

June 11, 2019
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with, Chairman Bob Bush, Commissioner Ron Hirst and Commissioner Ron Sellers, County Administrator Gary Meagher, County Counselor Joe O'Sullivan and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance and a short sectarian prayer led by Pastor Ron Kyker, Countryside Baptist Church.

Public comments:

Ron Vincent, 420 S. Main, Hutchinson, commented about the March 5th agenda session setting up a meeting for a wastewater engineer review with the Health Department. He followed up with emails and did not get any response.

Commissioner Sellers responded that he, Mr. Nick Baldetti, Health Department Director, and Mr. Gary Meagher, County Administrator met last week stating that a report would be given in the next couple of weeks on this matter. After the meeting with the group of contractors and after speaking with other counties about how they handle this situation a report should be forthcoming.

Tim Lubbers, Lubbers Excavating, 25220 W. 69th Street North, commented that the Health Departments permit process was very slow compared to other counties.

Commissioner comments:

Commissioner Hirst thanked everyone for their comments today.

Commissioner Bush addressed the audience asking for respect for others in this process on the protest petitions. He said there would be no public comments today. The Board will consider what Mr. Russ Ewy presents, discuss it, then they would make a motion to accept or deny the protest petitions.

There were no additions to the agenda however; item #10a was canceled for the Sheriff's department update.

Mr. Hirst moved, seconded by Mr. Sellers, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on June 14th, 2019 of \$726,954.43 as submitted. The motion was approved by a roll call vote of 3-0.

Russ Ewy, AICP, Baughman Company spoke on the Planning and Zoning Case 2019-01 for the conditional use permit request to establish a commercial wind energy conversion system protest petition. He stated during the Planning and Zoning April 23rd hearing, a recommendation for denial of Case 2019-01 was reached. After the hearing and before the statutory 14-day time limit, they received 233 protest petitions filed with the Reno County Clerk's Office. Of those, 127 were filed on property located within the 1000-foot notification buffer. He said 114 of the 127 were determined to be valid and counted toward the 20 percent. After the staff's analysis, the petitions were 46 percent of the land area required so any override of the Planning Commission's recommendation would require a three-fourths supermajority vote of the Commissioners, per K.S.A. 12-757(f). The Board must act unanimously for an override to be successful. Mr. Ewy went over the methodology used to reach the 46 percent.

Commissioner Bush asked since this was a unique situation had all county staff reviewed the methodology and approved. Mr. Ewy replied yes, Mr. Vonachen, Mr. O'Sullivan, Mr. McComb, Mr. Meagher had all reviewed and agreed.

Commissioner Sellers questioned the proportion notification area on the exhibit A map. Mr. Ewy stated the net protest area on the scaled map made the area appear smaller.

Commissioner Hirst appreciated the methodology used and asked Mr. Vonachen to acknowledge data. Mr. Vonachen stated he was not involved with the calculations but agreed 100 percent with the method used.

Commissioner Sellers asked Mr. O'Sullivan, in his opinion, if there were any counting issues raised and if those questions raised on the petitions were valid. Mr. O'Sullivan replied to the best for Reno County then he briefly went over the legal issues.

Mr. Ewy's final statement was that there were 233 protest petitions, 127 received were in the protest area, of those 114 were valid making the percentage 46 well over the 20 percent needed by state statute. The protest was valid for the

recommended Planning and Zoning Conditional Use Permit denial with three Commission members. To override the Planning and Zoning recommendation a unanimous vote by the Commission was needed.

Mr. Hirst moved, seconded by Mr. Bush, to approve the recommendation of Planning Consultant, Russ Ewy, on the protest petitions filed related to Planning and Zoning Case 2019-01. The motion was approved by a roll call vote of 3-0.

Mr. O'Sullivan requested a supplement to the motion adding that the Commission directed him to prepare a written resolution to journalize the Board's findings and conclusions today and incorporating the report by Mr. Ewy. He would have an order and resolution prepared for consideration and adoption at next week's agenda session.

Mr. Bush moved, seconded by Mr. Hirst, to amend the motion directing Mr. O'Sullivan to journalize the Commission's decision today with a resolution on Case 2019-01. The motion was approved by a roll call vote of 3-0.

At 9:33 the meeting recessed for ten minutes.

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

County Administrator Gary Meagher had county staff provide information regarding the flooding and go over the Policy and Procedure for Property Tax Relief for Homesteads Destroyed or Substantially Destroyed by a Natural Disaster.

County Attorney Joe O'Sullivan would review briefly what is covered by the property tax policy adopted in 2017.

Appraiser's Quality Control Analyst/Real Estate, Cindy Rehlander contacted Mr. Meagher regarding some of the damage they had seen and heard about and would discuss how to qualify for disaster relief from the Appraiser's Office and how its effect on valuations for 2019 or 2020 with tax relief.

County Planner Mark Vonachen will review the Flood Plane mapped area and how water damage will be accessed with the current Flood Plane map, noting the new map was due out next summer.

Mrs. Rehlander contacted some city offices about having packets available to hand out. There would be forms available to the public on the website by Friday or they could find them online to fill out.

At 10:35 the meeting adjourned until 6:30 p.m. Thursday, June 13, 2019.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date