

COMMISSIONERS' PROCEEDINGS  
MAY 13, 2024

Agenda:        8:30 – Bills  
                  8:45 – SDSI (Budget) – Mark Hinde & Steve Sandoval  
                  9:00 – RCDC (Budget) – Rebecca Clancy & Stephanie Wills  
                  9:15 – WKCAC (Budget) – Don Rivera  
                  9:30 – Kerbs Law Office – Glenn Kerbs & Samantha Sweley  
                  10:00 – Wind & Solar Regulations Hearing  
                  12:00 – Tony Martin – Public Works

The Board of Stevens County Commissioners met in a regular session. Paul Kitzke, County Attorney; Amy Tharp, County Clerk, and RoGlenda Coulter with The Hugoton Hermes were also present. Tron called the meeting to order. Pat moved to approve the minutes from the previous special commissioner meeting. Joe seconded. Motion carried. Joe moved to approve the county vouchers. Pat seconded. Motion carried. The County Clerk was instructed to draw warrants on the Treasurer chargeable to the various funds of the county for the following amounts:

General	\$	117,216.32
Judicial District	\$	5,427.10
Road & Bridge	\$	131,709.36
Airport	\$	28,064.76
County Building	\$	757.50
Airport Grants	\$	15,864.00
Noxious Weed	\$	9,566.71
EMS	\$	15,777.54
Fire	\$	5,082.43
Community Health	\$	28,190.96
ARPA Grant	\$	5,027.37
Sheriff	\$	132,728.59
Insurance Agency Damages	\$	-
Employee's P/R Misc W/H	\$	-
County Clerk Tech Fund	\$	148.75
911 Wireless	\$	-
Reg of Deeds Tech Fund	\$	244.60
<b>TOTAL:</b>	<b>\$</b>	<b>495,805.99</b>

Robert Davis, Shawn Renfro, Bob Brunson, and Erick Nordling were in attendance. The commissioners told them and several others waiting in the hallway the solar and wind regulation

hearing will be held in the Memorial Hall close to 10:00 AM. Most of the constituents left for Memorial Hall to wait for the wind and solar hearing.

Amy presented the bills for the commissioner's review stating the museum handed in a bill for a concrete slab to be paid out of building and the extension office handed in a bill for LED lights to come out of building as well. The commissioners stated they have paid for the concrete work in full for the museum and were unaware they were continuing to make changes to county property and denied paying for the concrete slab work. Joe said he spoke with Ron Honig and was under the impression something with the lights needed to be done as the wiring or lights were having issues and told Ron to go ahead and get them fixed and turn the bill into the county clerk's office.

Robert Davis told the commissioners there were two (2) construction bids for the airport runway lights and only one (1) was at the lowest and was within the grant fund amount. Robert stated he needed signatures for approval for the grant. Tron asked about snow and ice on the runway with LED lights and Robert stated the LED lights will have heaters in them to help with snow melt. Pat asked Robert Davis what the county clerks' role would be with this grant and Robert stated to just take care of the accounts payable aspect.

Mark Hinde and Steve Sandoval with SDSI (Southwest Developmental Services Inc.) came in and Mark told the commissioners he will be retiring, and Steve will be his replacement. Mark explained the Kansas legislature has appropriated enough funds to help cover five (5) of their employee's wages but would like to find more employees for this area. Mark explained the state sets the eligibility determination and wait list for those in need. The SDSI is looking for someone would like to be on the board from Stevens County and explained they will meet four (4) times a year (every quarter), meals are provided and if weather is bad or someone is unable to drive at night, they will provide a motel stay. They will offer Zoom as an alternate way of meeting if needed. The commissioners said they heard the assisted living places in Liberal are closing. Mark stated the Mosaic is turning into a shared living model and is now trying to match up those with disabilities with someone who will allow them into their home and get paid to care for them. Mark stated SDSI is asking for \$40,767.00 in appropriations and thanked the commissioners for the \$28,209 that was appropriated for this year.

Rebecca Clancy and Stephanie Wills were in attendance with RCDC (Russell Child Development Center). Rebecca told the commissioners they work with children from birth to three (3) years of age on developmental skills. If a child qualifies, they will work with the child and parents to help with the transition to Part B of the High Plains and school districts so the child can get the help they need to get them into school. RCDC assists with many different programs depending on the child's need along with positive parenting. Joe asked how staffing was and Rebecca stated it was good but are looking for a special education teacher. The RCDC is requesting \$22,500.00 in appropriated funds and stated they were appreciative of the \$18,742 they are receiving for the 2024 year.

Don Rivera with WKCAC (Western Kansas Child Advocacy Center) came in and spoke with the commissioners. Don stated WKCAC is the first (1<sup>st</sup>) to respond after child abuse has been reported by the local law enforcement agencies. They will interview the child with the least traumatizing as possible. Don stated ninety percent (90%) of children who are abused know their abuser and WKCAC helps provide services for the children. WKCAC will coordinate appointments, finances, court dates, attorney, after care and mental health services. The WKCAC has buses which have a forensic, medical, court advocate and therapist on board to assist with these instances. Don stated the WKCAC is requesting \$2,500.00 for their 2025 appropriation.

Rodney came in and told the commissioners a 500-gallon propane tank, with line installation and filled is going to be about \$2,500-\$3,000. Pat said possibly look at a tank at the landfill which is no longer in use instead of purchasing.

Glenn Kerbs and Samantha Sweley along with Tony Martin were in attendance and Tony requested an executive session to discuss client, attorney privileges regarding negotiations and contracts related to wind and solar projects.

Pat made a motion to go into executive session for fifteen (15) minutes to discuss client, attorney privileges regarding negotiations and contracts related to wind and solar projects. Joe seconded. Executive session began at 9:26 AM and commenced at 9:41 AM. No action taken.

Pat made a motion to return to the executive session for fifteen (15) minutes to discuss client, attorney privileges regarding negotiations and contracts related to wind and solar projects. Joe seconded. Executive session began at 9:42 AM and commenced at 9:57 AM. No action taken.

The commissioners moved the meeting to the Memorial Hall so there would be enough room for those interested in attending. Those in attendance were Shawn Renfro, Walter Beesley, Neal R. Gillespie, Seth Gillespie, William Davidson, Walt Beesley, Lisa LeNeve, Keith Rome, Wayne Reynolds, Erick Nordling, Kirsta Tortorice, Trevor Hindmarch, Matt Willis, Bod Jordan, Paul Henderson, Ardith Dunn, Kent Dunn, Valerie Thompson, Shawn Anderson, Don Beesley, Warren Willis, Tony Martin, Paul Kitzke, Mitch Lucas, Bob Brunson, Darrin Heger, Stacey Wood, Glenn Kerbs, and Samantha Sweley.

Tron Stegman opened the public hearing at 10:05 AM.

Darrin Heger, planning and zoning chairman, handed the commissioners a copy of the wind and solar regulations for review and the public hearing. Glenn Kerbs stated the zoning board met and had a public hearing to add solar and wind articles to the zoning regulations already in place and now the commissioners will review the regulations and can either made amendments, table, approve, or send back for more work to be done. Glenn also stated the airport and zoning board worked together to try and come up with plans around the airport to satisfy all parties.

Warren Willis, planning/zoning board member, spoke to the commissioners and told them it was difficult to make decisions on these regulations as some people will be happy with them and some will not, but overall, the board tried to process and make the right decisions for the people of Stevens County. Warren stated it was a unanimous vote to keep the turbines at a six (6) mile radius or further and presented the commissioners with a map of what areas would be outside the radius of the airport and explained it's not an exact circle as they went by the center of the runways to come up with the six (6) miles. Warren also said he spoke with Robert Davis, airport chairman and Hugoton Mayor, Matt Rome to get a better understanding of the six (6) mile radius from the runways. Warren also said there is a government interactive map online which shows the closest wind turbine to Dodge City's runway is five and a quarter (5.25) miles instead of three (3) miles as their regulations allow, and Guymon's wind turbine is five and four tenths (5.4) miles from their runway. Warren also stated he had reviewed and worked on understanding the difference of 1,500 and 2,000 feet for wind turbine from residential housing and stated no counties are consistent with each other and some counties have resources such as land, oil, gas, people, sun, water, etc. Planning and zoning commissions are to regulate industries which tap into resources, where some people want wind turbines, and some don't. Most people who own property in the path of the wind turbines signed up with the contracts stating 1,500 feet instead of 2,000 feet to a residence with Invenergy. Warren states the planning and zoning board feel the regulations are reasonable even with the 2,000 feet, giving landowners the right to discuss and make waivers with other landowners to move the wind turbines closer. Warren provided maps for reference.

Tron opened the hearing up to the public to speak.

Shawn Renfro got up and stated the tax base is not doing well at all especially with KDI gone, gas and oil production is getting less and less which hurts the county revenue. Allowing wind farms will allow revenue for the county and schools. Shawn stated he did sign up for the wind turbines to be located on his property and doesn't want to see the project fail because of setback regulations. Stevens County needs growth and the strict regulations would inhibit growth. The county needs to try to get some form of revenue coming in.

Mitch Lucas, project developer with Invenergy, presented the commissioners with a map showing counties with less than and more than setbacks from residences, as well as banned wind turbines and un-zoned or zoned without regulations. Mitch stated he is very appreciative of the work Stevens County has done. He stated if the turbines produce 600 megawatts, will potentially bring in \$150,000,000.00 to the public revenues. He stated much of the infrastructure in Stevens County is difficult due to pivots, gas lines, oil lines, and aquifers and the setbacks could potentially hurt this project as Stevens County is the most restrictive, but it will depend greatly on neighbors if they choose to sign waivers.

Keith Rome stated he spoke with several neighbors, and they are very supportive of wind turbines and feel the turbines would be great for the community, schools, and jobs. He stated his concern of losing the wind turbine project over five hundred (500) feet.

Neal Gillespie said placing the turbines 2,000 feet from residential would cost more in the long run. Neal said he has concerns as the county is losing gas and what will happen when the gas is depleted. Walt Beesley stated he would like to see the taxes stay down. Neal stated the commissioners that have come on board did at the worst possible time when the revenue dropped marginally due to valuations. Right now, Stevens County needs to do all they can to get revenue which would include adding wind and solar companies to the tax rolls after their tax exemption is over.

Joe stated he agrees with Neal and Warren on all the issues they had discussed.

Erick Nordling stated he felt if the regulations are adopted as proposed will take away the project completely. Mitch said if it does to 2,000 feet it will knock out about 10-20% making a major impediment.

Darrin Heger stated the wind company was already here making contracts with landowners before any wind/solar regulations were in place. Darrin agrees with the airport regulations of six (6) miles from the runways due to instrument panel implementation the airport currently has. Darrin also stated as a board, they must protect the citizens, and he feels confident in leaving the distance to residential at 2,000 feet on wind turbines. A large part of the equation on why the regulations were accepted by the zoning board is because the distance can be waived.

Pat made a motion to approve the solar energy regulations created by the Stevens County Planning and Zoning Board. Tron abstained as he has an interest in a solar project. Joe seconded. All approved. Motion carried.

Joe made a motion to approve the wind turbine regulations created by the Stevens County Planning and Zoning Board. Pat seconded. Discussion was open among commissioners with Tron stating he is curious of the risk of loss by staying at 2,000 feet as opposed to 1,500 feet. Joe asked how difficult it would be to zone with details such as how many residential houses the distance will affect. Pat stated there are so many acres and the waivers will play a big effect when a homeowner doesn't want a wind turbine. Pat then asked if a wind turbine only produces 6.1 megawatts, how do we understand when we can't participate. Looking at numbers he doesn't see the difference between 2,000 feet as opposed to 1,500 feet. Pat said this is tough and not sure the taxes will go down with wind turbines or solar. Erick Nordling asked who is responsible for the waivers and who is asking. Bob Brunson said they will go and find out about waivers and if residents would be willing to sign them. Bob also stated going from 1,500 to 2,000 feet can make a large difference due to center pivots and landowners not wanting to participate. Bob also stated if no one signs the waivers it could potentially cause some large issues but needs to do what's best for the constituents. Paul Henderson said if a landowner does not want to be part of the wind energy program or sign waivers and asks what the county is giving up for an extra five hundred (500) feet. Joe stated there is no guarantee on what revenue the wind turbines will bring in. Paul asked how much value that costs or bring into the county with a five hundred (500) difference, it was stated the appraiser would have to see if the wind turbines bring in appraised value or depreciates land value. Joe said

several people fear the project will die over five hundred (500) feet, but Joe doesn't feel he is being unreasonable by agreeing to the planning and zoning decision. Mitch said there are always larger and taller turbines being produced as tech improves. He said the board might need to eventually look at changing the distance to residential regulations to possibly two and a half (2.5) times the height of a turbine instead of just a number which will allow the regulations to work with the growth of the industry. Tron asked who all was in favor of the wind regulations created by the Stevens County Planning and Zoning Board. Two (2) were for and one (1) against. Unanimous decision for the regulations. Motion carried.

Tron called the public hearing to a close, public hearing ended with the commissioners voting for the solar and wind energy regulations as presented by the planning and zoning board.

Glenn and Samantha have requested to meet with the commissioners at a special meeting at 2:00 PM on May 30<sup>th</sup>. They have requested the meeting to be an executive meeting to go over client attorney privileges regarding negotiations and contracts related to wind and solar projects.

Tony Martin told the commissioners the landfill inspection last week showed the county is in compliance with everything required by the state.

Pat said Brandon Bozone is interested in the other conveyor belt at the asphalt plant and asked if it is not being used to possibly put it out for bid. Tony said it would be a good idea as he knows several places who would be interested in it as well. Tony asked the attorney and commissioners what needs to be done if someone is building out in the country without any permits, and stated Paul will probably be writing a letter to the individual soon.

Added and Abated Orders were reviewed and approved by commissioners and given to the County Treasurer; for tax year 2018 numbers 169 to 176 total valuation added 940 and tax assessed \$138.00 total valuation removed -940 and tax removed -\$138.00; for tax year 2019 numbers 276 to 283 total valuation added 940 and tax assessed \$132.99 total valuation removed -940 and tax removed -\$132.99; for tax year 2020 numbers 90 to 97 total valuation added 940 and tax assessed \$144.49 total valuation removed -940 and tax removed -\$144.49; for tax year 2021 numbers 116 to 123 total valuation added 940 and tax assessed \$146.72 total valuation removed -940 and tax removed -\$146.72; for tax year 2022 numbers 235 to 242 total valuation added 940 and tax assessed \$129.12 total valuation removed -940 and tax removed -\$129.12; for tax year 2023 numbers 66 to 73 total valuation added 940 and tax assessed \$124.70 total valuation removed -940 and tax removed -\$124.70.

By motion, the Board adjourned.

Attest: Amy Jo Tharp, County Clerk

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Tron Stegman, Chairman



# Kansas Counties

Wind Regulations Comparison

