

Proponent Testimony for Senate Bill 279  
Diane Haverkamp; Corning, KS

My name is Diane Haverkamp. I am the City Clerk for the city of Corning KS. I fully support SB279 because un-zoned counties and small cities do not have the expertise or financial resources to fight big wind.

Corning is a very proud little town in Nemaha County, Kansas, with a population of 200 people. While most small towns have been slowly dying for many years, Corning has actually thrived because of its strong work ethic and community pride. Over the past 15 years, our very proactive City Council and community volunteers have worked diligently and with the help of grant funding installed a new water system, built a new Community Center and Fire Station. With the help of local donations and volunteer labor, we also built a new City Park, Knights of Columbus building, Catholic Church hall and Ball Association Snack Shack and grandstands. In 2004 our City's assessed valuation was \$388,620. In 2019 (a mere 15 years later) Corning's assessed valuation was \$1,291,348. It had more than tripled in 15 years. We have many young families moving back to raise their kids and make their forever home in our community.

We now lie in the heart of the Soldier Creek Wind Farm with 54 wind turbines within the 3 miles of Corning. The initial Soldier Creek Project was supposed to consist of approximately 40 wind turbines and would lie in a very sparsely populated area in south-eastern corner of Nemaha County in the Soldier Creek area. This would have been South and East of Corning. When our City Council became aware that the Soldier Creek Project had exploded and was actually going to consist of 120 turbines encompassing a much larger and more heavily populated area and would completely surround our beautiful little City, they became extremely concerned of the negative affects this would have on the future of our city. Because of that and the huge outpouring of city and rural residents who also shared the same concerns our Council unanimously agreed to explore the process of zoning and exercising a city's right to a 3-mile extraterritorial zone (ETJ) as allowed by Kansas law.

As soon as it became public knowledge that our Council intended to pursue zoning and ETJ process it was game on. Our Council meetings became total chaos with at least one NextEra attorney (usually Alan Claus Anderson) and as many as 3 or 4 additional NextEra representatives and anywhere from 20 to 30 or more leased landowners attending each and every City Council and Comprehensive Planning meeting. We also had a large number of city and rural residents attending these meetings who fully supported the city's efforts. Of course, NextEra and their endless supply of corporate attorneys and representatives coach their leased landowners every step of the way. As City Clerk, I was inundated with open-records requests many of which were an obvious attempt to distract and cause excessive busy work to prevent me from having time to concentrate on our zoning efforts. The City had annexed adjoining land a few years earlier for a residential development. That huge file was requested by a local attorney and word on the street was that we had done things illegally and were under investigation and were going to be in all kinds of trouble. There were tons of rumors, spawned by NextEra, that we had violated state & federal laws in the grants we had received, the annexation and of course our attempt for zoning. A leased landowner even filed a complaint against us with the Kansas Attorney General for violations to KOMA (Kansas Open Meetings Act), to which we were completely exonerated as there was no wrongdoing on our part, but this again required several hours of my time to produce the documentation requested to prove our innocence. They intimidated and threatened us every step of the way, scrutinizing our every move. We did hire an attorney who was experienced in fighting Big Wind to advise us through the process but on our limited budget we could not afford to have him holding our hand every step of the way and of course this was a whole new territory to everyone on the Planning Committee. In our haste to complete the process, we made a couple of critical mistakes which forced us to eventually abandon our efforts.

During this time, NextEra representatives began contacting our Council Persons individually. They scheduled meetings with no more than 2 Council Persons at a time so as to not constitute a quorum. They were negotiating an “Infrastructure Improvement Agreement” (i.e. BRIBE) with the condition that the Council halt the zoning process. Their first offer to Council Persons was \$100,000 to which our Council Persons assured them that wouldn’t convince us to stop. They then came back with a 2<sup>nd</sup> offer of \$250,000 and Council Persons again told them they doubted the Council could be bribed. They then came back with a final offer of \$550,000. A Council Person presented this at our regular meeting and our City Council voted it down. NextEra then printed mailers, door hangers and placed a full-page ad in our local newspaper and ran it for 2 consecutive weeks in an effort to make the city look ignorant, create more drama and attempt to turn the Community against the city.

In the end of our fight Alan Anderson sent a 6-page letter to our City Attorney, who had been involved with our process but was not our main legal counsel, accusing the Mayor, myself and the Planning Commission of many improprieties. He accused us of forming a “Zoning Committee” rather than a “Planning Commission” as an illegal attempt to avoid the requirements of Kansas Open Meetings Act and the Kansas Open Records Act. That our actions were an illegal attempt to “skirting the law, governing in secret and passing ordinances intended to harm Soldier Creek”. He tore apart our every move ... You can’t imagine what it was like to be under such scrutiny and pressure. It was brutal. I could never have imagined what it felt like to be bullied but I now know full well. Given the real threat of a lawsuit, the lack of time, and the lack of resources and given the lure of \$550K, the City Council ended up signing the Agreement. In NextEra’s continued efforts to strong arm the community, this Agreement states:

- The city agrees to halt the pursuit of 3-mile ETJ Zoning.
- The City DESIRES and SUPPORTS the construction of the Wind Project.
- NextEra’s commitment to not increase the number of turbines so long as the agreement is in place.

In closing, please support passage of Senate Bill 279 to protect the health, welfare and property rights of all Kansas citizens and to protect all small municipalities from having to endure the pain that Corning has endured. Counties and small municipalities that are not zoned do not have the resources to stand up to these giant wind companies. The basic protection provided in SB279 would maintain the rural peace and harmony in most small communities across Kansas.

Thank you for your time and consideration.

Respectfully,

Diane Haverkamp