

Minutes of April 17th, 2023

Chairman Kelly called the meeting to order at 9:00 a.m. Commissioner Mark A. Pruett and Dan Brenner were present. County Clerk Kristie Richter recorded the minutes. The Pledge of Allegiance was recited.

Public Works director Scott Kiefabber and Road Superintendent Wade Cormier met with the County Commissioners to give their weekly report.

Two fuel bids were submitted from Knotty Pine in the amount of \$26,900.00 and Haug Oil in the amount of \$26,580.00. Commissioner Pruett made the motion to accept the bid from Knotty Pine and Commissioner Brenner 2nd the motion. Motion passed 3/0

Two bids were submitted for tubes from Welborn Sales Inc. for \$33,320.50 and Contec for \$42,653.32. Commissioner Pruett mad the motion to accept the bid from Welborn Sales Inc. with the condition that the tubes are inspected and approved by the County.

Irvin Sanderson met with Scott and Wade and the Commissioners about developing a plan to maintain Timber Ridge Subdivision. Wade and Matt will go inspect the work that needs to be done and determine a timeline for the work. Irvin requested a copy of the Jackson County Road Standards, he also questioned why O Rd was graded and Timber Ridge was not. Chairman Kelly asked for consistency in blading the roads. Wade told Irvin he would be out this week to look it over and develop a plan.

Two bids were submitted for Truck repairs. One from Kansas Power Train for \$ 52,381.13 and the other from Hoyts Truck Center for \$53845.43. Commissioner Pruett made the motion to go with Hoyt Truck Center. Commissioner Brenner 2nd the motion. Motion passed 3/0. The commission went with the higher bid due to customer service and the fact that the county has been waiting on a truck since October from Kansas Power Train.

The commissioners agreed to purchase hats and sunscreen for the Road and bridge department to protect them from the elements.

Commissioners would like to do a cleanup day, free access for all taxpayers, 1 pickup load per family. The Commissioners have offered to help with the cleanup day. This will be discussed again later.

Signed the contract with DSJC for the cleaning at Road and Bridge Department and the Recycling Center for a total of \$7488.00.

Wade gave his weekly road report.

COMPLETED LAST WEEK, 10-14 APR 23:

Some Gravel on E-214-190, 114-U4-V4, 238-Q-S, R4

Mulched Trees back 222-A-C, 206 C-D

Ditching at 118-I-H 70% completed

Free State tree worked on T4 powerlines complete.

Every tree work on T4 on powerlines completed.

Installed cross tubes at X6-252, 118-I, Entrance tubes at K-137, 218-T4

THIS WEEK 17-21 APR 23:

Mulch 206 C-D

Move to T4

Fixing/Rocking on E South of J6, 214-E-G, 114-V4-X, 134-X-R, 318-U, I-262 areas.

FUTURE PLANNING:

T4 project (working)

262-J, fix ditch, rock

Rock/Dust Control on Soldier Quarry Haul Roads

Chairman Kelly asked Scott to look into a project in the St. Creek Drainage district to spend the money that was left in the drainage district.

Road and Bridge discussed the detour that the Tribal Road and Bridge used when doing road work on 158th Rd. There was no coordination with Jackson County Road and Bridge. The Commissioners would like to know who has the authority in cases like this as this puts the County in a liability situation if something were to happen. They would like to be able to work together to coordinate a proper detour when this needs to be done.

Signed the following request and petition to occupy county right -of- way:

Matt Wheeler Sec 17, Twp. 5S, Rng. 15E Road 310th Waterline for irrigation

Hal Cochren Sec. 22, Twp. 6S, Rng. 14E Road 254th Entrance Tube

County Counselor Lee Hendricks joined the meeting at 10:15am.

Lee Hendricks requested the Commissioners go into Executive Session for 10 minutes for employer/employee relations exemption for a period of 10 minutes. Included in this session is also Lee Hendricks, County Counselor and Kristie Richter, County Clerk. Commissioner Pruett made the motion and Commissioner Brenner 2nd the motion, motion passed 3/0, closed session was entered into at 10:50am. Session opened back up at 11:00am.

The NEKS Environmental Services met with the Commissioners about their annual activities. Martha reported that there were 45 new permits for last year and 41 completed systems. Toby explained what a Well Screen consists of and the water samples and how he determines if they are safe or not. They reported the nuisance and "other" activities they are monitoring. Letters have been sent to the landowner and the Sheriffs Office is CC in those letters.

Lee Hendricks asked for an Executive Session for attorney/client contract negotiations, to include Lee and Kristie till noon. Commissioner Brenner made the motion, Commissioner Pruett 2nd the motion. Closed Session at 11:33am. Opened back up at 12:00pm. Commissioner Pruett made the motion to extend for 10 minutes under the attorney/client contract negotiations. Commissioner Brenner 2nd the motion, motion passed 3/0. Went back into closed session at 12:01pm. Opened the meeting up at

Commissioner Brenner made a motion to adjourn for lunch, Commissioner Pruett 2nd the motion. Motion passed 3/0 Adjourned for lunch at 12:11.

Reconvened at 1:00pm.

Banner Lake Director Kurt Zibell met with the Commissioners to discuss the contracts of the Park Hosts at the lake. Diane Levick will be returning for the north side and Randy Rowell for the south side. Bids for mowers are due on Friday. Kurt got ahold of Mark Aeschliman, and he will get going on the Visitors Building construction.

Lee Hendricks requested an Executive Session to go over attorney client/contract negotiations. This session is to include himself, Appraiser Kate Immenschuh and County Clerk Kristie Richter. Commissioner Brenner made the motion to go into executive session for 15 minutes, Commissioner Pruett Seconded the motion, motion carried 3/0 Closed session began at 1:20pm opened session at 1:35pm Commissioner Pruett made the motion to extend for 5 minutes, commissioner Brenner 2nd the motion. Closed session at 1:35 Opened meeting up at 1:38pm

Commissioners met with NextEra to have a discussion on the Solar panels that they are wanting to put in Jackson County. Appraiser Kate Immenschuh joined the meeting also. NextEra's representatives were Alan Anderson and John Felitto.

Chairman Kelly started the meeting by stating that this meeting was for the Commissioners to ask questions and get answers from the representatives. The public that attended were welcome to listen but would not be able to participate in the conversation.

Several questions were asked and answered. What is the size of the project? John's reply was the size is 5000 acres. 10ac to 1 megawatt so it's a 500-megawatt solar project.

What type of buffers will be used? Screening plan of visual buffers? Fire Departments and Emergency management? Access roads? Screening around battery storage? NextEra has an internal set of setbacks as far as procedure and there are no plans for access roads currently. They are coordinating with EMS and the Fire Dept already. Fencing will be a chain link with meshing around it. If someone has a house and a project is across from them what does NextEra do so they don't have to look at it? In the past they have planted Shrubs and plants around the area, John said generally speaking nature would take over after construction. How would treatment differ between a participate to non-participate? This is addressed on landowner-to-landowner basis. They would be willing to work with both non-participating and participating landowners. Does NextEra have a Battery energy storage system (BESS)? No plans to have one currently. Are there smaller sub stations? They wouldn't need this as it would be handled by the inverters themselves. Would there be an indoor substation or an outdoor substation? Outdoors is what they would have. What is the height of the screens? 8 to 12 feet in total height. Sub station height? Didn't know the answer to this. Will find out. Is there security lighting? Within panel facility and substation? There is, but no light that stays on all the time. How will you get the power to Jeffery Energy Center? They do not currently have a route but are working on getting a one. They would need voluntary landowner cooperation to get this done. Are you working with Evergy? Not at this time, they would need to show a project plan first. Right now, they are working on project updates, geo tech testing, parcels that have a lease or have not but have consented to testing. Outlook is 2024 to have any project plan. What is geo testing and environmental studies? Requirements? What are the guidelines? NextEra must report to state and environmental department and the tribal entities. Why western Jackson County? As far as top 2 reasons, #1 solar resource is good in Kansas, 2nd to Florida. #2 the capacity to substation which in this case would be Jeffery Energy Center in Pott co. The power could be sold to Evergy Energy Center. So, some of this power could stay local. Setbacks? Normal setback is between roads, transmission 10 to 25 feet. What are decimal levels for Houses? The Inverter would be the loudest noise, doesn't run constantly. At 50 to 75 feet is a low hum. 50 dba at residence, transfers to 0 dba inside the house. Underground cabling? How do you get from there to here without creating issues with water and roads? Our engineering team will reach out to the entities to make sure there is no problem, we would bore under their roads. When can we have a map of the roads? When they have site plans and haul routes when the project is further underway. If they need to improve a road they will pay for it, yes, then there would be a road use agreement. Then a bond would be in place to cover anything that is needed and then a post-project summary. If they need to go on a minimum maintenance road, would it be brought up to county standards? Yes, and they would leave it as is when they are done. They would keep it at

the improved road. Kingman county regulations has an escrow account, will the county? When the value of the assets drop is when the escrow would kick in. The decommission agreement would have the escrow. Panels for the most part can be recycled. They will try to recycle what they can. Glass non-glare? Most is non-reflective now. Would you negotiate after 30 years? What kind of vegetation is under solar panels? Yes, they would renegotiate if it's a successful project. As for vegetation growth, they aim for natural grass, whatever is native to this area. Who is responsible for spraying the noxious weeds that may grow? NextEra would come in and do all this. They would be responsible for physical and cyber security. 160 acres, trees, ditches, creeks. Concern is all living vegetation will be eliminated. Internal setbacks for wetlands are 8% and 10 % slopes. Culverts and ditch work? Tube? Who is responsible? NextEra would be responsible for the tubes and culverts; also bridges to handle whatever weight they may need it to hold. They are responsible at 100% for anything that would be broken or ruined by something they do. What about non-participating people, can you go on their land? No, they should not go onto someone's property without permission. If this happens, they are responsible for any damage. After the project is done if you sell, or put it under another name if something goes wrong then what? There will be an entity name, which will be a direct extension of NextEra. All their projects they construct and own for the life cycle of the project. NextEra will put everything in place so that the county is protected if something should happen, and they fold. There is language in the lease agreement to protect the individual also.

Any thoughts on a Power Purchase Agreement? Not at that point yet. They cannot say if there is enough interest in the county to say if this will be ongoing. They will give periodic updates on the progression of the project. Federal subsidy? Tax credit, levelized cost, solar is a lower cost energy. Any plans of doing more meetings around the County and where? Not currently. Current leases? These will all be recorded in the Register of Deeds office. Is it like an oil and gas lease? No, there is more detail in wind and solar leases. John left packets for the Commissioners and Lee to look over. Alan said that they are open to questions, Commissioner Brenner asked if they had an estimate on the economic impact to the county? They won't until they are further into the project but then they will provide one. Construction phase, how many works on it? 200 or 500 mg, they would look locally for employees. The timeframe is 18 months for the project deadline.

John with NextEra asked the Commissioners, how are things going? Chairman Kelly said at this point the County is just trying to get questions answered and see if it makes sense for our County. Our goal is to protect the County and to protect the people that will be living around the solar panels. We need to see what is best for Jackson County. He said he thinks it is very important to give information to the people that will be affected by this. Commissioner Pruett believes the more transparent they can be the better it will be. Those in attendance were Doug Fisher, Rachele Thompson, Ali Holcomb, Laurie Fitz, Melissa Dibbern, Joseph Wilkowitz, Tom Hoffman, Walt Kiefabber and Don Brees.

Commissioner Brenner made the motion to approve the minutes from April 10th, Commissioner Pruett 2nd the motion. Motion approved 3/0.

Kate asked the commissioners about a property on 8th street. Kate will forward the findings to Lee to see if it needs to be pursued further.

Discussed that the Whiting Fire Board would like to expand their district with County Counselor Lee Hendricks.

Motion to adjourn was made by Commissioner Brenner and 2nd by Commissioner Pruett. Motion passed 3/0. Meeting adjourned at 3:45pm

Signed the following payroll changes:

Department	Name	From	To	Reason
Banner Lake	Leroy Galster	0	\$10.50	Seasonal
Banner lake	Ray Korte	0	\$14.46	Seasonal
Banner Lake	Robin Levick	0	\$10.50	Seasonal
Sheriff/Corrections	Jose Martinez	\$22.25	\$21.32	Transfer

Signed the following purchase orders:

Department	Purchase Order #	From	Amount	Date
Road and Bridge	6646	Welborn Sales	\$33,320.50	4-17-2023
Road and Bridge	6647	Hoyt's Truck Center	\$53845.43	4-17-2023

Board of County Commissioners
Jackson County, Kansas

Mark Pruett, 1st District

Attest:

Dan Brenner, 2nd District

Kristie D. Richter
Jackson County Clerk

Keith Kelly, 3rd District