

February 23, 2021
Reno County Courthouse
Hutchinson, Kansas

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

The meeting began with the Pledge of Allegiance followed by a short sectarian prayer led by Pastor Tim Kraft, First Church of God.

Health Department Director Karla Nichols and Interim Health Officer Karen Hammersmith updated the Board on all schools being in session by March 1, 2021. Mrs. Nichols stated there were 2,700 elderly waiting on vaccines and the Health Departments goal was to have appointments setup in the next two weeks for these people. Mrs. Hammersmith stated the vaccine doses were the two-dose version where you must return in 21-days for the second shot, and commented that they did not have one dose vaccines. She said they had really good news about the COVID-19 numbers, they were as low as last September 2020.

There were no public comments or additions to the agenda.

Mr. Sellers moved, seconded by Mr. Friesen, to approve the Consent Agenda consisting of 7A through 7M. The Accounts Payable Ledger for claims payable on February 19th, 2021 of \$412,502.17 and claims payable on February 26th, 2021 of \$549,717.90 along with CARES Act Spark monies approved of \$31,857.88 as submitted and consisting of pending Added, Abated and Escaped Taxation Change Orders numbered 2021-85 through 134. Next item directs the chairman to sign minutes for December 1st, 8th, 15th, 16th Special Legislative Session, 22nd, and 29th, 2020 and January 5th, 12th, 19th, 19th Study Session, 30th for 2021 Goals, 2021 as submitted. Also on the consent agenda was the appointment of Terry Ketchum as Clerk on the Hayes Township Board and Karla Nichols as Reno County's Representative on Horizons Mental Health Board of Directors. Mr. Sellers commented on the importance of this appointment and hoped Mrs. Nichols would be an active board member.

Next items G through L were for the Public Works Department to purchase:

(G) 2021 Dodge Ram 4500 1.25-ton cab & chassis from Allen Samuels at a cost of \$46,892,

(H) 2021 Landoll 25-ton Hydraulic Trailer from Larry's Trailer Sales at a cost of \$56,995,

(I) 2021 Massey Ferguson Tractor from John Schmidt & Sons, Inc. at a cost of \$75,300 after trade-in of \$12,000 for a 2008 Case IH Maxxum 115 with 8,430 hours making the total \$63,300,

(J) 2021 Massey Ferguson Tractor and a Diamond 22' Boom Mower from John Schmidt & Sons, Inc. at a cost of \$136,142 after trade-in of \$10,000 for a 2008 Case IH Maxxum 115 with 9,079 hours and a 2011 Boom Mower making the total \$126,142,

(K) 2021 John Deere Track Excavator from Murphy Tractor & Equipment Co., at a cost of \$207,561.22 after trade-in of \$34,000 for a 2000 CAT 320 CL Excavator with 12,356 hours for a total of \$173,561.22,

(L) John Deere Commercial Zero Turn Mower from Prairieland Partners at a cost of \$6,150.

The last item on the consent agenda was the GLMV Proposal for design services of the Reno County Courthouse at a cost of \$8,800 that was mentioned in the Special Meeting in January. The motion was approved by a roll call vote 3-0.

At 9:20 Mr. Hirst opened the public hearing regarding for the purpose of evaluating the performance of the \$132,000,00 CDBG-CV Grant No. 20-CV-056.

There were comments from Elizabeth Lawless, South Central Kansas Economic Development District (SCKEDD) who spoke about helping to administer the \$132,000 Community Development Block Grant for COVID-19 that was a grant that was a part of the Federal CARES Act distributed through the Department of Commerce. The funding went to small businesses impacted by COVID-19 and she stated that Reno County was able to assist eight businesses with low to moderate income job retention. All funds were expended, and the grant was ready to close. Ms. Lawless commented that she believed all businesses were still open that were assisted.

At 9:25 Mr. Hirst closed the Public Hearing.

Mr. Friesen moved, seconded by Mr. Sellers, to authorize program close-out of the \$132,000 CDBG-CV Grant No. 20-CV-056. The motion was approved by a roll call vote of 3-0.

Public Works Director Don Brittain met with the Board to recommend approving the Noxious Weed Annual Management Plan and Eradication Progress Report. Mr. Brittain went over a brief overview of expenses and revenues stating the ending balance was \$99,776.58. He explained the purpose was to eradicate noxious weeds that could take over a field or right of way. **Mr. Sellers moved, seconded by Mr. Friesen,** to approve the plan as outlined by Mr. Brittain and authorize the Chair to sign. The motion was approved by a roll call vote of 3-0.

Emergency Management Director Adam Weishaar gave his scheduled update reviewing a COVID-19 timeline. Mr. Sellers commented on training by the fire department and if different groups were working together. Mr. Weishaar stated the fire study that was approved by the Commission should be completed shortly and he stated they were all working together well. They mentioned helping with gas bills and Mr. Weishaar replied there was no funding to help with gas bills at this time. Mr. Friesen appreciated the great job and hard work Emergency Management was doing. Mr. Weishaar stated that the state declaration could expire.

The Horizons Mental Health Quarterly update was given by Mike Garrett, Chief Executive Officer. He started with thanking Adam Weishaar for assisting with masks and stated Adam would be affected if the state declaration were not available. Mr. Garrett gave a presentation on services and financials along with survey results.

Mr. Garrett introduced Horizons Mental Health Behavioral Supervisor Audra Goldsmith. He said she works as part of a joint funded program, an agreement developed three years ago between Horizons and the Reno County Correctional Facility for services provided at the jail. She and another employee are full time at the jail and are also working with individuals released from the jail so they can continue with services. Ms. Goldsmith gave a brief presentation comparing 2019 to 2020 services on graphs.

County Administrator Randy Parkington gave a presentation recommending approval for Granicus Peak Agenda Software discussed in a Special Session in November 2020. The Peak Agenda Management and eComment have an annual cost of \$9,840

with no upfront costs. An additional option was to add captioning for hearing impaired audiences for \$15,950 a year, however it was a discussion. Mr. Friesen suggested using You Tube for hearing impaired saying he thought it was free. Mr. Parkington thought it had a fee.

Mr. Friesen moved, seconded by Mr. Sellers, to approve agenda 9D item 1 option, the Granicus Peak Agenda Software and eComment for \$9,840 per year as recommended by Mr. Parkington. They will review for discussion item 2 the option for the hearing-impaired. The motion was approved by a roll call vote of 3-0.

At 10:40 the meeting recessed for seven minutes.

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

At 10:47 a.m. Commissioner Hirst went over procedures for the public comment on the Commercial Wind Energy Conversion Systems Proposed Regulations, stating that one person will speak, and one will wait, but there will be no questions asked until the time is up, then Commissioners will recall a person if they have questions. He read the next item for Commercial Wind Energy Conversion Systems Proposed Regulations public comments from proposed regulations for 30 minutes speaking their name (spelling the last name) and address.

At 10:50 a.m. Retired President of Kansas Senate and President of Hutchinson Chamber of Commerce Dave Kerr, 67 Willowbrook Rd., Hutchinson, told the story in May 2008 of Kevin Hazel visiting Hutchinson. We were one of thirteen communities down from more than a hundred, who had responded to a request for proposals to build a Siemens wind power facility. Mr. Hazel returned in September 2008 with his team and the Governor met with them. He said after speaking with the Governor about a million-dollar incentive, Siemens elected to come to Hutchinson in a groundbreaking ceremony in 2009. Now it is 2021 and Siemens has 260 jobs, first class benefits and is on the tax role after the 10-year abatement. The Planning Commission has done their best compromising and came up with more restrictive regulations than other counties in Kansas with wind energy projects. He cautioned to make any changes to the drafted regulations. As an example, a 50 percent increase in the setback

provision would be significant and probably kill any future projects in Reno County and make us not a good business partner.

William Thacker, Hutchinson Chamber of Commerce spoke about the economic development impact and wondered why after supporting Siemens Reno County would want to shut the door on wind energy with strict regulations that made it economically not feasible to host a wind company.

Myca Welch, U.S. Communications Manager for Siemens-Gamesa Renewable Energy, 1000 Commerce Street, Hutchinson spoke and urged the Commission to approve the regulations from the Planning and Zoning Board as written. Ms. Welch spoke about benefits to Reno County saying every wind farm that does not get built in Kansas or the United States, means less market demand to help sustain Siemens in Reno County. She quoted from Mr. Friesen's article, "It only makes sense for this county to continue to embrace this vital industry that has produced so much for our community". If the Commission continues to increase setback numbers, this will directly impact the Siemens-Gamesa facility in Reno County. It sets a dangerous precedent that Reno County is closed to wind energy and is used by wind opposition groups across the State of Kansas and the country stating that if you can stop a wind farm in Reno County, the home of a wind turbine manufacturer, you can prevent a wind farm anywhere.

Hutchinson/Reno County Chamber Director Debra Teufeld stated the Chamber was against more regulations and asked Reno County to be open for business. The Planning and Zoning Board considered all factors, and we support their efforts. She recommended approval as drafted by the Planning Board.

Larry Preisser, Cunningham, Kansas, addressed the Board stating we needed the wind farms to help pay for roads. He felt the funds generated would benefit all of Reno County. He agreed with setbacks as recommended by Planning and Zoning, stating it was not good to change them and move them further back.

Lawyer Alan Anderson, Vice Chair of the Energy Practice Group out of Kansas City, spoke about zoning and regulations proper for the health and safety of the use. He stated every decision has an impact to property rights. The process from the Planning and Zoning Commission has been months in the planning to come up with the health, safety, and welfare for the public. He spoke about wind projects around Kansas with further restrictions on their personal property.

After the time was up the Board asked questions of Mr. Anderson and Mr. Thacker. Mr. Friesen asked Mr. Anderson about property rights of non-participating vs participating landowners saying a balance was needed. Mr. Anderson explained the balance and impact.

Mr. Hirst asked Mr. Thacker if he was aware of the WSU Economic Impact Study since he quoted an economic impact study, Mr. Thacker was not aware.

At 11:27 Commissioner Hirst read the next item on the agenda for Commercial Wind Energy Conversion Systems Proposed Regulations public comments from anti proposed regulations for 30 minutes.

Jason Seiwert, 14202 East Maple Grove Road, said he was a member of the Reno County Citizens for Quality of Life. He then read a six-page opinion on economic impact statistics for Reno County outlining why he was not in favor of wind energy. His recommendation was to ban wind energy in the Southeast section of Reno County.

Lynn Thalman, a retired teacher, 15817 S. Haven Road, said his major concerns were setbacks and shadow flicker in a densely populated area. He went over the recommendations from the petition signed by 517 residents stating there were large areas of Reno County that wind energy could put their projects.

Jessica Schmidt, 13114 E. Lake Cable Road, said her concern was the effect to property values. She spoke about a Wisconsin Realtor study, saying that the further away the turbine was the less of loss of value. She did her own survey and determined homeowners did not want wind next to them or they would not buy a home near wind energy. She wanted the setback to 3000 feet or move to a less dense area.

Andy Helten, 10408 E. Smoots Creek Road, said his concern was having a wind project, "Not in my back yard". In the Southeast section is one of the highest growth areas in Reno County and wanted to ban wind energy. He spoke about better regulations in the Comprehensive Plan. He wanted a ban on the southeast corner or do the eastern half of Reno County.

Commissioner Hirst had a question for Jessica Schmidt about where the survey homes came from. She replied in Haven and the southeast area.

Commissioner Friesen asked Ms. Schmidt about economic development and how to deal with economic interest and property interest. She replied there had to be a balance with greater setbacks or move to another part of the county for a win-win.

Commissioner Friesen asked for time to process what he heard today and would not vote today. He asked for a ten-minute executive session to confer with County Counselor on privileged communication.

Commissioners Sellers and Hirst agreed with Mr. Friesen stating they heard good information today. Mr. Sellers asked for County Planner Mark Vonachen to address a couple of questions. He asked about the southeast area of Reno County where several people today said it was the highest growth area, is that correct. Mr. Vonachen replied growth to him was new permits and this area was the same as the rest of the county. A large area is un-zoned in the southeast so it may not be growing. The Comprehensive Plan calls out that area from census counts as higher.

Mr. Sellers asked is it true if a developer puts together a project in the zoned area, do the property owners have a right to protest with a petition for a super majority vote when dealing with a CUP. Mr. Vonachen replied in the zoned area that was correct. He then explained the CUP protest petition process.

Commissioner Hirst was going into six points; property rights from other counties and the Supreme Court, is Reno County open for business, economic development benefits to the county, definite dollar influence on potential projects within the county with wind or other projects, actual dollar economic impact to the county. He read a short summary with some major points: net value versus gross revenue, present and future property values, tourism, and employees. Mr. Hirst wanted to look into zoning from Dean Road south squaring up south the section, what it will do and will not do for this.

Mr. Friesen had a question for County Counselor Joe O'Sullivan "Golden Rules" Kansas Supreme Court ruling disagreement on a CUP listing nine factors, using this as a guide or application process. Mr. O'Sullivan explained land use applied by the "Golden Rule" to a parcel need to be applied for best use of land, number of employees, and investment not a factor to zone.

Mr. Partington updated the Board on a letter sent to Emergency Management Director Adam Weishaar from Fire District #7 to purchase property in the City of Turon at a cost of \$3,000 for (7) lots for a new station, but asked them to wait for the fire study before making any decisions. Next was the installation of audio/video recording equipment for \$30,500 at the Annex Conference Room with similar equipment as the Public Works conference room. Before making any decision, the Board requested the approximate usage of the Annex conference room. They have an architect's estimate of \$8,800 to study relocating the Commission Chamber in the courthouse.

Mr. Partington also spoke about possible membership level options the Board may be interested in for the Hutchinson Chamber of Commerce. The Corner Stone level has a base of \$1,500 plus our number of employees and would be \$3,900 or because Reno County was a government entity it could be the \$1,500 amount. Mr. Sellers suggested putting the item on the next agenda, Mr. Hirst agreed.

Commissioner comments:

Mr. Friesen commented on both the Sheriff's Department and the City of Hutchinson Police Department working together on all levels on any disagreements for the greater good of our community.

He suggested looking at the Covid Policy and trending data to review the scope of the policy and how things are implemented. The impact on the children on certain policies related to classrooms and quarantining and thinks this is the perfect opportunity to experiment with a less restrictive policy. He would like to see a study session with the Health Officer and Health Department on this issue.

Mr. Sellers agreed on the Sheriff and Police Chief controversy cooperating with each other. He liked the Sheriff's recent announcement to have someone at the Boys and Girls Club on an ongoing base to show support. Past commissioner stated in a news article that donating to New Beginnings was not appropriate. He disagreed since the drug abuse was one of the biggest problems in Reno County. He was concerned about the declaration staying in place to continue receiving services. He asked if Mr. Friesen would be able to continue attending in Mr. Bush's spot for the Stepping Up meetings. He agreed to continue attending the meetings.

Mr. Hirst also spoke with the Sheriff about communications. Stepping Up program was recognized as a great program.

At 12:40 p.m. Mr. Friesen moved for an executive session of twenty-minutes to confer on attorney/client privilege with the County Counselor requesting the County Administrator Randy Partington remain, **Mr. Hirst seconded** with no decisions to be made after the session and the meeting would be adjourned. The motion was approved by a roll call vote of 3-0.

At 1:00 p.m. the meeting adjourned until 9:00 a.m. Tuesday, March 9th, 2021.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date