



**Board of Riley County
Commissioners
Regular Meeting
Minutes
May 01, 2023**

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

Cindy Kabriel
785-565-6200

Commission Chambers

8:30 AM

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

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

[District 1 – John Ford, Vice Chair](#)

8:30 AM

Call to Order

Attendee Name	Title	Status	Arrived
John Ford	County Commissioner	Present	8:30 AM
Kathryn Focke	County Commissioner	Present	8:30 AM
Greg McKinley	County Commissioner	Present	8:30 AM
Rich Vargo	County Clerk	Present	8:30 AM
Clancy Holeman	Counselor/Director of Administrative Services	Present	8:30 AM
David Adams	EMS/Ambulance Director	Present	8:30 AM
Anna Burson	County Appraiser	Present	8:30 AM
Lorn Clement		Present	8:30 AM
Shelly Woodard		Present	8:30 AM
John Ellermann	Public Works Director/County Engineer	Present	8:32 AM
Michele Reid	Payroll, Benefits & Employee Relations Manager	Present	8:44 AM
Amanda Webb	Planning/Special Projects Director	Present	8:54 AM
Darell Edie	Budget & Finance Officer	Present	8:56 AM
Elizabeth Ward	Human Resource Director	Present	9:12 AM
Julie Gibbs	Health Department Director	Present	9:15 AM
Jessica Keck	Evergy	Present	10:15 AM
Paul Barkey		Present	10:15 AM
Jared Parson		Present	10:15 AM
Ron Klataski		Present	10:15 AM

Pledge of Allegiance

Public Comment

1. Public Comments

Adams reported the North County EMS Station building will begin May 8, 2023 and be completed the end of September.

Adams asked if Monday, May 8, 2023 at 3:30 p.m. would work for the Groundbreaking Ceremony.

The Board agreed by consensus to hold the North County EMS Station Groundbreaking in Leonardville on Monday, May 8, 2023 at 3:30 p.m.

Holeman asked the Board to add an executive session to his time at 9:00 a.m.

Move to add an executive session to Clancy Holeman's admin work session time at 9:00 a.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

Holeman requested holding a discussion on Monday, May 8, 2023 during the 8:30 Public Comment with Judge Grant Bannister and County Attorney Barry Wilkerson regarding the Magistrate Judge Docket.

The Board agreed by consensus to discuss the Magistrate Judge Docket on Monday, May 8, 2023 during the 8:30 Public Comment with Judge Grant Bannister and County Attorney Barry Wilkerson.

Commission Comments

2. Commission Comments

Focke's Comments:

Monday I attended the Intergovernmental Luncheon held at Rockin K's. A presentation was made by Stephanie Peterson to discuss the Rural Housing Incentive Districts (RHID) and the Moderate Income Housing (MIH) programs being made available through the state of Kansas. It was a very complicated program to understand without further study. Questions were asked by Anna Burson and Amanda Webb that addressed some of the issues. The program would impact ad valorem taxes and market evaluations.

I understand that the cities and the county can apply for these grants. Josh Brewer of Habitat for Humanity contacted Amanda Webb later in the week and has a potential project in the City of Manhattan that he wants to discuss with the County Commission sometime in May.

Tuesday I spent time in the office and later met with a landowner in Keats concerning the lagoon project. We will be sending another targeted letter out to some additional landowners this week.

Wednesday I met with the County Attorney to touch base on several issues concerning the county and city.

That afternoon Brian Foster of BG Associates and I attended a presentation at the office/plant at Aero Mod on the wastewater systems they have been supplying in various towns and cities, specifically in Kansas. They have a plant in St. George and various towns in northeast Kansas, most with populations of around 1,000. We discussed the Keats needs and they could possibly work with us if we cannot find the acreage for a lagoon. Their representative agreed that a lagoon would be the best long-term solution, but would be willing to put some financials together for us. I will be doing a report on the meeting for the commissioners and the Keats taxing district.

Thursday I spent time in the office reviewing materials for this week, specifically the public meeting today on the Evergy substation. I've received a stack of e-mails and letters from concerned residents in the Ashland Township.

I also spent some time with Deputy Counselor, Craig Cox, concerning the meeting I had on Tuesday in Keats.

Friday Craig and I met with the County Appraiser to discuss market valuation of rural properties, specifically those that deal with land purchased for the public use. We also discussed Monday's presentation on the RHID and MIH programs and her concerns with the program as presented. There are a lot of questions around the program, and it will take some time to work through all the issues.

I spent most of the afternoon in the office, then took a drive to Ashland Bottoms to look at the proposed location for the Evergy substation.

Saturday afternoon I attended a reception for Bruce McMillian in celebration of his 40 years as an Architect. It was held at the Columbia Theater in Wamego. There were a lot of people there. He will be selling the business but will continue to work. I also drove to the Evergy substation located off Tuttle Creek Boulevard and Marlatt and the Wildcat Creek substation next to Anneberg Park.

Ford's Comments:

Monday I attended the April Intergovernmental meeting at Rockin K's event space up on campus. The major item of discussion was a Rural

Housing Incentive District (RHID) by the City of Manhattan. Looks like we will be having a full presentation coming on this at some point in time in the near future.

Tuesday afternoon I traveled out to Ellis County and Hays to attend the 47th Annual Spring Conference of the Kansas County Commissioners Association. We started off the conference with some networking and dinner at the “Fort” there in Hays. They had axe throwing, bowling, darts, and other entertainment to go along with dinner. It was a really neat place, and the staff was pleasant and professional as well.

Wednesday was day one of the conference and it was a full day. We heard from several people including the President of KCCA, Ellis County Commissioners and the Mayor of Hays to start. Then we had a follow up on the 2023 Legislative Session from Jay Hall, Deputy Director, and General Counsel, KAC, and Mike Taylor, KCCA Lobbyist. Next presentation was the Appraiser Process from David Harper, Director of PVD, Kansas Department of Revenue. Next we heard from Sara Bloom, Community Development Specialist, Kansas Department of Commerce, and Tim Zimmerman, Business Development Project Manager, Kansas Department of Commerce. Their presentation was Eco/Devo 101 for Counties. The lunch presentation was from Dennis Clary, Director of Custom Civic Engagement, Kansas Leadership Center. Next we heard from Morgan Barnes, Outreach and Engagement Manager, Kansas Office of Recovery. She went through outreach and action opportunities for rural broadband and technology. Last presentation of the day was from Nichole Prouix-Aiken, Deputy Counsel, League of Municipalities. She spent some time talking and discussing the Kansas Open Meetings Act.

Thursday was day two of the conference and we discussed issues and challenges concerning commissioners’ reports that were done the day before. Then we heard from Keith Becker, McPherson County Commissioner, who gave us a membership update and other programs from NACo. Next we heard from Ryan Adkison, Assistant County Administrator/Finance Director for Butler County, his presentation was “The County Budget: Aligning Money with Priorities and Plans.” The last presentation of the conference was made by Carl York, Tax Specialist, Office of Policy and Research, Kansas Department of Revenue. He discussed the Kansas sales and use taxes and how it applies to Kansas counties.

After getting back Thursday afternoon from Hays I spoke with Elizabeth Ward, Human Resources Manager on a couple of topics including the upcoming 2024 Budget, some thoughts on personnel, strategic planning for Riley County, and some professional development ideas as well.

Friday morning I spent the first half of the day at Konza United Way's Community Investment Day at the Foundation Center. Had the chance to listen to a handful of different local and area agencies and their work on efforts for the community. The event was very well attended by a very engaged set of citizens and volunteers as well.

Lastly, K-State lost another legend in "Mr. K-State" himself Ernie Barret. His love for purple will be very hard to match, and his work and efforts for the Wildcats spanned over 70 years. Riley County also lost a longtime employee with the passing of Cathy Willard. She spent time in both the Treasurer's and Appraiser's offices and was always a down to earth and friendly person in the office.

Lastly congratulations to the K-State baseball team for taking two of three from #14 Texas Tech, and staying in a tie for second place in the Big 12 Conference.

McKinley's Comments:

Wednesday the 19th was the meeting for the North Central Kansas Regional Juvenile Detention Facility. We met at the Saline County Jail. We met with an attorney about a case involving the facility. They made a cash settlement in the case and we wanted an explanation. The board was not happy, but that is how things are settled sometimes. We then toured the part of the jail we are considering using for expanded facilities. It was agreed to hire an architect to make a preliminary review of what would be needed to modify the existing area for juvenile detention.

From Thursday through Monday we had a trip to San Francisco. Except for the flights we had a great time. We have a nephew who has lived there for nine years. He gave us a mostly walking tour of the area. It is mostly hills and I am not in good enough shape to live there.

We got back late Monday and I left at noon Tuesday for the County Commissioner Conference in Hays. Of the eight presentations only one was a stinker. I was able to note a lot of information that will be useful in our work.

This weekend I spent a lot of time reviewing the information for our Special Use permit that we will be deciding later today.

Business Meeting

3. 2023 Equipment & Vehicle Internet Auction Notice of Intent to Sell

Move to approve the Notice of Intent to Sell Excess Personal Property (2023 Equipment & Vehicle Internet Auction).

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

4. Sign a Tax Roll Correction

Move to approve the Tax Roll Correction.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

5. Appoint Jacob Larson to the Riley County Solid Waste Management Committee as a Manhattan City representative

Move to appoint Jacob Larson to the Solid Waste Management Committee and approve "Resolution No. 050123-21, A Resolution appointing a representative to the Solid Waste Management Committee."

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

6. Sign Riley County Personnel Action Form(s)

The Board of County Commissioners signed Riley County Employee Action Forms for the following:

- Heather Capobianco, a new hire, as a Volunteer Firefighter Stipend, in the Riley County Fire District #1.
- Rafael Cuevas Leon, a new hire, as a Commercial Appraiser I, in the Appraiser's Department, at a Pay Range 7, at \$20.50 per hour.
- Carleen Brewer, a new hire, as an Appraiser I - Personal Property, in the Appraiser's Department, at a Pay Range 7, at \$22.48 per hour.
- Ashley Martinek, a new hire, as a HR Clerical Assistant, in the Clerk's Office, at a Pay Range TASND, at \$15.00 per hour.

Review Minutes

7. Board of Riley County Commissioners - Regular Meeting - Apr 24, 2023 8:30 AM

Move to approve the minutes.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

Review Tentative Agenda

8. Tentative Agenda

Press Conference Topics

9. Discuss Press Conference

9:00 AM **Clancy Holeman, Counselor/Director of Administrative Services**

- 9:00 AM** 10. Administrative Work Session

Move the County Commission, including Chairwoman Focke, Vice Chairman Ford, and Commissioner McKinley, recess into executive session on potential litigation for the purpose of consultation with Clancy Holeman, Riley County Counselor, attorney for the commission, which would be deemed privileged in the attorney-client relationship, an exception to the Kansas Open Meetings Act, the open meeting to resume in the County Commission Chambers at 9:10 a.m. Amanda Webb, Planning/Special Projects Director, will be present during a portion of the executive session, to provide factual information.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

9:15 AM

Move the Board of County Commissioners come out of executive session.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

Move the record reflect no binding action was taken during the executive session.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

11. Pending County Projects County Counselor

9:10 AM

Shelly Williams, Community Corrections Director

12. FY24 Adult Services Comprehensive Plan

Williams presented the FY24 Adult Services Comprehensive Plan.

Williams stated there are some changes to the numbers, which need to be made.

Move to approve the FY24 Adult Services Comprehensive Grant Plan with no Riley County appropriation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

13. FY24 Juvenile Services Comprehensive Plan

Williams presented the FY24 Juvenile Services Comprehensive Plan.

Williams said some of the fiscal data will be changed.

Edie stated Williams, Hubbard, and Ward have been discussing the numbers, which will be changed.

Focke stated these grants applications coming in the day they are due is not acceptable.

Williams stated due to the Advisory Board needing to approve the application is what causes timing trouble.

Ford stated he is not comfortable putting in a blank amount.

The Board discussed frustration with receiving the information late.

Focke stated the next time the applications come the day they need approved she will not approve them.

Move to approve the FY24 Juvenile Services Comprehensive Grant with no Riley County appropriation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

14. FY24 & FY25 Juvenile Reinvestment Grant Application

Williams presented the FY24 & FY25 Juvenile Reinvestment Grant Application with no Riley County Appropriation.

Move to approve the FY24 and FY25 Juvenile Reinvestment Grant Application with no Riley County Appropriation.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

9:20 AM

Julie Gibbs, Health Department Director

Move to recess as the Board of County Commissioners and convene as the Board of Health.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner

AYES:	Ford, Focke, McKinley
--------------	-----------------------

15. RCHD Request to Apply for CDC grant

Gibbs presented the grant application.

Move to approve that the Riley County Health Department submit the Overdose Data to Action grant application to the CDC on May 8, 2023.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

16. RCHD Request to Apply for grant through KDHE

Gibbs presented the grant application.

Move to approve the Riley County Health Department's request to apply for the All Hands on DEC grant through KDHE.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

Move to recess as the Board of Health and reconvene as the Board of County Commissioners.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

9:30 AM

Press Conference

17. Annual Kansas County Commissioners Association Conference report
- John Ford and Greg McKinley (5 minutes)

9:35 AM

Brian Peete, RCPD Director

18. RCPD update

Peete presented a Letter of Support for the Riley County Police Department for a Smart Policing Initiative Grant.

Move to approve the Letter of Support for a BJA FY 2023 The Smart Policing Initiative Grant Program for the Riley County Police Department.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

9:45 AM

Bob Isaac, Planner

19. Rezone an unplatted tract of land from I-1 (Light Industrial) to C-2 (Highway Business) and plat the tract into three commercial lots.

Isaac presented the rezone & plat for the Stagg Hill Business Community Addition.

Move to approve “Resolution No. 050123-22, Resolution amending the zoning map of Riley County concerning the use of certain real estate located in Manhattan Township,” a rezone of a tract of land from I-1 Light Industrial to C-2 Highway Business, as it was determined that the request is in general conformance with the goals and objectives of the Manhattan Urban Area Comprehensive Plan and all the requirements of the Riley County Land Development Regulations and Sanitary Code have been met.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner
AYES:	Ford, Focke, McKinley

Move to approve “Resolution No. 050123-23, A Resolution approving the Stagg Hill Business Community Addition plat and accepting the street rights of way, easements and licenses as shown to be dedicated on said plat,” as it was determined that all the requirements of Articles 26-5, 26-8, and 26-9 of the Manhattan Development Code, Riley County Land Development Regulations and Sanitary Code have been met.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John Ford, County Commissioner
SECONDER:	Greg McKinley, County Commissioner

AYES:	Ford, Focke, McKinley
--------------	-----------------------

10:15 AM Bob Isaac, Planner

20. Special Use Authorization to establish and operate an electrical substation.

Focke opened the Public Hearing for the Special Use for an electrical substation.

Isaac reported the Riley County Planning Board denied the original request.

Isaac stated the applicant has since changed the location to help comply with concerns of the Planning Board.

Isaac said since the changes are significant he recommends the project go back to the Planning Board for review of the substantial changes.

Holeman stated the matter before the Board is Special Use for an electrical substation as denied by the Planning Board.

Isaac presented the Special Use Authorization to an electrical substation.

Isaac clarified the location will be changing as will the access to the site.

Isaac said staff recommends the authorization be approved by the Board based on the substantial revisions.

Keck, Evergy, apologized for the last minute changes. Keck stated it has taken time to meet with the landowner about another location and site design. Keck said they are trying to find something which works better for the community.

McKinley asked, what is a switching station?

Keck said it gives you the option to change the power from one line to the next if one line goes down. Keck said there will not be any transformers.

Keck discussed the consideration in selecting the original site and the alternate location.

Clement, Ashland Township Trustee, discussed the proposed substation application. Clement said the movement to the north does

nothing to improve the project. Clement stated this is not the right site.

Barkey discussed the spiritual aspects of the Ashland Bottoms and McDowell Creek Road, a Kansas Scenic Byway. Barkey stated the switching station does not fit next to a cemetery.

Parson said his concern is the impact on neighbors and impact on land values. Parson discussed the mental and physical damage living under a power line.

Klataski stated he has a number of concerns regarding the Special Use electrical substation.

Many residents in the Ashland Community spoke in opposition to the proposed electrical substation.

Focke closed the public speaking on the application.

Ford said he does have questions on the substation request in the area. Ford stated he feels this is not the right location for the substation as it does not fit the comprehensive plan.

McKinley stated he remembers it as the Dewey Ranch. McKinley said this will be resubmitted again. McKinley said fourteen emails/letters were from outside of the area and three were form letters. McKinley stated letters outside the area annoyed him. McKinley said he wants to hear from the local people with reasonable expectations.

Ford said part of his family grew up in the McDowell Creek area with family buried in the local cemetery.

Focke stated her thoughts are similar and the beauty of the area. Focke said she loves to hike in the Konza Prairie. Focke understands the need for development and electricity. Focke encouraged Evergy to look at a better location in an industrial area. Focke said she loves the rural area. Focke stated she would uphold the Planning Board's decision.

Holeman stated to overturn the Planning Board's decision it would take a unanimous vote, but a 2/3 vote can approve the Planning Board's decision.

Move to approve "Resolution No. 050123-24, Resolution denying changing the zoning map of Riley County concerning the use of certain real estate located in Ashland Township, Special Use Authorization" to establish and operate an electrical substation, as it was determined that all the requirements of the Riley County Land Development Regulations and the Riley County Sanitary Code have not been met.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Greg McKinley, County Commissioner
SECONDER:	John Ford, County Commissioner
AYES:	Ford, Focke, McKinley

11:43 AM Adjournment

Move to adjourn.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Kathryn Focke, County Commissioner
SECONDER:	John Ford, County Commissioner
AYES:	Ford, Focke, McKinley