federal: \$153,764
- Total: \$194,633





Community Engagement





Goods & Services

- RCCD has two no-till seed drills available for rent
- RCCD is a local retailer for native grass, forb and cover crop seeds
- This is a service for our landowners and supports federal programs that require seeding and/or cover crops





Education

- Education is a high priority for our district
- Contests for elementary students, Envirothon for high schoolers and workshops and field days for adults
- We also partner with Farm Bureau, Extension, and KSFAC to provide presentations



Annual Meetings

- Held in January or February
- Election of Supervisors
- Host a meal for county landowners
- Review the year's successes
- Presentation of Conservation Awards to outstanding stewards of the land



2022 Conservation Awards

- Kansas Ag Bankers Soil Conservation Award - Mike and Debbie Hagenmaier Family
 - Recognition for outstanding progress in the development and implementation of a complete soil conservation plan
- RCCD Grassland Award - Josh Wendland family





- Locally governed and funded since 1948
- Supports local implementation of natural resource conservation efforts
- Positive financial impact via support / management of cost-share programs
- Engaged with Riley County citizenry
 - educational outreach
 - resource management technical guidance, supplies and equipment
 - support and celebration of local resource conservation actions
- Integral to the NRCS mission to 'provide resources to farmers and landowners to aid them with conservation'

thank you for your continued support



**COUNTY
COUNSELOR/ADMINISTRATIVE
SERVICES**
Work Session

Clancy Holeman
Counselor/Director of
Administrative Services
115 North 4th Street
Manhattan, KS 66502
Phone: 785-565-6844

COMMISSION AGENDA REPORT

FROM: Clancy Holeman, Riley County Counselor

MEETING: April 7, 2022

SUBJECT: Follow Up 2022 Legislative Conference--Zoom Appearances by
Legislative Delegation

PRESENTER: Clancy Holeman

BACKGROUND

December 2, 2022 Riley County hosted "live" in County Commission Chambers its annual conference with our state legislative delegation.

Attached is the agenda and attachments which were discussed that day.

Today is a shorter, follow up to that "live" event. Members of the Riley County legislative delegation have been invited to attend by "zoom," because this is late in the 2022 session.

DISCUSSION

The goal today is to hear input from our delegation on the following:

1. Which specific items of pending legislation should Riley County be aware of as we approach the end of this state legislative session?
2. What are the chances for passage next session of SB 222, Riley County's proposed "anti-dark store" legislation ? (See No. II on attached agenda.)
3. What are the chances for passage next session of SCR 1606, Riley County's proposed "constitutional protection of county home rule" legislation? (See No. III on attached agenda.)

4. What are the chances for passage next session of Riley County's proposed "Unincorporated Area Nuisance Abatement Act" legislation? (See No. IV on attached agenda.)
5. What are the chances for passage next session of Riley County's proposed "resumption of LAVTR and Revenue Sharing" legislation? (See No. V on attached agenda.)

FISCAL IMPACT

N/A Work Session Only

RECOMMENDATION(S)

I recommend the Board develop an approach to work with our delegation on any pending legislation adverse to Riley County's interests which our delegation believes may appear by the end of this session; and also consider what steps should be taken to promote next session those items on the December 2, 2021 conference agenda which did not gain traction this session.

POSSIBLE MOTION(S)

N/A Work Session Only

Enclosures:

- Legislative Conference Agenda & Attachments 12.02.2021 (PDF)



RILEY COUNTY LEGISLATIVE CONFERENCE AGENDA

Thursday, December 2, 2021
12:00 p.m. - 2:00 p.m.
County Commission Meeting Room
115 North Fourth Street - First Floor

THE 2022 LEGISLATIVE SESSION RILEY COUNTY PRIORITIES

12:00 p.m. Catered Lunch

12:30 p.m. Welcome and Introductions

John Ford, Chairman
Greg McKinley, Vice Chairman
Kathryn Focke, Member

12:35 p.m.
Presentation

Shilo Heger, Riley County Treasurer
Amy Manges, Riley County Register of Deeds
Clancy Holeman, Riley County Counselor

I. Loss of Riley County Tax Dollars Due to State Actions (2013-2022) (Attachment A)

A. Cumulative Totals—Treasurer Perspective: Shilo Heger

1. LAVTR
2. Revenue Sharing
3. City/County Highway
4. Vehicle Tax

B. Mortgage Registration Fee—Register of Deeds Perspective: Amy Manges

C. Machinery and Equipment Exemption and “Slider”—Appraiser Perspective: Clancy Holeman

1:05 p.m.

Discussion--Delegation Action to Stop Future Losses

Board of Riley County Commissioners
Riley County Counselor
Riley County Legislative Delegation

II. Dark Store

Board of Riley County Commissioners
Riley County Counselor
Riley County Legislative Delegation

1:15 p.m.

Discussion--Legislative Support of SB 222
(Attachment B)

III. Constitutional Protection of County Home Rule

Board of Riley County Commissioners

1:25 p.m.
**Discussion—Legislative Support of SCR 1606
 (Attachment C)**

Riley County Counselor
 Riley County Legislative Delegation

IV. Riley County Nuisance Abatement

1:35 p.m.
**Discussion—Legislative Support of Riley County
 Unincorporated Area Nuisance Abatement Act
 (Attachment D)**

Board of Riley County Commissioners
 Riley County Counselor
 Riley County Legislative Delegation

V. Resuming LAVTR and other Revenue Sharing

1:45 p.m.
**Discussion—Legislative Support of LAVTR Resumption
 (Attachment E)**

Board of Riley County Commissioners
 Riley County Counselor
 Riley County Legislative Delegation

VI. Closing Remarks

Board of Riley County Commissioners

2:00 p.m.

ADJOURNMENT

LOSS OF RILEY COUNTY TAX DOLLARS DUE TO STATE ACTIONS											
	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	
1 LAVTR*	\$ 731,544	\$ 717,200	\$ 703,137	\$ 689,350	\$ 675,833	\$ 662,582	\$ 649,590	\$ 636,853	\$ 624,365	\$ 612,123	
2 Revenue Sharing*	\$ 510,130	\$ 500,128	\$ 490,321	\$ 480,707	\$ 471,281	\$ 462,041	\$ 452,981	\$ 444,099	\$ 435,391	\$ 426,854	
3 City/County Highway**	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,300	\$ 44,600	\$ 44,600	\$ 44,600	
4 Vehicle Tax***	\$ 888,064	\$ 845,775	\$ 805,500	\$ 767,143	\$ 730,612	\$ 695,821	\$ 662,687	\$ 631,131	\$ 601,077	\$ 578,700	
5 CIME Reimbursement (Slider)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
6 CIME Elimination ****	XXX	\$ 1,102,539	\$ 1,030,410	\$ 963,000	\$ 900,000	\$ 704,417	\$ 733,300	\$ 471,841	\$ 428,946	\$ 389,951	
7 Fixture Exemption (2013)****	\$ 1,000,000	\$ 989,000	\$ 948,000	\$ 921,000	\$ 2,473,005	\$ 2,355,243	\$ 2,243,089	\$ 2,136,275	N/A	N/A	
8 Mortgage Registration Fee*****	\$ 775,000	\$ 700,000	\$ 1,134,153	\$ 661,469	\$ 493,154	\$ 298,145	\$ 193,308	\$ 138,168	\$ -	\$ -	
TOTAL	\$ 3,904,738	\$ 4,854,641	\$ 5,111,521	\$ 4,482,669	\$ 5,743,886	\$ 5,178,249	\$ 4,957,254	\$ 4,502,966	\$ 2,134,379	\$ 2,052,228	
Value of a mill*	677,488	669,563	657,136	647,621	629,553	610,570	591,032	\$ 567,737	\$ 552,389	\$ 526,848	
Mill Levy Increase	5.764	7.250	7.778	6.922	9.124	8.481	8.387	7.931	3.864	3.895	
County Mill Levy Assessed	42.285	42.285	43.062	40.917	38.881	38.923	38.267	37.532	37.327	35.401	
Mill Levy w/o Increase	36.521	35.035	35.284	33.995	29.757	30.442	29.880	29.601	33.463	31.506	
* Estimated 2% annual increase											
** \$22,300 reduction for 11 & 16 & \$44,600 reduction for 12, 13, 14 & 15 for state error correction per 2010 legislative session											
*** Vehicle assessed values reduced from 30% in 1995 to 20% in 1999 and after (1/3 Decrease) 2014 5% valuation increase											
****per Greg McHenry, Appraiser											
*****Per Amy Manges, Register of Deeds 8/20/21											
1 LAVTR 3.63% of total retail sales and compensating taxes credited to SGF											
2 City/County Revenue Sharing 2.823% of total retail sales and compensating taxes credited to SGF											
3 City/County Highway 6.6% SGF funded											
Attachment A											

Session of 2021

SENATE BILL No. 222

By Committee on Ways and Means

2-11

1 AN ACT concerning property taxation; relating to valuation of property;
 2 excluding hypothetical leased fee in the determination of fair market
 3 value; amending K.S.A. 79-503a and repealing the existing section.
 4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 79-503a is hereby amended to read as follows: 79-
 7 503a. "Fair market value" means the amount in terms of money that a well
 8 informed buyer is justified in paying and a well informed seller is justified
 9 in accepting for property in an open and competitive market, assuming that
 10 the parties are acting without undue compulsion. *A hypothetical leased fee*
 11 *shall not be included in the determination of fair market value of any*
 12 *property.* In the determination of fair market value of any real property
 13 ~~which~~ *that* is subject to any special assessment, such value shall not be
 14 determined by adding the present value of the special assessment to the
 15 sales price. For the purposes of this definition it will be assumed that
 16 consummation of a sale occurs as of January 1.

17 Sales in and of themselves shall not be the sole criteria of fair market
 18 value but shall be used in connection with cost, income and other factors
 19 including, but not by way of exclusion:

- 20 (a) The proper classification of lands and improvements;
- 21 (b) the size thereof;
- 22 (c) the effect of location on value;
- 23 (d) depreciation, including physical deterioration or functional,
 24 economic or social obsolescence;
- 25 (e) cost of reproduction of improvements;
- 26 (f) productivity taking into account all restrictions imposed by the
 27 state or federal government and local governing bodies, including, but not
 28 limited to, restrictions on property rented or leased to low income
 29 individuals and families as authorized by section 42 of the federal internal
 30 revenue code of 1986, as amended;
- 31 (g) earning capacity as indicated by lease price, by capitalization of
 32 net income or by absorption or sell-out period;
- 33 (h) rental or reasonable rental values or rental values restricted by the
 34 state or federal government or local governing bodies, including, but not
 35 limited to, restrictions on property rented or leased to low income
 36 individuals and families, as authorized by section 42 of the federal internal

Attachment B

Attachment: Legislative Conference Agenda & Attachments 12.02.2021 (12042 : Follow Up 2022 Legislative Conference)

1 revenue code of 1986, as amended;

2 (i) sale value on open market with due allowance to abnormal
3 inflationary factors influencing such values;

4 (j) restrictions or requirements imposed upon the use of real estate by
5 the state or federal government or local governing bodies, including
6 zoning and planning boards or commissions, and including, but not limited
7 to, restrictions or requirements imposed upon the use of real estate rented
8 or leased to low income individuals and families, as authorized by section
9 42 of the federal internal revenue code of 1986, as amended; and

10 (k) comparison with values of other property of known or recognized
11 value. The assessment-sales ratio study shall not be used as an appraisal
12 for appraisal purposes.

13 *Fair market value pursuant to this section does not apply to land*
14 *devoted to agricultural use.*

15 The appraisal process utilized in the valuation of all real and tangible
16 personal property for ad valorem tax purposes shall conform to generally
17 accepted appraisal procedures and standards which are consistent with the
18 definition of fair market value unless otherwise specified by law.

19 Sec. 2. K.S.A. 79-503a is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the statute book.

Session of 2021

Senate Concurrent Resolution No. 1606

By Committee on Local Government

2-4

A PROPOSITION to amend article 9 of the constitution of the state of Kansas by adding a new section thereto; concerning home rule for counties.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 9 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§ 6. Counties' power of home rule. (a) Counties are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions, except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all counties of the same class. The legislature may establish not to exceed four classes of counties for the purpose of imposing all such limitations or prohibitions. Counties shall exercise such determination by resolution passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all counties, to other enactments of the legislature applicable uniformly to all counties, to enactments of the legislature applicable uniformly to all counties of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to counties now in effect or hereafter enacted and as later amended and until repealed shall govern counties, except as counties shall exempt themselves by charter resolutions as herein provided for in subsection (b).

(b) (1) Any county may by charter resolution elect in the

Attachment C

Attachment: Legislative Conference Agenda & Attachments 12.02.2021 (12042 : Follow Up 2022 Legislative Conference)

1 manner prescribed in this section that the whole or any part of
2 any enactment of the legislature applying to such county, other
3 than enactments of statewide concern applicable uniformly to
4 all counties, other enactments applicable uniformly to all
5 counties, and enactments prescribing limits of indebtedness,
6 shall not apply to such county.

7 (2) A charter resolution is a resolution which exempts a
8 county from the whole or any part of any enactment of the
9 legislature as referred to in this section and which may provide
10 substitute and additional provisions on the same subject. Such
11 charter resolution shall be so titled, shall designate specifically
12 the enactment of the legislature or part thereof made
13 inapplicable to such county by the adoption of such resolution
14 and contain the substitute and additional provisions, if any, and
15 shall require a two-thirds vote of the members-elect of the
16 governing body of such county. Every charter resolution shall
17 be published once each week for two consecutive weeks in the
18 official county newspaper or, if there is none, in a newspaper of
19 general circulation in the county.

20 (3) No charter resolution shall take effect until 60 days
21 after its final publication. If, within 60 days of its final
22 publication, a petition signed by a number of electors of the
23 county equal to not less than 10% of the number of electors who
24 voted at the last preceding regular county election shall be filed
25 in the office of the clerk of such county demanding that such
26 resolution be submitted to a vote of the electors, it shall not take
27 effect until submitted to a referendum and approved by a
28 majority of the electors voting thereon. An election, if called,
29 shall be called within 30 days and held within 90 days after the
30 filing of the petition. The governing body shall pass a resolution
31 calling the election and fixing the date, which resolution shall
32 be published once each week for three consecutive weeks in the
33 official county newspaper or, if there be none, in a newspaper of
34 general circulation in the county, and the election shall be
35 conducted as elections for officers and by the officers handling
36 such elections. The proposition shall be: "Shall charter
37 resolution No. _____, entitled (title of resolution) take
38 effect?" The governing body may submit any charter resolution
39 to a referendum without petition by the same publication of the
40 charter resolution, and the same publication of the resolution
41 calling the election as for resolutions upon petition and such
42 charter resolution shall then become effective when approved
43 by a majority of the electors voting thereon. Each charter

1 resolution becoming effective shall be recorded by the county
 2 clerk in a book maintained for that purpose with a statement of
 3 the manner of adoption, and a certified copy shall be filed with
 4 the secretary of state, who shall keep an index of the same.

5 (4) Each charter resolution enacted shall control and
 6 prevail over any prior or subsequent act of the governing body
 7 of the county, and may be repealed or amended only by charter
 8 resolution or by enactments of the legislature applicable to all
 9 counties.

10 (c) Powers and authority granted to counties pursuant to
 11 this section shall be liberally construed for the purpose of giving
 12 to counties the largest measure of self-government.

13 (d) This amendment shall be effective on and after July 1,
 14 2023."

15 Sec. 2. The following statement shall be printed on the ballot with
 16 the amendment as a whole:

17 "*Explanatory statement.* This amendment would provide a
 18 constitutional basis for county home rule. A county could
 19 enact a charter resolution to exempt itself from non-uniform
 20 state laws that apply to the county and provide substitute or
 21 additional provisions to that law. The legislature could
 22 preempt counties from exercising home rule powers by the
 23 passage of uniform state laws that apply to all counties in the
 24 exact same manner. Counties could pass home rule
 25 resolutions to legislate locally on matters not covered by
 26 state law.

27 "A vote for this proposition would empower counties to
 28 determine their local affairs and government with a
 29 constitutional grant of power that could only be preempted
 30 by enactments of the legislature that apply uniformly to all
 31 counties in the exact same way.

32 "A vote against this proposition would retain the present law
 33 granting counties home rule power and other both uniform
 34 and non-uniform laws pertaining to counties that can be
 35 readily amended by the legislature to restrict home rule
 36 powers by statute."

37 Sec. 3. This resolution, if approved by two-thirds of the members
 38 elected (or appointed) and qualified to the Senate and two-thirds of the
 39 members elected (or appointed) and qualified to the House of
 40 Representatives, shall be entered on the journals, together with the yeas
 41 and nays. The secretary of state shall cause this resolution to be published
 42 as provided by law and shall cause the proposed amendment to be
 43 submitted to the electors of the state at the general election in November

SCR 1606

4

- 1 in the year 2022, unless a special election is called at a sooner date by
- 2 concurrent resolution of the legislature, in which case it shall be
- 3 submitted to the electors of the state at the special election.

RILEY COUNTY UNINCORPORATED AREA NUISANCE ABATEMENT ACT

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) Sections 1 through 6, and amendments thereto, shall be known and may be cited as the Riley county unincorporated area nuisance abatement act. (b) Before any nuisance abatement process shall be commenced under this act, Riley county first shall have obtained a conviction for a county code violation resulting from such nuisance within the 12-month period prior to the issuance of any order as provided in section 2, and amendments thereto. (d) (1) The board of county commissioners may order the removal or abatement of any nuisance from any lot or parcel of ground within the unincorporated area of the county. The board may order the repair or demolition of any structure, or the removal or abatement of any other type of nuisance. (2) The order shall provide that all costs associated with the abatement shall be paid by the owner of the property on which the nuisance is located.

Section 2. (a) Whenever the board of county commissioners or other agency designated by the board files with the Riley county clerk a statement in writing describing a nuisance and declaring that such nuisance is a menace and dangerous to the health of the inhabitants of the county, the board of county commissioners, by resolution, may make such determination and issue an order requiring the nuisance be removed or abated. (b) Except as provided by subsection (c), the board of county commissioners shall order the owner of the property to remove and abate the nuisance within not less than 10 days, to be specified in the order. The board or its designated representative may grant extensions of the time period indicated in the order. The order shall state that before the expiration of the waiting period or any extension, the recipient may request a hearing before the board or its designated representative. The order shall be served on the owner by personal service in accordance with K.S.A. 60-303, and amendments thereto. (c) If the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the board of county commissioners may provide notice of the issuance of any further orders to abate or remove a nuisance from the property in the manner provided by subsection (d) or as provided in this subsection. The board may provide notice of the order by such methods including, but not limited to, door hangers conspicuously posting notice of the order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail. (d) If the owner of the property fails to comply with the order for a period longer than that named in the order or any extensions of such time period, the board of county commissioners may proceed to order the repair or demolition of any structure and have the items described in the order removed and abated from the lot or parcel of ground. If the county abates or removes the nuisance, the county shall give notice to the owner by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the county. The notice also shall state that payment of the cost is due and payable within 60 days following the mailing of the notice. (e) If the cost of the removal or abatement is not paid within the 60-day period, the cost shall be assessed and charged against the lot or parcel of land on which the nuisance

Attachment D

was located. If the cost is to be assessed, the county clerk, at the time of certifying other county taxes, shall certify the costs, and the county clerk shall extend the cost on the tax roll of the county against the lot or parcel of land. Such cost shall be collected by the county treasurer. (f) In assessing the cost of removal and abatement of a nuisance, the county shall subtract from the total cost of the abatement or removal incurred by the county the value of the property removed or abated. If the value of the property removed or abated is greater than the cost of the removal or abatement incurred by the county, the county shall pay the owner the difference. If the value of the property is contested, the property owner may request a hearing before the board or its designated representative prior to the 60 days following receipt of notice of costs due and payable under subsection (d). (g) All orders and notices shall be served on the owner of record or, if there is more than one owner of record, then on at least one such owner. (h) Any decision of the board of county commissioners or its designated representative is subject to review in accordance with the Kansas judicial review act.

Section 3. Riley county may remove and abate from property, other than public property or property open to the use by the public, a motor vehicle determined to be a nuisance. Disposition of such vehicles shall be in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2), and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of the motor vehicle. If a public auction is conducted, but no responsible bid is received, the county may file proof with the division of vehicles, and the division shall issue a certificate of title of the motor vehicle to the county. Any person whose motor vehicle has been disposed of pursuant to this section shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount of the refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.

Section 4. The board of county commissioners may adopt a resolution to establish any policies, procedures, designated body or other related matters for hearings that property owners or their agents may request pursuant to this act.

Section 5. Nothing in the Riley county unincorporated area nuisance abatement act shall apply to land, structures, machinery and equipment or motor vehicles used for an agricultural activity. For purposes of this section, the term "agricultural activity" means the same as defined in K.S.A. 2-3203, and amendments thereto, except such term shall also include real and personal property, machinery, equipment, stored grain and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities.

Section 6. The Riley county unincorporated area nuisance abatement act, sections 1 through 6, and amendments thereto, shall expire on July 1, 2025.

The Impact of Demand Transfer Losses

By Chardae Caine, Research Associate, League of Kansas Municipalities

The Kansas Legislature continues to implement budget and tax policies with negative repercussions on local governments' finances. The property tax lid demonstrates this through requiring a city or county to hold an election for any increase in property tax revenue collected at a rate higher than inflation, as measured by the Consumer Price Index (CPI). While a majority of cities are attempting to delay the need for an election by making budget adjustments, other cities needed to hold an election. Similarly, the legislature's decision to not fund demand transfers over the past 15 years is another example of the influence state decisions have on local governments and the services that can be provided to Kansas residents.

Since 2001, cities and counties in Kansas have lost at least \$2,591,533,883 as a result of the State's decision not to fund demand transfers. It is very important to note that while some of these monies are often referred to as "state aid" in budget documents, the history of these funds does not support that classification. The LAVTRF and the CCRS funds (explained below) were part of an agreement between the State and local governments that involved the loss of revenue sources in exchange for the establishment of these funds. The past 18 years are illustrated on data tables provided with this document.

Reduction in LAVTRF

Fiscal Year	Statute	Actual	Loss
2001	\$60,315,000	\$54,139,000	\$6,176,000
2002	\$61,980,000	\$54,680,000	\$7,300,000
2003	\$62,431,000	\$26,247,000	\$36,184,000
2004	\$64,636,000	\$0	\$64,636,000
2005	\$66,521,000	\$0	\$66,521,000
2006	\$66,682,000	\$0	\$66,682,000
2007	\$71,233,000	\$0	\$71,233,000
2008	\$71,063,598	\$0	\$71,063,598
2009	\$69,860,878	\$0	\$69,860,878
2010	\$67,430,000	\$0	\$67,430,000
2011	\$81,788,000	\$0	\$81,788,000
2012	\$87,665,000	\$0	\$87,665,000
2013	\$92,021,000	\$0	\$92,021,000
2014	\$88,644,600	\$0	\$88,644,600
2015	\$90,203,785	\$0	\$90,203,785
2016	\$96,519,286	\$0	\$96,519,286
2017	\$96,940,047	\$0	\$96,940,047
2018	\$99,759,907	\$0	\$99,759,907
Total Through FY 2018:	\$1,395,694,101	\$135,066,000	\$1,260,628,101

LAVTRF (Local Ad Valorem Property Tax Reduction)

Established under K.S.A. 79-2959, LAVTRF is currently supposed to transfer 3.63% of state sales and use taxes to cities and counties. Revenue sharing in this manner dates to the 1930s with the current statutory framework being established in 1965. At that time, the local share of certain cigarette revenue stamp taxes and cereal malt beverage taxes were rolled into the state general fund and a direct transfer was made into the LAVTRF to replace the loss of these funds (Kansas Session Laws, Chapter 530, 1965). Since 2001, Kansas cities and counties have not received \$1,260,628,101 in LAVTRF funding.

CCRS (County City Revenue Sharing)

Established under K.S.A. 79-2964, CCRS is supposed to transfer 2.823% of state sales and use taxes to cities and counties. CCRS was established in 1978 as part of an agreement between the State and local governments regarding several different taxes. In particular, the local share of cigarette and liquor enforcement tax revenues was traded for the establishment of the CCRS (Kansas Session Laws, Chapter 401, 1978). Since 2001, Kansas cities and counties have not received \$1,006,713,076 in CCRS revenue sharing.

Reduction in CCRS

Fiscal Year	Statute	Actual	Loss
2001	\$46,004,000	\$34,531,000	\$11,473,000
2002	\$46,901,000	\$34,876,000	\$12,025,000
2003	\$47,868,000	\$16,741,000	\$31,127,000
2004	\$51,564,063	\$0	\$51,564,063
2005	\$53,422,952	\$0	\$53,422,952
2006	\$56,609,567	\$0	\$56,609,567
2007	\$57,920,881	\$0	\$57,920,881
2008	\$55,206,431	\$0	\$55,206,431
2009	\$54,329,823	\$0	\$54,329,823
2010	\$52,570,000	\$0	\$52,570,000
2011	\$63,606,000	\$0	\$63,606,000
2012	\$68,175,000	\$0	\$68,175,000
2013	\$71,563,000	\$0	\$71,563,000
2014	\$68,937,660	\$0	\$68,937,660
2015	\$70,150,216	\$0	\$70,150,216
2016	\$75,061,693	\$0	\$75,061,693
2017	\$75,388,912	\$0	\$75,388,912
2018	\$77,581,878	\$0	\$77,581,878
Total Through FY 2018:	\$1,092,861,076	\$86,148,000	\$1,006,713,076

Reduction in SCCHF

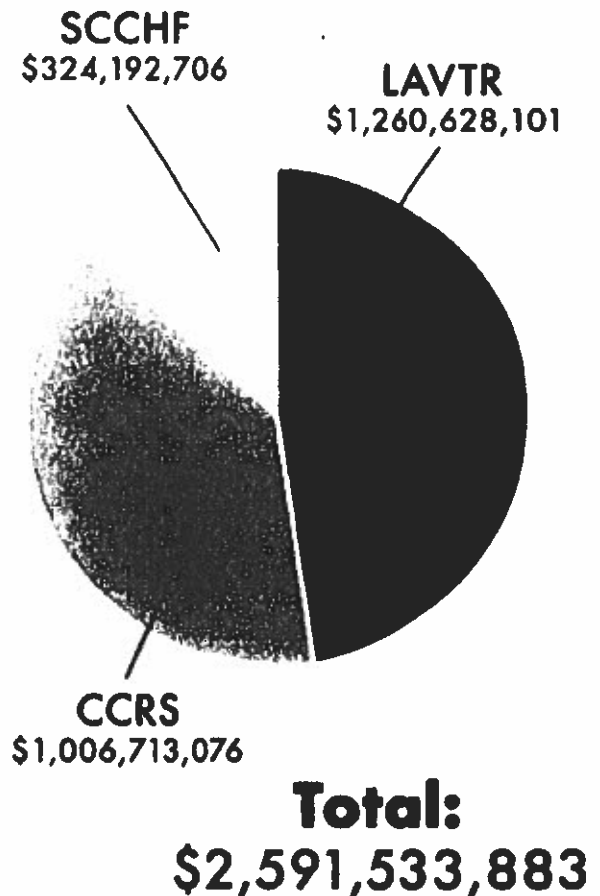
Fiscal Year	Statute	Actual	Loss
2001	\$18,068,010	\$10,343,000	\$7,725,010
2002	\$15,729,000	\$10,447,000	\$5,282,000
2003	\$19,498,652	\$10,063,000	\$9,435,652
2004	\$20,454,000	\$5,032,000	\$15,422,000
2005	\$22,056,000	\$10,064,000	\$11,992,000
2006	\$25,811,513	\$10,064,000	\$15,747,513
2007	\$29,031,000	\$10,064,000	\$18,967,000
2008	\$29,685,531	\$10,064,000	\$19,621,531
2009	\$22,000,000*	\$0	\$22,000,000
2010	\$22,000,000*	\$0	\$22,000,000
2011	\$22,000,000*	\$0	\$22,000,000
2012	\$22,000,000*	\$0	\$22,000,000
2013	\$22,000,000*	\$0	\$22,000,000
2014	\$22,000,000*	\$0	\$22,000,000
2015	\$22,000,000*	\$0	\$22,000,000
2016	\$22,000,000*	\$0	\$22,000,000
2017	\$22,000,000*	\$0	\$22,000,000
2018	\$22,000,000*	\$0	\$22,000,000
Total Through FY 2018:	\$400,333,706	\$76,141,000	\$324,192,706

SCCHF (Special City-County Highway Fund)

Established under K.S.A. 79-3425(I), this portion of the Special City-County Highway Fund is funded by the motor vehicle property tax. The other portion of SCCHF is funded by the motor fuels tax and transfers from that portion of the fund have not been reduced to date. Since 2001, Kansas cities and counties have not received \$324,192,706 in CCRS revenue sharing.

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Total of All Demand Transfer Losses Since 2001



**Local Ad Valorem Tax Reduction Fund (LAVTRF) and County and
City Revenue Sharing Fund (CCRSF) Estimated Distributions
(Excludes subdistributions to Cities and Local Taxing Authorities)**

County	LAVTRF Available	CCRSF Available	TOTAL	County	LAVTRF Available	CCRSF Available	TOTAL
Johnson County	\$ 12,352,116	\$ 17,608,326	\$29,960,441	Wabaunsee County	\$ 129,019	\$ 183,921	\$312,941
Sedgwick County	8,714,863	12,423,310	21,138,173	Pawnee County	124,218	177,077	301,295
Shawnee County	3,040,975	4,335,005	7,375,979	Ellsworth County	131,470	187,414	318,884
Wyandotte County	2,653,323	3,782,395	6,435,718	Mitchell County	118,297	168,636	286,933
Douglas County	2,143,528	3,055,664	5,199,190	Greenwood County	110,084	158,928	267,012
Leavenworth County	1,306,747	1,862,809	3,169,556	Gray County	126,211	179,918	306,130
Riley County	1,266,117	1,804,889	3,071,006	Sherman County	125,174	178,439	303,612
Butler County	1,183,917	1,687,711	2,871,627	Ottawa County	114,125	162,688	276,813
Reno County	1,081,084	1,541,119	2,622,203	Harper County	122,525	174,664	297,189
Saline County	984,446	1,403,358	2,387,804	Stevens County	131,179	187,000	318,179
Crawford County	613,970	875,233	1,489,203	Morris County	107,685	153,508	261,193
Finney County	714,503	1,018,546	1,733,049	Washington County	119,692	170,625	290,317
Geary County	562,792	802,278	1,365,071	Norton County	100,698	143,548	244,246
Cowley County	573,139	817,027	1,390,166	Phillips County	99,326	141,592	240,918
Harvey County	581,353	828,736	1,410,089	Rooks County	108,049	151,176	257,225
Ford County	582,096	829,796	1,411,892	Scott County	108,118	154,126	262,244
Montgomery County	583,716	832,105	1,415,821	Barber County	117,370	167,315	284,685
Lyon County	571,648	814,903	1,386,551	Republic County	98,517	140,439	238,957
Miami County	605,565	863,251	1,468,816	Meade County	109,749	156,450	266,199
Ellis County	558,183	795,708	1,353,891	Stafford County	98,555	140,494	239,049
McPherson County	585,301	834,365	1,419,666	Haskell County	110,548	157,590	268,138
Barton County	467,612	686,595	1,134,207	Kearny County	98,471	140,373	238,843
Franklin County	435,670	621,062	1,056,732	Smith County	74,997	106,910	181,907
Sumner County	421,397	600,714	1,022,111	Osborne County	74,778	106,598	181,376
Pottawatomie County	578,430	824,570	1,403,000	Chautauqua County	58,820	83,850	142,670
Seward County	418,233	596,205	1,014,438	Woodson County	58,277	83,075	141,352
Labette County	318,755	454,395	773,149	Lincoln County	68,268	97,319	165,587
Cherokee County	337,526	481,154	818,680	Rush County	64,435	91,853	156,288
Dickinson County	344,233	490,715	834,949	Ness County	74,740	106,544	181,283
Jefferson County	317,493	452,596	770,090	Jewell County	68,750	98,005	166,755
Atchison County	285,105	406,426	691,532	Edwards County	63,438	90,433	153,871
Neosho County	285,920	379,077	644,997	Morton County	72,188	102,906	175,093
Osage County	268,854	383,280	652,114	Trego County	64,791	92,362	157,153
Bourbon County	232,829	331,906	564,735	Decatur County	65,621	93,545	159,166
Jackson County	222,903	317,755	540,657	Logan County	67,942	96,853	164,795
Allen County	231,152	329,515	560,667	Cheyenne County	58,784	83,799	142,583
Marion County	216,115	308,079	524,194	Chase County	58,472	83,353	141,825
Nemaha County	211,219	301,100	512,319	Gove County	68,926	98,255	167,181
Rice County	198,478	280,086	478,564	Hamilton County	53,399	76,122	129,521
Marshall County	209,559	298,733	508,293	Elk County	45,368	64,673	110,041
Brown County	212,291	302,627	514,918	Graham County	62,173	88,629	150,802
Pratt County	208,175	293,909	500,084	Kiowa County	74,734	106,535	181,268
Linn County	248,530	354,287	602,817	Rawlins County	62,119	88,553	150,672
Cloud County	167,831	239,248	407,080	Sheridan County	63,115	89,972	153,087
Wilson County	159,445	227,293	386,738	Wichita County	52,421	74,728	127,149
Coffey County	390,958	557,324	948,282	Stanton County	52,850	75,339	128,189
Clay County	155,595	221,806	377,401	Clark County	46,252	65,934	112,185
Thomas County	166,025	236,674	402,698	Hodgeman County	42,841	61,072	103,913
Anderson County	146,052	208,201	354,253	Comanche County	39,215	55,902	95,116
Doniphan County	164,555	234,578	399,132	Lane County	42,611	60,744	103,356
Grant County	180,120	256,767	436,888	Wallace County	40,516	57,757	98,274
Kingman County	146,143	208,331	354,474	Greeley County	34,046	48,533	82,579
Russell County	135,453	193,092	328,545				
Total CCRSF	\$ 76,978,689						
Total LAVTRF	54,000,000						
Grand Total	\$ 130,978,689						