

# NEWS

COMMENTS, CONCERNS OR QUESTIONS? Contact Stephanie Jump at (620) 532-3151 or email sjump@kconline.com

## HARPER COUNTY BOARD OF COMMISSIONERS MINUTES

June 1 Meeting

The Harper County Board of County Commissioners met in regular session. Chairman McCurley called the meeting to order with Commissioners Struble and Waldschmidt. Shonda Larson, Recording Secretary, and Ami DeLacerda, County Clerk, were also present.

Linda Christian, Nextera & Carl Schmidt, Anthony, were also present.

During public comment, Mr. Schmidt encouraged the Board to focus on revenue and the loss the county has experienced due in part to declining population. He told the Board that they had the ability levy taxes on solar projects for the first 10 years after completion, and large solar projects could bring in up to \$500,000.00 per year. Mr. Schmidt stated that we either want the revenue or we don't, and these projects won't be able to move forward with the current stipulations related to setback distance. Ms. McCurley consulted with Ms. Christian, and they agreed that more recent information reflects an exemption for certain energy projects during the first ten years of operation. The County and energy company would enter into an agreement for compensation during those ten years, then on year eleven, the classification would change from agriculture to commercial and taxes would be levied.

Commissioner Waldschmidt moved to approve accounts payable in the amount of \$20,778.55; the motion passed unanimously. Commissioner Struble moved to approve 5/26/2026 meeting minutes; the motion passed unanimously. Commissioner Struble moved to approve payroll benefits in the amount of \$68,236.23; the motion passed unanimously.

Mike Bennett, & Janet Slankard, Public Works, and Gerald Helms, Noxious Weed, met with the Board. Mr. Helms addressed concerns about musk thistle in the county, stating that he is making the rounds and treating as needed. The areas he has found them in have not previously been treated, but he is working to get the entire county covered. Commissioner McCurley inquired about enforcement of regulations. Mr. Helms indicated that he does have letters and forms, however, he prefers to speak to the landowner directly. He also noted that the time spent working on correspondence is better spent spraying. Ms. McCurley agreed, but would like to see more aggressive enforcement, noting frustration from landowners who are working to keep it off of their property, with neighbors who are not. The group continued to discuss the enforcement process, from the initial notice to involving law enforcement. The Public Works Business Office staff may help with the paperwork portion.

There was discussion about the budgetary requirements the State has in place for Noxious Weed departments, possible funding available, and increasing awareness of the availability of chemical to incentivize landowners to treat their land. They also discussed actions taken by the County to mitigate issues caused by other noxious weeds, and where to draw the line when helping landowners manage them.

Mr. Helms noted that he has started treating Johnson grass, and requested additional help for the department. The group reviewed options for a skid steer purchase, and discussed maintenance being performed around the county. Mr. Bennett has contacted the vendor for guidance on how to handle issues with the soil stabilization product currently being sampled.

Commissioner Waldschmidt moved to sign the Excavator Sales Agreement; the motion passed unanimously. Mr. Bennett stated that the City of Attica had expressed thanks for the Public Works department's help with the fire last week. The group discussed other areas in need of attention,

including NW 80 Road, and various areas having issues with dust. The Board approved additional overtime for the department this week.

Jan Harding, EMS, met with the Board to discuss issues with the garage door at the Anthony station. After consulting with Josh Teel, Building & Grounds director, the Board agreed to gather quotes on replacing the doors at all three EMS station locations. Ms. Harding also noted issues with radios were being addressed.

At 9:21 a.m., Commissioner Waldschmidt moved to recess for five minutes; the motion passed unanimously. The meeting reconvened at 9:26 a.m.

J. Pennycuff, County Appraiser, met with the Board. A travel request was reviewed and approved, and Mr. Pennycuff explained a tax correction adding \$188,690.64 to the tax roll for the 2025 tax year.

At 9:30 a.m., Commissioner Struble moved to recess the regular meeting; the motion passed unanimously.

At 9:30 a.m., Commissioner McCurley moved to open the scheduled Zoning Hearing; the motion passed unanimously. Commissioner McCurley called Agenda Item #3, to consider approval of the Comprehensive Plan for the Harper County, Kansas Unincorporated Area 2026 – 2046.

The group reviewed the unapproved meeting minutes from the 5/28/2026 Planning Board meeting. Commissioner Struble moved to receive and file the unapproved Minutes of the Harper County Planning Board meeting of May 28, 2026, which was the date of the public hearing and Planning Board adoption of the Comprehensive Plan. The Minutes constitute a written summary of the public hearing conducted by the Planning Board; the motion passed unanimously.

County Zoning Administrator, Joe Pennycuff presented the Comprehensive Plan, thanking all involved in the process. There was discussion on the process and various issues encountered and concerns expressed.

Members of the public were invited to speak on the matter. Mr. Schmidt indicated his approval of the updated Comprehensive Plan. The County Clerk confirmed that no written communication or phone calls from the public had been received on this matter.

The Board discussed their concerns with the draft. Commissioner McCurley shared her feeling that portions of the document read more like opinion than fact, and requested they be stricken in an effort to keep the plan apolitical.

Commissioner Struble moved to override the recommendation of the Planning Board, and to revise the Comprehensive Plan for the Harper County, Kansas Unincorporated Area 2026 – 2046 as follows:

Page 3-9: Strike the sentence stating "Wind energy is one of the best sources of clean energy currently available on the planet".

Page 3-12: Strike a portion of the first paragraph mentioning "left-leaning counties", to approve the Amendment as revised, and to approve BOCC Resolution 2026-07 and direct the County Clerk to publish it; the motion passed unanimously.

Commissioner McCurley called the next agenda item, to consider approval of an amendment to the Zoning Regulations entitled Appendix to the Zoning Regulations of Harper County, Kansas: Special Use Application, Review and Approval Criteria for a Commercial Solar Energy System (CSES).

Commissioner Struble moved to receive and file the unapproved Minutes of the Harper County Planning Board meeting of May 28, 2026, which was the date of the public hearing, and at which the Appendix to the Zoning Regulations for Commercial Solar Energy Systems was adopted. The Minutes constitute a written summary of the public hearing conducted by

the Planning Board; the motion passed unanimously.

County Zoning Administrator, Joe Pennycuff presented on the proposed amendment to the Zoning Regulations, noting the largest conversation point was the setback distance. The initial distance was three miles. Multiple observers protested, stating that the distance would kill the project, and the industry norm is 100 – 300 ft., but 500 ft. could work. The setback distance was ultimately set at 1,000 ft.

Members of the public were invited to speak on the matter. Mr. Schmidt shared his understanding that a 1,000 ft. setback will not allow the project to move forward, and that the only reason given for a longer setback distance is the appearance of the facility. He requested the Board reduce the setback distance to 500 ft., though he would prefer 200 ft. and address the aesthetics.

Cameron Zafar, an attorney representing Nextera, addressed the Board. Mr. Zafar commended the Board on the time and work dedicated to doing the research to update the Comprehensive Plan. He asked that they reconsider and adopt no more than a 500 ft. setback (H3d), stating that 100 – 300 ft. is typical, and 1,000 ft. is unnecessary and overreaching, with nothing to justify it. Screening the area would address the aesthetic argument.

Mr. Zafar then addressed the verbiage in the Plan Amendment referencing where the setback distance measures from (H3c). The Plan states the setback distance is measured from the edge of the solar energy system array to the lot lines of any property not included in the Special Use Agreement. Mr. Zafar requested the focus be on existing and occupied residences.

Mr. Zafar also requested the sound measurement verbiage in section H4 of the Amendment be changed from measuring from the property line to measuring from the nearest outside wall of the residence.

Mr. Schmidt asked the Board to implement an application fee based on the anticipated number of megawatts each project will handle, noting that Kingman County charges \$350/mw. Commissioner McCurley advised that this issue would be addressed by the fee schedule, not the Comprehensive Plan that is currently being discussed. Mr. Schmidt then requested the Board move forward today, rather than kick the can down the road further.

The County Clerk confirmed that no written communication or phone calls from the public had been received on this matter.

The Board discussed the amendment, and addressed the following concerns:

Section H3d – Commissioner Waldschmidt agrees with reducing the setback distance, stating that 1,000 ft. allows owners of smaller parcels to control what is done on the land around them, infringing on landowners' rights. This distance may also discourage others from establishing business in the area. He would consider compromising at 500 ft., but will not go as low as 200 ft.

Commissioner Struble shared that Reno & Sumner Counties have 500 ft. setbacks, and Kingman County has 750 ft. in place. He asked where the 1,000 ft. number came from, and Mr. Pennycuff stated it was the maximum number the group felt they could implement and still be considered for the project. Commissioner Struble stated that although he hasn't spoken often about this subject, he prefers solar to wind in the area, however, will respect landowners' wishes. He noted the substantial financial impact Plumb Thicket Landfill has had on the County and his intent to continue to take care of the County budget, while implementing strict regulations and protecting the farmers and landowners, reiterating that the industry standard is 500 ft.

Commissioner McCurley stated that she feels very much torn, and supports a lot of items

in the regulations. She indicated her agreement with the 1,000 ft. setback distance, but would prefer the Battery Energy Storage System (BESS) section of the plan be removed until the Planning and Zoning Board can devote more time to research and create appropriate regulations. The Commissioner noted the public's concern with this part of the project, largely due to current issues with water availability in the area, and the potential for this to make it worse. Ms. Christian stated that they could be considered separate projects, and governed by separate resolutions. Mr. Pennycuff shared that the Consultant recommended a moratorium on the BESS project, to allow for further research.

Commissioner McCurley requested the setback distance remain at 1,000 ft., noting many residences have been there for years and likely have wells and other things on the property, stating the communication from the public is overwhelmingly in favor of the distance remaining at 1,000 ft.

Section H5d – Commissioner Waldschmidt expressed his preference that the distance be changed from 100 ft. to the nearest lot line to 100 ft. to the nearest wall of the home.

Section H3c – Commissioner Waldschmidt inquired why the distance from the ROW was 50 ft, but 100 ft. from property lines, asking what difference it really makes.

Section H4a – The group discussed if the 15 ft height limit seems excessive, but opted to allow it, due to the option to approve modifications.

There was confirmation from the Nextera representatives that public and private airports/airstrips were being considered, with setbacks and other regulations established by the FAA being followed and implemented.

Section A2 – Commissioner McCurley expressed her desire to only allow Solar in the A-1 Agricultural District of the county, and remove the A-2 District from the Plan, stating the A-2 areas are more desirable parcels, many located near the highway, and her preference to save those parcels of land for other projects.

Section H9a(1) – Commissioner McCurley asked for clarification of the terms "Abandonment" and "Useful Life" in the Decommissioning Plan portion of the document. Mr. Zafar indicated that most agreements require 12 months before a project is considered abandoned, and useful life is 25 – 30 years for solar projects. He stated that after that period, they could possibly repower the project with Board of County Commission approval. Commissioner McCurley noted that once they hold the bond, which is required before permits are approved (like wind) they have the opportunity to regulate that, and she does not want facilities to sit dormant.

Commissioner Struble confirmed the decision to separate BESS and Solar regulations and strike BESS verbiage from page 3, Section D definitions, and Section H5 on pages 14 & 15.

Commissioner Struble moved to amend Section H3d from 1,000 ft. setback to 500 ft. setback, due to the original distance making the project questionable; the motion passed 2-1 (McCurley voted no, wishing to remain at 1,000 ft).

The group discussed Section H3c again, and agreed to leave the measuring point as the property line, rather than residence. When asked about sound made by the solar panels, the Nextera reps noted they do make some noise, but very little. Mr. Pennycuff noted that the Board could adjust this based on the Special Use Permit, and give the property owner the option to waive the 100 ft. limit.

There was further discussion on the approved Districts included for Solar. Commissioner McCurley expressed her preference to only allow Solar in A-1, like Wind is set up. Mr.

## PUZZLES SPONSORED BY:

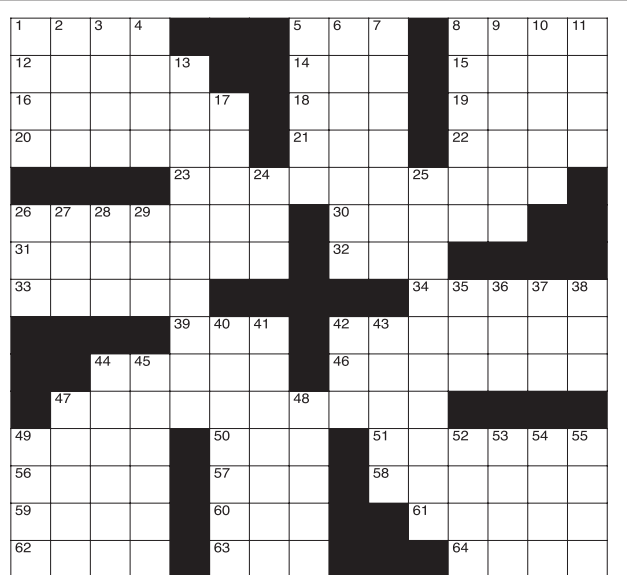
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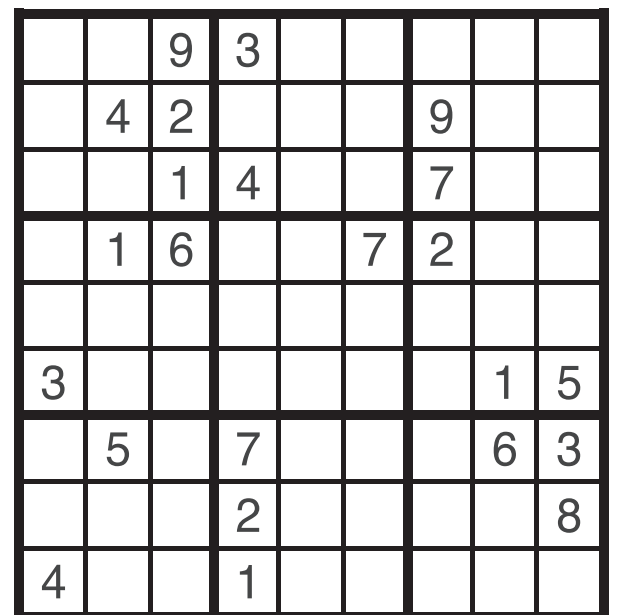


### CLUES ACROSS

- |                                    |                                     |
|------------------------------------|-------------------------------------|
| 1. Sealed with a kiss              | 34. Notes                           |
| 5. Large sandwich                  | 39. Move away from land             |
| 8. Swiss city                      | 42. Vulcanite                       |
| 12. Japanese persimmons            | 44. More ignoble                    |
| 14. When you hope to get somewhere | 46. Child actor Kirk                |
| 15. Wings                          | 47. Written works                   |
| 16. A name of God                  | 49. Sea vessel                      |
| 18. Elected official (informal)    | 50. Residue                         |
| 19. Abnormal breathing             | 51. Engraved                        |
| 20. "Seinfeld" character           | 56. Having sufficient skill         |
| 21. Yearly tonnage (abbr.)         | 57. One and only                    |
| 22. Something for sale             | 58. Erase                           |
| 23. Gets rid of                    | 59. Broad inlets                    |
| 26. One who touts                  | 60. Nightmarish street              |
| 30. Blemished                      | 61. Play again                      |
| 31. Less than exciting             | 62. Formerly (archaic)              |
| 32. Born of                        | 63. Add a color to change the color |
| 33. N. German town                 | 64. Move swiftly and lightly        |

### CLUES DOWN

- |                                      |   |
|--------------------------------------|---|
| 1. Scottish island                   | 35. Midway between northeast and east               |
| 2. River in the Netherlands          | 36. Space station                                   |
| 3. Asian people                      | 37. Relating to the cars                            |
| 4. Fuzzy fruit                       | 38. Congressman                                     |
| 5. Ninth month (abbr.)               | 40. Yelled at                                       |
| 6. An idealistic social reformer     | 41. Rudely assertive                                |
| 7. What you owe                      | 42. Defunct European money                          |
| 8. Colorless mineral                 | 43. Shared one's soul                               |
| 9. Overjoyed                         | 44. Onion rolls                                     |
| 10. Rattling breaths                 | 45. A way to state clearly                          |
| 11. Tropical Old World tree          | 47. Relating to a lobe                              |
| 13. A citizen of Senegal             | 48. Underlying message                              |
| 17. Greek mythological beauty        | 49. Hollywood pig                                   |
| 24. Wrath                            | 52. Indicates pitch                                 |
| 25. Instrument to measure wind speed | 53. Filament of a feather                           |
| 26. Luxury carmaker                  | 54. Small ornamental ladies' bag for small articles |
| 27. Bitterly regret                  | 55. Diminish  |
| 28. Not or                           |   |
| 29. Google certification             |   |



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