

REPUBLIC COUNTY BOARD OF COMMISSIONERS' MINUTES

MONDAY, OCTOBER 24, 2022

The Republic County Commission met in regular session on Monday, October 24, 2022, at 8:30 a.m. at the Republic County Courthouse. From 8:30 a.m. to 10:30 a.m., they met in the District courtroom and from 10:30 to 12:45 p.m. in the Commissioner's board room. Commissioners present were Doug Garman, Melvin Jeardoe and Edwin Splichal. Clerk Kathleen Marsicek was present to record the minutes. Deb Hadachek from the Belleville Telescope observed most of the meeting.

The meeting was called to order and attendees pledged allegiance to the flag of the United States of America.

Pastor Rick Snodgrass, Crossroads Assembly of God Church of Belleville, offered Morning Prayer.

Commissioner Garman made a motion to approve the agenda. Commissioner Splichal seconded the motion. Motion passed unanimously.

Commissioner Splichal made a motion to approve the October 17, 2022 minutes. Commissioner Jeardoe seconded the motion. Motion passed unanimously.

Accounts payable vouchers were approved in the amount of \$210,545.00.

A complete list of all persons attending the commission meeting is attached separately.

The Republic County Responsible Wind Energy Group joined the meeting.

Layne Holmes introduced Ryan Kriegshauser, Attorney from Kriegshauser Ney in Overland Park.

Kriegshauser has reviewed the agreements from NextEra. He has also requested information from the County Clerk through an open records request that has not been supplied and along with a second email that has not been answered.

Clerk Marsicek stated that she had responded to the first request stating it would take more than 3 days and she has not received any correspondence back from Mr. Kriegshauser. It was later determined that the second email had been received in the "Spam file" and Clerk Marsicek will respond to it.

Kriegshauser notified the commissioners to beware that some companies do not follow through with promises and that all the agreements need to be negotiated.

Kelli Childs requested that all changes in the agreements should be highlighted.

Joanne Filinger stated that setbacks are a big issue and make sure the setbacks are a safe distance for non-participating persons property and needs to be a larger distance. An unredacted safety manual needs to be included not just a sales brochure. Decommissioning should not be a responsibility of the County but the landowner.

Holmes stated that any monetary losses in this project should belong to the landowners and the developer, not Republic County.

Matt Dowell shared that there should have been an economic study and environmental study completed before this project was started. An unredacted safety manual needs to be submitted. It seems that there is a conflict of interest with at least one commissioner. Dowell asked if NextEra produced proof that they have paid any taxes in any of the counties they have projects. A digital map should be made public of all the proposed towers.

Kurt Childs stated that the deal breaker will be if ADLS lights are not approved by FAA. In the contribution agreement there is no inflation included. This is the largest project in Kansas and that Republic County will receive very little in comparison to NextEra.

Filinger stated that arbitration should be in the agreements not mitigation.

Holmes reported that the road agreement states that NextEra will repair the roads but there are not fines listed if this is not completed.

Holmes asked why the County Attorney has not been at any meetings.

Commissioner Garman explained that the County Attorney does not regularly attend the meetings due to court hearings and first appearances on Mondays.

Sid Scofield, a business owner north of Belleville, explained that he does not want this beautiful Republic County covered with wind turbines.

Arlene Clayton expressed that she would rather see turbines using the wind than just have dust storms.

Kevin Hoops is concerned about the setbacks but he knows landowners have rights to use their land as they see fit but restrict any future growth and development of this type of project.

Tyson Merritt repeated his concerns regarding a very disappointing experience regarding wind turbines with his family's land in Oklahoma.

Jeff Filinger is concerned about the turbines interfering with communication towers. There are several areas in the county that cell service is poor and if the turbines cause more issues it could really create more problems for the safety of citizens.

Duane Saunders voiced concern for firemen and EMS workers if the turbines are erected.

Randy Junek explained his concerns with setbacks. The setbacks affect both the participants and non-participants.

Denise Dove asked "will this actually bring to Republic County and its economy?"

Jeanette Sheets "will this affect recruitment of employees to Republic County?"

Alan Anderson stated that the additional employees working on this project will purchase food and fuel and this will help the economy.

Karrie Holmes asked all the people in the courtroom that are not for the wind farm to stand. Many stood.

Barbara Fisher is concerned with the migration patterns of many birds including cranes and prairie chickens.

Attorney Trish Voth and intern Madison Moore, Foulston Siefkin LLP, joined the meeting.

At 9:30 a.m., Commissioner Garman moved to recess into executive session for 30 minutes for Attorney-Client Privilege to discuss the proposed wind farm project. Commissioner Jeardoe seconded the motion. Commissioner Splichal made it unanimous. Attending the session were the Commissioners, Voth and Moore.

The board reconvened at 10:00 a.m., no action taken.

At 10:05 a.m., Commissioner Garman moved to recess into executive session for 30 minutes for Attorney-Client Privilege to discuss the proposed wind farm project. Commissioner Jeardoe seconded the motion. Commissioner Splichal made it unanimous. Attending the session were the Commissioners, Voth and Moore.

The board reconvened at 10:35 a.m., no action taken.

Commissioner Garman stated that there are concerns regarding conflict of interest with the commissioners. Garman asked if any Commissioner is inclined to abstain from further discussion regarding the decision about the wind farm project to please do so.

Commissioner Splichal stated that he would abstain from voting and left the table.

Commissioner Garman shared that there are 4 agreements that have been made public since October 6, 2022 but have been revised due to suggestions from the concerned citizens.

- Contribution agreement dated October 22, 2022
- Development agreement dated October 22, 2022
- Road agreement dated October 21, 2022
- Decommissioning agreement dated October 19, 2022

Commissioner Garman presented a 3 page Record of Considerations dated October 24, 2022 to explain the factual basis of the Board of Commissioners regarding the High Banks Wind Project definitive Agreements.

Commissioner Garman made a motion to enter the document of consideration into the minutes for permanent recording. Commissioner Jeardoe seconded the motion. Motion carried by Commissioners both voting Aye.

Commissioner Jeardoe made a motion to approve Definitive agreements as stated and Resolution No. 2022-27A in authorizing the execution and delivery of the Definitive agreements in connection with the development of the proposed Wind Project. Commissioner Garman seconded the motion. With both Commissioners voting Aye, motion carried.

Commissioner Splichal rejoined the table and thanked Commissioner Garman for his work in conducting all the meetings pertaining to this major issue. Commissioner Splichal thanked everyone for their comments and information to assist the Commissioners to make an informed decision. Commissioner Splichal stated it was an honor to serve on the council with Commissioner Garman and Commissioner Jeardoe.

Commissioner Garman stated that the meeting in the courtroom was complete and the board meeting would resume in the Commissioners boardroom.

James Banahan, Honorable Mayor of Cuba, presented information from his city.

- Banahan thanked the county for assisting with the spring cleanup.
- Banahan would like advice in fixing the streets to help them last long.
- He said the county has helped out when the city needed assistance.
- The City of Cuba is supportive of project and will assist in any way they can.
- Cuba's Home town Christmas opening is November 26.

Kenneth Robbins and Nathan Craig presented for review, Highway, Transportation and Bridge issues:

- The weekly community concerns and projects completed report.
- The road crew is cold patching the asphalt between US 36 to K 148 on the west side of Cuba.
- The next area will be south of the City of Munden and assisting the City of Belleville with K St.
- Robbins presented for approval a utility agreement between RWD #1 and Republic County to construct and operate an underground PVC casing.
- A proposal to perform a complete reconditioning of a 2012 Caterpillar at Foley Equipment with an estimated costed of \$258,968.52. Robbins shared that a new Caterpillar would be over \$400,000.00.

Commissioner Splichal made a motion to approve the reconditioning. Commissioner Jeardoe seconded the motion. Commissioner Garman made it unanimous.

At 11:40 a.m., Commissioner Splichal moved to recess into executive session for 5 minutes for non-elected personnel regarding employee performance. Commissioner Jeardoe seconded the motion. Commissioner Garman made it unanimous. Attending the session were the Commissioners, Robbins, Craig and Clerk Marsicek.

The board reconvened at 11:45 a.m., no action taken.

Justin Ferrell, County Attorney, joined the meeting.

At 11:53 a.m., Commissioner Garman moved to recess into executive session for 10 minutes for Attorney-Client Privilege to discuss legal county issue. Commissioner Jeardoe seconded the motion. Commissioner Splichal made it unanimous. Attending the session were the Commissioners, Ferrell and Clerk Marsicek.

The board reconvened at 12:03 p.m., no action taken.

Permission to travel was granted for Faye Jones to attend the North Central Kansas Health Care Coalition in Salina on November 4.

With all agenda items completed, Commissioner Garman made a motion and Commissioner Splichal seconded to adjourn at 12:45 p.m. Commissioner Jeardoe made it unanimous. Motion carried.

The next meeting will be on Monday, October 31, 2022, beginning at 8:30 a.m. at the Republic County Courthouse in the Commissioners' boardroom.

ATTEST: _____
Kathleen L. Marsicek, County Clerk

APPROVED: _____
Doug Garman, Chairperson

Melvin Jeardoe, Member

Edwin Splichal, Member

REPUBLIC COUNTY KANSAS

ATTENDANCE RECORD

DATE: OCTOBER 24, 2022

	NAME 10-24	City
1	Deb Hadachek	The Belleville Telescope
2	Alan Anderson	NextEra
3	Adam Richardson	Florida
4	Carl D. Hines	Florida
5	Tommy Kokko	NextEra
6	AJ Johnson	Belleville
7	Annette Bredthauer	Belleville
8	Arlene Clayton	Belleville
9	Barbara Fisher	Belleville
10	Benjamin Hoops	Bryon
11	Bernadette Carrio	Cuba
12	Brandon Blochlinger	Concordia
13	Brenda Danielson	Belleville
14	Brittany Maclean	Chester
15	Cheryl Denk	Agenda
16	Darin Saunders	Bryon
17	Daryl Levendofske	Belleville
18	David Kadavy	Concordia
19	Deanna Morris	Belleville
20	Denise Dove	Belleville
21	Edward Sandberg	Agenda
22	Harold Wilber	Belleville
23	Jean Jensby	Belleville
24	Jeanette Sheets	Belleville
25	Jeff Biekmann	Belleville
26	Jeff Filinger	Cuba
27	Jennifer Craig	Munden
28	Jeremy LaFavor	HALO
29	Jeremy Strnad	Munden
30	Joanne Filinger	Cuba
31	Karrie Holmes	Bryon
32	Kelli Childs	Belleville
33	Ken Robbins	Belleville
34	Kevin Hoops	Bryon
35	Kris James	Belleville
36	Kurt Childs	Belleville
37	Layne Holmes	Bryon
38	Levi Whitley	Belleville

REPUBLIC COUNTY KANSAS

ATTENDANCE RECORD

DATE: OCTOBER 24, 2022

	NAME 10-24	City
39	Linda Trecek	Agenda
40	Madison Moore	Wichita, Foulston
41	Matt Dowell	Cuba
42	Melody Joy	Narka
43	Mike Kolman	Cuba
44	Mr. Kriegshauser	Overland Park
45	Nathan Craig	Munden
46	Nick Levendofsky	Courtland
47	Paula Hoops	Bryon
48	Philip Meinecke	Belleville
49	Randy Junek	Belleville
50	Robert Lahodny	Belleville
51	Ryan Kriegshauser	Olathe
52	Sid Scofield	Belleville
53	Terry Marcotte	Belleville
54	Terry Gile	Scandia
55	Trish Voth	Wichita, Foulston
56	Tynan Dowell	Cuba
57	Tyson Merritt	Munden