

April 13, 2021
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners held the agenda session with Chairman Ron Hirst, Commissioner Ron Sellers, Commissioner Daniel Friesen, 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 Gary Getting, Elliott Mortuary.

At 9:05 a Proclamation was read by Chairman Hirst declaring the Reno County Crime Victims' Rights Week, April 18th through April 24th, 2021 and was received by District Attorney Tom Stanton. Mr. Stanton thanked the Board for their support stating his office is committed to insure justice for victims. He invited the community to a candle lighting service on Thursday April 22nd at 6:30 p.m. South Hutchinson Community Center located at 101 W. Ave C in South Hutchinson.

Mr. Hirst read the next two proclamations for the week of the Young Child and Child Abuse Prevention Week both received by Michael Woods, Kansas Children Service League Family Services Supervisor. He thanked the Board for their support inviting the community to third Thursday events for the families.

Chief Steve Beer with the City of Hutchinson Fire Department, updated facts and figures on the recent fires in Fire District #2. Two bigger fires, one at 95th and Plum Street burned a little over 300 acres, and gave stats saying it was a successful outcome with minor damage to one home and no injuries. He gave stats on the 600-acre fire stating it was remarkable work by everyone to save 87 homes and outbuildings. Mr. Beer said education is the key for homeowners mitigating risk. He mentioned Emergency Management Director Adam Weishaar stating that he is great to work with and is a big part of the fire team.

Mr. Sellers mentioned rural farmers need the opportunity to open burn and make changes if needed. Mr. Hirst wanted more burn associations in the rural areas. Five Bugle will give options with their presentation on Fire Districts.

Health Department Director Karla Nichols met with the Board to update them on COVID-19 data. She spoke about vaccinations and mitigating measures. The POD for Johnson and Johnson and their clinics have been canceled by recommendation of the CDC. She said they do have the Moderna vaccine for distribution and encourage citizens to social distance, wash hands often, and stay home if they feel sick and very important to go get vaccinated.

There were no public comments or additions to the agenda.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the Consent Agenda consisting of 7A through 7F. The Accounts Payable Ledger for claims payable on April 9th, 2021 of \$303,567.48 and April 16th, 2021 of \$441,872.92 as presented. Reappointment of Ray Hemman, Shannon Hauschild, Lacy Stauffacher and Erica Rivera to serve on the Community Corrections Advisory Board for a two-year term ending March 2023. Solid Waste's purchase of a 2016 Case Tractor from KanEquip at a total cost of \$100,000. **Resolution #2021-09; A RESOLUTION AMENDING IN TOTAL RESOLUTION 95-25 WHICH ESTABLISHED MAXIMUM WEIGHT OF VEHICLES TRAVELING ON ALL ASPHALT COUNTY ROADWAYS UNDER THE JURISDICTION AND CONTROL OF THE BOARD OF RENO COUNTY COMMISSIONERS AND DEFINING THE TERMS AND CONDITIONS THEREOF.** Public Works Director Don Brittain explained the overweight limit weights changed from 80,000 to 85,500 since the road conditions had changed enough to handle the added weight. He also explained the Public Works Policy Revision on Utility Poles and Wireless Support Structures. The motion was approved by a roll call vote of 3-0.

County Planner Mark Vonachen recommended approval for Planning Case #2021-02 a request for a conditional use permit to place a manufactured home at 1002 N. Obee Road. He stated staff and the Planning Board approved by a 6-0 vote with 9 factors and 4 conditions for a 2010 or newer home be placed on the property. **Mr. Sellers moved, seconded by Mr. Friesen,** to approve the permit for a manufactured home with the 9 factors and 4 conditions as recommended by the Planning Board. The motion was approved by a roll call vote of 3-0.

Public Works Director Don Brittain recommended approval on an agreement with Kirkham, Michael & Associates to complete the survey and design plans for 69th Avenue Bridge 26.70 for replacement over Cow Creek at a lump sum fee of \$73,000. He stated this was a cost share design. **Mr. Sellers moved, seconded**

by **Mr. Hirst**, to approve the agreement for the replacement bridge as outlined. The motion was approved by a roll call vote of 3-0.

Mr. Brittain again gave explanation of an agreement with JEO Consulting Group, Inc. to complete the survey and design plans for Wilson Road Bridge 25.90 (Willowbrook Entrance) for replacement over Cow Creek at a lump sum fee of \$103,240. He said this bridge is scheduled for replacement in 2022 and would like to use Brad Shores as Head Design Engineer from Wichita, Kansas. They have a good working relationship, and his bids are competitive. **Mr. Friesen moved, seconded by Mr. Sellers**, to approve the design phase as recommended by Mr. Brittain. The motion was approved by a roll call vote of 3-0. He planned that the new bridge would change the entrance.

Sheriff Darrian Campbell gave a detailed update to the Board on staffing, budgets, work release programs, and projects in the Sheriff's Office. He explained what the STAT unit was.

At 10:22 the meeting recessed for eight minutes.

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

Commissioner Hirst read item 8F for the Commercial Wind Energy Conversion Systems Proposed Regulations. He wanted to give the Planning Board a potential area and changing the direction of where wind energy would be allowed in Reno County. He stated east of Dean Road was where the highest population lived. He drew a straight-line down Dean Road south to the river, all townships on that line had their western borders on Dean Road, and east of the jagged line was already a zoned area or extended city limits. He thought wind companies would have plenty of room and opportunity to place turbines in the western part of Reno County. He clarified his proposal was to prohibit industrial wind energy systems in all the currently zoned area along with the un-zoned area east of Dean Road.

Commissioner Sellers spoke about Article 23 of the regulations having to do with zoned areas within the county. He asked how the un-zoned area would be affected with no regulations in effect saying they need regulations west of Dean Road for wind systems. Currently the un-zoned area does not have any right for a petition. Mr. Vonachen replied that was true.

County Planner Mark Vonachen clarified that these regulations would not apply to the un-zoned area of the county. If they would be applied to the rest of the county you would have to zone the rest of the county and then do an overlay. Overlays were for added protection to certain areas on top of regulations.

Public Works Director Don Brittain joined the discussion stating from the line, east of Dean Road the Board could impose a moratorium and not allow wind there. Adopt the regulations as you see fit to adopt them and it fits everywhere else in the rest of the county if it ever gets zoned. He said to not make the moratorium have anything to do with the regulations, keeping it separate. If you adopt the regulations, you do not make it a part of the moratorium or a part of the ban, you will never have to send it back to the Planning Board to amend it.

Mr. Sellers said he had concerns with changing the line, and said he understood the green zoned area but to change the line would be a struggle. The Southeast area has the right to petition so it was not possible for wind because it needed a super majority vote which it will not get with this Board. He said to the north, east, or south east area no wind would be accepted, and he did not want to outlaw wind energy in Reno County. Pass the regulations and it will take care of itself.

Commissioner Friesen did not want a moratorium and stated he generally agreed with Mr. Sellers. The green area is what is up for vote. He disagreed with both commissioners instead liking the idea of both parties coming to a compromise working toward an alternate, he was not in favor of deciding today. **Mr. Friesen made a motion** to table this matter for six weeks, which is three meetings to allow the parties to find common ground, **Mr. Sellers seconded for discussion.** Mr. Friesen explained his motion for requesting six weeks more keeping the pressure on those parties to find a solution that works for all three Commissioners. Approve this language frustrating people in southeast Reno County and nothing happens for risk with no project in Reno County.

The Board had a large discussion on zoned and un-zoned areas for wind energy.

Mr. Brittain as Director of Planning and Zoning stated that the staff was asked to create a starting point of regulations.

When they were asked to create them, it was to protect and consider the concerns of the people in the southeast area with wind energy. The created regulations that did not ban wind energy in Reno County and that is exactly what the Board has received. The regulations do address the issues people had and does not ban wind in Reno County and does not guaranteed wind anywhere. Two of the commissioners and Bob Bush got exactly what was asked for and if you make the regulations any stiffer than they are, then the regulations as they stand without waivers will ban wind which was not what you asked for. He was trying to understand, if 80 percent of landowners in any area with wind do not agree, the people can petition, and it would probably fail with the commission. Let the wind company negotiate with the landowners to take care of it themselves.

Mr. Friesen moved, Mr. Sellers seconded, to table until May 25th, 2021 the Commercial Wind Energy Conversion Systems Proposed Regulations. The motion was approved by a roll call vote of 2-1 with Mr. Hirst opposing.

County Administrator Mr. Partington had several items to report.

- 1) He mentioned department reports were attached to the first meeting of the month and department heads will visit once a year for an in-person update.
- 2) He did a brief rundown of funds in the financial reports stating they were in good shape from the beginning of the year through March.
- 3) In 2020 Youth Services Director Bill Hermes retired and Shelly Bredemeier has been acting Interim. She had been with the county since 1988 and had been the Assistant Director until Mr. Hermes retired. He would like to promote her to Director and remove the Interim title. The Board agreed with the promotion.
- 4) Look at options for Reno County Solid Waste to have fiber/network access at \$180,000 to buy fiber and own it, stating the annual fees were not included. Another was to pay \$1,000-month double bandwidth alternatives were discussed with Nate at IdeaTek to have fiber bands we would own. Or negotiate a current proposal of \$95,000 which could be worked on by Mike Mathews, Joe O'Sullivan, and Mr. Partington to buy dark fiber to run to the landfill and would take eight years to pay back. This would not be funded by tax dollars. Mr. Friesen noted that he had a conflict of interest with this issue.

Mr. Sellers and Mr. Hirst wanted to look over the contract before voting on the IdeaTek agreement and would bring it back at a future meeting for action.

Mr. Partington had one last item, to set a date for budget work sessions. He suggested June 29th and 30th however Mr. Sellers was not available and suggested June 22nd or 23rd, 2021 or July 6th and 7th at the Annex. Mr. Partington said this work session would be with all department directors discussing expenditures only, not an overbudget. The Board agreed to have Mr. Partington check with departments and outside agencies for either of those dates and get back with the Commission.

Mr. Friesen had a couple of notes; he took a 2-and-a-half-hour tour of the Solid Waste facility and spoke about fees. He asked for consent to encourage the staff to ARP funding and how it would be utilized the put it on the agenda. How can we use it? making plans for when the rules come out. He also went on the Sheriff's tour with defensive driving and would like to get a picture without masks today.

Mr. Sellers liked making the Youth Services position permanent. He would like the Burn Ordinance prepared and brought back to us. Mr. Friesen explained the Legislative Forum about voting machines with two issues in the Hutch Post specific to Dominion. Those are not connected to the internet explained by the County Clerk Donna Patton. Second point was registered voters listed and how to remove those people who have passed away and others that should be removed, ask the Clerk on ways to clean up the voter rolls.

Mr. Hirst was disappointed about no vote on wind today. He would encourage the Commission to direct the Planning and Zoning to hold public meetings for zoning, what it will or will not do within 90 days. Appreciated the Sheriff and departments here today. Mr. Sellers thought more discussion was needed before holding county meetings. Mr. Friesen would like a proposed draft to see what Mr. Hirst's objective was.

At 11:50 the Board recessed for a five-minute break.

At 11:55 a.m. Mr. O'Sullivan read the motion requesting for this Board to recess into executive session for not to exceed thirty-minutes for the purpose of conferring with legal counsel on a privileged legal matter, that being a proposed contractual relationship with the City of Hutchinson with respect to the firing range.

He expected no formal action to come from the executive session. He was requesting the County Administrator Randy Partington and County Counselor remain for the executive session. Following the executive session, the Board will resume its regular meeting at which time it will return to regular session and adjourn for the day. **Mr. Sellers moved, and Mr. Hirst seconded the motion as read** and was approved by a roll call vote of 3-0.

At 12:25 p.m. the meeting adjourned until 9:00 a.m. Tuesday, April 27, 2021.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date