

September 14, 2021  
Reno County Courthouse  
Hutchinson, Kansas

The Board of Reno County Commissioners held the agenda session with Chairman Ron Hirst, Commissioner Daniel Friesen and 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 Darryl Peterson, Grace Christian Church.

Commissioner Hirst commented on the South Hutchinson Fire Departments 9-1-1 commemorative event. He and Emergency Management Director Adam Weishaar met with Kansas State Fair's Mr. Shultz and commented that the county has a good working relationship with the Kansas State Fair.

There were no public comments.

Commissioner Friesen requested moving business item 7C Reno County Zoning Regulations regarding Commercial Wind Energy Conversion Systems (CWECS) to the bottom of the business items below 7G.

**Mr. Sellers moved, seconded by Mr. Friesen,** to approve the Consent Agenda consisting of items 6A through 6D which consisted of the Accounts Payable Ledger for claims payable on September 10th, 2021, totaling \$759,926.01 and September 17<sup>th</sup>, 2021, totaling \$696,468.73 as presented by staff. Next item directs the chairman to sign final minutes for August 10<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup>, 2021 after approval of drafts for August 24<sup>th</sup> and 31<sup>st</sup>. Designate voting delegate as Ron Hirst and Daniel Friesen as alternate for the Kansas Association of Counties (KAC) annual conference on October 18<sup>th</sup>, 2021. Final item was to set a date and time for County Canvass of the 2021 General City/School Election. Deputy Clerk Jenna Fager recommended November 9<sup>th</sup>, 2021, at 8:30 a.m. in the Reno County Annex Conference Room. The motion was approved by a roll call vote of 3-0. The Board requested County Administrator Randy Partington appoint someone for Mr. Friesen's absence with the November 9<sup>th</sup> Canvass.

County Administrator Randy Partington introduced a resolution for Board approval that stated the four objectives of the Treasurer of the United States regarding the American Rescue

Plan Act (ARPA) Fiscal Recovery Funds of \$12,042,385.00 awarded to Reno County. Mr. Hirst asked about a joint resolution with the City of Hutchinson. Mr. Partington explained the City of Hutchinson would be receiving \$6 million and consented to view the use of Reno County language. After discussing with County Counselor Joe O'Sullivan, the City of Hutchinson agreed to prepare two individual resolutions that are similar in nature to support the efforts of the Reno County ARPA Taskforce.

Commissioner Sellers asked why a joint resolution would be needed. He commented that Reno County had done what the Federal Government asked regarding getting public input and the commission would hear the results in a report later and applauded efforts to get here by the ARPA Taskforce. He read the last paragraph of the document that will be agreed upon that stated "Be it further resolved that subject to federally established criteria for eligibility, this Board of County Commissioners shall exercise in its sole discretion the authority to prioritize and distribute ARPA Fiscal Recovery Funds and shall not be bound by any recommendations made by the ARPA Taskforce" which is expected to be received later this fall. He stated the commission would have some tough decisions to make after listening to the recommendations from the public report. **Mr. Sellers moved, seconded by Mr. Friesen, to approve resolution 2021-19; A RESOLUTION OF INTENT WITH RESPECT TO THE DISTRIBUTION OF AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS** as outlined by Mr. Partington. The motion was approved by a roll call vote of 3-0.

Emergency Management Director Adam Weishaar met with the Board to request extending the local disaster declaration that expires on September 21, 2021, for another 60 days from today's date. He gave a brief timeline on declaring a public health emergency stating that it began on March 19, 2020, and after extending several times, it will expire on June 31, 2021. Reno County needs to have the declaration in place to activate supply assistance from the state which is needed since cases are rising again. **Mr. Sellers moved, seconded by Mr. Friesen, to approve a resolution 2021-20; A RESOLUTION RENEWING A PROCLAMATION OF A STATE OF LOCAL DISASTER EMERGENCY FOR RENO COUNTY, KANSAS** as submitted. The motion was approved by a roll call vote of 3-0.

Mr. Vonachen presented to the Board Planning Case #2021-09 a request by E & E Legacy Farms, Inc., (Applicant: Ark Valley Electric Cooperative Association, Inc.) for a conditional use permit to establish a one-megawatt AC/ 1.4-megawatt DC single axis tracking solar system (solar farm) on land zoned AG -

Agricultural Land District. The property is located on the south side of E. 108<sup>th</sup> Avenue, approximately 825 feet east of the intersection of N. Sunrise Road and E. 108<sup>th</sup> Avenue. The solar farm would consist of 3,500 solar panels for Ark Valley customers only and would generate electricity for the next 25-years then going to a five-year renewal or return it to farmland and spoke about setbacks. The Planning Board approved the conditional use permit with a vote of 5-0 stating nine factors then adding nine conditions from staff.

**Mr. Friesen moved, seconded by Mr. Sellers,** to approve Planning Case #2021-09 as outlined by Mr. Vonachen. The motion was approved by a roll call vote of 3-0.

Mr. Friesen expressed appreciation to Ark Valley for their \$1.4 million-dollar investment in Reno County.

Solid Waste Director Megan Davidson and SCS Engineer Vice President/Senior Project Director Monte Markley and SCS Senior Project Manager Steve Lindham met with the Board to recommend approval for the Gas Collection and Control System (GCCS) Expansion at the Reno County Landfill. Gas collection needed to be installed on Cell 7 by January 2022 so construction would need to begin quickly, noting that SCS engineered it. KDHE requires that within five-years of collecting waste, you must have gas collection control wells installed. Where they currently are, it is putting waste in cell 7. They are also tying in the Site B gas flare system into Site D flare system. The reason for the connection was migration gas issues along the northern boundary. The Site B flare has to be manually started since the gas is not as prevalent as Site D.

Mr. Friesen commented on going out for bids. Ms. Davidson stated there were two reasons why this did not go out for bid. (1) there was not a local company that would do this type of installation with gas systems, (2) SCS has been their consultant for the last 10 plus years and been involved with the Site D flare. They have reinstalled gas well systems and fixed issues when systems go down and have to be up and running within five-days. SCS is a local company out of Wichita, and they do competitive pricing on bids and have broad services that they offer.

Mr. Hirst encouraged Ms. Davidson for the future to make sure local contractors and local businesses that supply materials have the opportunity to bid on solid waste projects. Ms. Davidson stated they post bids in the local paper and

online. Mr. Hirst asked to have a face to face for a bid and Mr. Friesen asked about a policy on bids. Mr. Partington stated there was a purchasing policy and noted that some departments had exceptions within that policy.

Mr. Monte Markley noted they reviewed other contractors for their costs and found they were 15 percent higher than ours. We are using local businesses if available in our bids to give Reno County the best possible bid we can. **Mr. Sellers moved, seconded by Mr. Friesen,** to approve the Gas Collection and Control System (GCCS) Expansion at the Reno County Landfill as presented. The motion was approved by a roll call vote of 3-0.

Information Services Director Mike Mathews reviewed the Information Technology Annual Update with the Board. He spoke about desk top programs for next year, found Pandemic response not having enough broadband width combining the telephone service with IdeaTek IP based phone system, and a pilot program to reduce paperwork with fillable forms and signature pads in the Community Corrections Department then migrate to other departments. He said they are also redesigning the network with more security, rebuilding the communication.

Horizons Mental Health Quarterly Report was given by Michael Garrett CEO from July 1, 2021, to June 30, 2022. He reviewed a summary chart and stated that auditors will finalize by the end of October or early November and finished with services offered through grants.

At 10:15 the meeting recessed for five minutes.

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

County Planner Mark Vonachen met with the Board with a previously tabled item from 5/25/21; Planning Case #2020-09 a request by the Reno County Planning Commission for a series of text amendments to the April 2016 Edition of the Reno County Zoning Regulations regarding Commercial Wind Energy Conversion Systems (CWECS).

**Mr. Hirst made two motions:** one motion was for consideration of a moratorium on any Commercial Wind Energy Conversion Systems (CWECS) in Reno County through December 27, 2021. **Mr. Hirst** made the other motion for consideration that directed staff to draft and provide notice of a public hearing

for a special zoning district limited only to Industrial CWECS in the present un-zoned area through December 27, 2021. The motions failed for lack of a second.

**Mr. Friesen made a motion** to recess into an executive session not to exceed 30 minutes requesting the County Counselor Joe O'Sullivan and County Administrator Randy Partington to remain for the purpose of a privileged legal matter. **Mr. Sellers seconded the motion.** The motion was approved by a roll call vote of 3-0. **Mr. Sellers** amended the previous motion to include Reno County Planning Consultant Russ Ewy, Baughman & Co., Wichita, Kansas in the executive session. The motion was approved by a roll call vote of 3-0.

Before going into executive session, Mr. Hirst acknowledged Denise Baranski, Big Brothers and Big Sisters of Reno County was attending the Commission meeting as part of Leadership Reno County.

The Board discussed whether to prohibit wind or not in zoned/un-zoned areas of the county. Mr. Sellers said under advice of legal counsel, he would recommend sending this matter back to the Planning Commission to work on for some motions that will probably follow, then brought back to us for a final decision.

**Mr. Hirst moved, seconded by Mr. Sellers,** to table the current recommendations from the Planning Commission's case #2020-09 indefinitely. The motion was approved by a roll call vote of 3-0.

**Mr. Hirst moved, seconded by Mr. Sellers,** for a moratorium on any industrial commercial wind energy conversion systems (CWECS) in Reno County through December 27, 2021 and direct staff and Planning Commission to draft and provide notice of a public hearing for a separate zoning regulation text agreement prohibiting industrial CWECS in the present zoned area for Board of Commissioners consideration. The motion was approved by a roll call vote of 3-0.

**Mr. Hirst moved, seconded by Mr. Sellers,** to draft and provide notice of a public hearing for a special zoning district limited only to industrial CWECS in the present un-zoned areas of Reno County for Board of Commissioners consideration on December 27, 2021. Mr. Friesen requested any future motions on big issues, be sent ahead of time for preparations to vote. The

motion was approved by a roll call vote of 2-1 with Mr. Friesen opposed.

All departments submitted their monthly reports to the Commission and there were no questions asked.

County Administrator Randy Partington addressed the Board reviewing a snapshot of the Financial Reports through the end of August noting the revenue/expense funds were in good shape for year to date.

County Commission reports:

Commissioner Friesen commented on the limitations of 3 on the commission asking members of the Board to send any predetermined motions ahead of time to be prepared for the discussions. Conversations with Mr. Brittain on the 43<sup>rd</sup> Bridge stated it will be finished early and some students had fun going over the bridge in a bus. Mr. Brittain is working with engineers on a blind spot issue with 43<sup>rd</sup> bridge. He had a conversation with Donna Patton and Buhler's Mayor about the City of Buhler Clerk, Merle Peterson retiring. Mrs. Patton volunteered to mentor the new city clerk and Mr. Friesen appreciated her working with them.

Commissioner Sellers mentioned how appropriate the wisdom comment was from today's Pastor Darryl Peterson. He spoke about some of the 9-1-1 20-year tributes, and how important emergency management was to be ready for any situations, and thought they were a great department. He wanted to draft a formal document to the legislature regarding the issue of childcare and how it could work better from the state level. He spoke about the courthouse remodeling and how it needed to be back on the agenda for updates. He is working with citizens north of town on moving to 3 to 5 commissioners. It's a good point to have documents beforehand but it is not always possible to bring forth documents beforehand for consideration.

Commissioner Hirst apologized for bringing documents in without forwarding on to other commissioners, noting it was late in the day when they were done. He spoke about the privilege of working with school districts and the Health Department. He spoke about childcare issues and commented on a courthouse press release letting the public know about the work in progress.

At 11:35 a.m. the meeting adjourned for the day until 9:00 a.m. Tuesday, September 28th, 2021.

Approved:

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Chair, Board of Reno County Commissioners

(ATTEST)

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Reno County Clerk  
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Date