

THE PRATT COUNTY COMMISSIONERS MET MONDAY, MARCH 14, 2016 AT 4:00 P.M. IN THE COMMISSION ROOM, COURTHOUSE, WITH THE FOLLOWING MEMBERS PRESENT: JOE R. REYNOLDS, DAVID L. WARD AND GLENNA L. BORHO. ALSO PRESENT WERE ROBERT SCHMISSEUR, COUNTY COUNSELOR, GALE ROSE, PRATT TRIBUNE REPORTER, SHERRY KRUSE, COUNTY CLERK, SUE DEWEESE, CHRISTINE TETSWORTH, DAVID GIL, JAN PARSON, LINDA HOEME AND DONNA THEIS.

THE MEETING WAS OPENED WITH THE PLEDGE OF ALLEGIANCE.

DEBRA MCGRAW, HEALTH DIRECTOR, SUBMITTED A GRANT APPLICATION SIGNATURE PAGE FROM THE STATE OF KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR GRANT PERIOD JULY, 1, 2016 TO JUNE 30, 2017 WHICH INCLUDES IMMUNIZATIONS, PUBLIC HEALTH EMERGENCY PREPAREDNESS AND STATE FORMULA. CHAIRMAN REYNOLDS SIGNED THE SIGNATURE PAGE.

JASON WINKEL, LANDFILL/RECYCLING MANAGER, ASKED FOR AN EXECUTIVE SESSION TO DISCUSS NON-ELECTED PERSONNEL; COMMISSIONER BORHO MADE A MOTION AT 4:02 P.M. TO ADJOURN INTO EXECUTIVE SESSION FOR TEN MINUTES TO DISCUSS NON-ELECTED PERSONNEL. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0. COMMISSIONER BORHO MADE A MOTION AT 4:12 P.M. TO RETURN FROM EXECUTIVE SESSION WITH NOTHING TO REPORT. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0. JASON REPORTED NYSTROM IS WORKING ON THE NORTH SIDE OF THE RECYCLING BUILDING; HAVING ISSUES WITH THE FORKLIFT AND WILL LOOK AT A REPLACEMENT; LANDFILL PIT CLOSE TO BEING DONE; STARTED SUMMER HOURS 9:00 A.M. TO 6:00 P.M.

DOUG FREUND, ROAD & BRIDGE DIRECTOR, PRESENTED TWO ROAD CROSSING PERMITS; STAN MCAHREN ELECTRIC LINE FOR IRRIGATION USE SOUTH OF BYERS TO 70TH ST ONE MILE WEST TO 80TH AVE AND NORTH APPROXIMATELY ONE/QUARTER MILE; JOHN DAUNER ELECTRIC LINE FOR IRRIGATION USE FROM CULLISON THREE MILES WEST AND TWO MILES NORTH SECTIONS 33 & 34-27-15; DOUG ASKED FOR A FIVE MINUTE EXECUTIVE SESSION TO DISCUSS NON-ELECTED PERSONNEL; COMMISSIONER BORHO MADE A MOTION AT 4:20 P.M. TO ADJOURN INTO EXECUTIVE SESSION FOR FIVE MINUTES TO DISCUSS NON-ELECTED PERSONNEL. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0. COMMISSIONER WARD MADE A MOTION AT 4:25 P.M. TO RETURN FROM EXECUTIVE SESSION WITH NOTHING TO REPORT. COMMISSIONER BORHO SECONDED THE MOTION. MOTION CARRIED 3-0. DOUG REPORTED TERRACON HAS DONE THE CORE DRILLING ON BLACKTOP ROADS; ASPHALT THICKNESS IS BETWEEN 5" AND 10".

VERNON CHINN, SHERIFF, DISCUSSED SPEED LIMIT SIGNS ON COUNTY CLUB ROAD.

MARK MCMANAMAN, EMERGENCY MEDICAL SERVICES DIRECTOR, PRESENTED A QUOTE FROM MOTOROLA SOLUTIONS ON A NEW 800 MHZ RADIO FOR THE NEW AMBULANCE; COMMISSIONER BORHO MADE A MOTION TO HAVE MARK MCMANAMAN PURCHASE ONE 800 MHZ RADIO FROM MOTOROLA SOLUTIONS FOR \$4632.25. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0. SAFETY INSPECTIONS WERE DONE ON ALL AMBULANCES WITH ONLY MINOR REPAIRS NEEDED; ROBERT SCHMISSEUR, COUNTY COUNSELOR, ASKED MARK ABOUT THE TRAIN DERAILMENT AND MARK STATED WE HAVE ASSISTANCE AGREEMENTS WITH COUNTIES WITHIN A 75 MILE RADIUS OF PRATT; MARK ASKED ABOUT APPOINTING SOMEONE TO THE HOMELAND SECURITY COUNCIL; COMMISSIONER BORHO MADE A MOTION TO APPOINT MARK MCMANAMAN TO THE SOUTH CENTRAL REGIONAL HOMELAND SECURITY COUNCIL UNTIL A SUCCESSOR IS NAMED. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0.

TIM BRANSCOM, EMERGENCY PREPAREDNESS/ZONING ADMINISTRATOR, REPORTED THERE WILL BE NO PLANNING BOARD MEETING THIS MONTH; SEVERE WEATHER AWARENESS IS THIS WEEK; STATE WIDE DRILL ON TUESDAY, MARCH 15, 2016 AT 6:30 P.M.; DISCUSSED A COMMUNITY EMERGENCY RESPONSE TEAM (CERT); THIS IS A TRAINING PROGRAM THAT PREPARES YOU IN THE EVENT OF A DISASTER; EMERGENCY PERSONNEL MAY NOT BE ABLE TO REACH EVERYONE RIGHT AWAY BUT CERT VOLUNTEERS WOULD HAVE THE SKILLS TO HELP EMERGENCY RESPONDERS SAVE LIVES AND PROPERTY; AS A MEMBER OF THE CERT TEAM YOU CAN RESPOND TO DISASTERS, PARTICIPATE IN DRILLS AND EXERCISES AND TAKE ADDITIONAL TRAINING; RED CROSS VOLUNTEERS ARE INTERESTED IN THE 24 HOUR TRAINING; IT WOULD BE ANOTHER ASSET FOR PRATT COUNTY; UNLIMITED NUMBER OF PEOPLE CAN BE TRAINED.

COMMISSIONER WARD MADE A MOTION TO APPROVE THE MINUTES OF MARCH 7, 2016.
COMMISSIONER BORHO SECONDED THE MOTION. MOTION CARRIED 3-0.

COMMISSIONER WARD MADE A MOTION TO APPROVE THE MINUTES OF THE RECESSED MEETING OF FEBRUARY 29, 2016. COMMISSIONER BORHO SECONDED THE MOTION. MOTION CARRIED 3-0.

COMMISSIONER BORHO MADE A MOTION TO DONATE \$1000 TO THE MISS KANSAS PAGEANT, INC.
COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0.

ROBERT SCHMISSEUR, COUNTY COUNSELOR, INFORMED THE COMMISSIONERS THE ECONOMIC DEVELOPMENT EXEMPTION APPLICATION PUBLIC HEARING FOR THE SCOLAR COMPANY, PRATT, KS IS SCHEDULED FOR MARCH 28, 2016 AT 5:00 P.M.

CHAIRMAN REYNOLDS CALLED 5:00 P.M. AGENDA ITEM TO CONSIDER DOCUMENTS FOR THE NINNESCAH WIND ENERGY PROJECT; ROBERT SCHMISSEUR, COUNTY COUNSELOR, STATED HE HAD BEEN WORKING ON DRAFT DOCUMENTS FROM NEXTERA STAFF ATTORNEYS; REVIEWED NINE TO TEN DECONSTRUCTION BOND AGREEMENTS FROM OTHER PROJECTS AND MOST WAIT TEN YEARS DOWN THE ROAD; CURRENT DOCUMENT SUBMITTED STATES NINNESCAH SHALL PROVIDE A DECONSTRUCTION BOND IN THE AMOUNT OF \$50,000 PER TURBINE, WHICH REMAINS EFFECTIVE FOR THE LIFE OF THE PROJECT; A \$6 MILLION BOND WILL BE POSTED FOR DECOMMISSIONING; IF NEXTERA ENERGY, INC CREDIT RATING DECLINES BY TWO CATEGORIES, THE COUNTY CAN REEVALUATE THE AMOUNT OF THE DECONSTRUCTION BOND; DAVID GIL, PROJECT DEVELOPER, SAID THE BOND CONTINUES UNTIL CANCELLED AND AUTOMATICALLY RENEWS EVERY YEAR; IF CURRENT BOND COMPANY WANTS TO CANCEL NEXTERA IS RESPONSIBLE FOR FINDING ANOTHER BOND COMPANY; CURRENT BOND RATING IS A-; HAVE A 20 YEAR POWER PURCHASE AGREEMENT WITH WESTAR; DECOMMISSIONING AGREEMENT FAVORABLE TO PRATT COUNTY COMPARED TO OTHER COUNTIES; CHAIRMAN REYNOLDS ASKED IF TURBINES ARE REPLACED WITH NEW ONES IN THE FUTURE DO YOU HAVE TO START ALL OVER AGAIN? MR. GIL SAID IN CALIFORNIA THEY HAVE JUST STARTED OVER BUT IN THE FUTURE SMALLER TURBINES MAY NOT REQUIRE FULL REPLACEMENT; MR. GIL SAID MAJORITY OF WIND FARMS DO NOT REQUIRE A BOND FOR DECOMMISSIONING; COMMISSIONER BORHO SAID THEY SHOULD DO EVERYTHING THEY CAN TO PROTECT OUR CITIZENS; ROAD USE AND MAINTENANCE AGREEMENT – DOUG FREUND, ROAD & BRIDGE DIRECTOR, SAID KIRKHAM MICHAEL CONSULTANTS HAVE REVIEWED HAUL ROUTES AND ARE JUST DOING PAPERWORK; MR. SCHMISSEUR ASKED DOUG IF HE SAW ANYTHING THAT CAUSED HIM CONCERN? DOUG SAID HE HAD NO CONCERNS ON THE ROADS; BLATTNER WILL TAKE CARE OF PROBLEMS WITHIN 24 HOURS OR WE CAN DO THE WORK AND BE REIMBURSED BY NEXTERA; COUNTY ROAD CREWS CANNOT DROP EVERYTHING AND DO REPAIRS; KIRKHAM MICHAEL CONSULTANTS WILL SIGN OFF ON CONDITIONS OF ROADS AFTER THE PROJECT IS COMPLETE; NOTHING THAT SAYS WE WILL

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HAVE BETTER ROADS THAN WHAT WE STARTED WITH; MR. GIL SAID GETTING CORE SAMPLES WAS GOOD TO UNDERSTAND WHAT ROADS LOOKED LIKE AND THEY WILL TRY TO MINIMIZE ROADS USED AS HAUL ROUTES; JAN PARSONS ASKED ABOUT CLOSING ROADS AND THE AFFECT ON HAULING MAIL TO RESIDENTS ; ASKED TO COORDINATE WITH DELIVERING THE MAIL; MR. GIL SAID IF BORING UNDER A ROAD IT MAY BE CLOSED FOR TWO HOURS; MS. PARSONS ASKED IF THE AGREEMENT COULD INCLUDE THAT NO ELECTRICITY CAN BE PRODUCED UNTIL ALL ROADS ARE BACK IN AGREED GOOD CONDITION; MR. SCHMISSEUR SAID IN REVIEWING OTHER ROAD AGREEMENTS HE HAD NOT SEEN THAT INCLUDED; MS. PARSONS SAID SHE HAD ONE AT HOME SHE COULD GET TO HIM; MR. GIL SAID HE WOULD PROVIDE CONTACT INFORMATION FOR ANY PROBLEMS DURING CONSTRUCTION; DOUG ASKED IF THEY SHOULD STILL DO REGULAR MAINTENANCE ON ROADS; MR. GIL SAID THEY SHOULD CONTINUE TO DO ROAD MAINTENANCE AS USUAL; MR. SCHMISSEUR ASKED ABOUT MOWING DITCHES DURING CONSTRUCTION AND DOUG SAID THEY WILL ADJUST THEIR SCHEDULE; CONTRIBUTION AGREEMENT AND PERMIT FEE AGREEMENT – MR. SCHMISSEUR SAID DURING THE HEARINGS PAYMENT IN LIEU OF TAXES PAYMENT INITIAL PROPOSAL WAS \$500,000 WITH A COLA OVER 30 YEARS; PROPOSED TO MOVE THE MONEY TO THE FRONT END OF THE PROJECT; CURRENT PERMIT FEE AGREEMENT IS \$10,000 PER TURBINE FOR A TOTAL OF \$1,210,000; CONTRIBUTION AGREEMENT IS ONCE THE WIND PROJECT ENTERS COMMERCIAL OPERATION, NINNESCAH SHALL MAKE ANNUAL CONTRIBUTIONS TO THE COUNTY BY MARCH 1, WITH THE FIRST PAYMENT BY MARCH 1, 2017; THEN CONTRIBUTIONS FOR THE FIRST TEN YEARS IS \$3500 PER MEGAWATT PER YEAR (2017 – 2026); THE NEXT TEN YEARS (2027 – 2036) SHALL BE \$4000 PER MEGAWATT PER YEAR; THEREAFTER (2037 AND BEYOND) SHALL BE \$3500; ANNUAL PAYMENTS WILL CONTINUE UNTIL THE WIND PROJECT CEASES COMMERCIAL OPERATION; MR. GIL SAID THIS IS A BETTER PROPOSAL THAN OTHER PROJECTS DONE JUST LAST YEAR; MR. SCHMISSEUR SAID IF THE STATE OF KANSAS CHANGES TAX EXEMPTIONS THINGS MAY CHANGE; THE RULES MAY CHANGE; MR. GIL WANTED TO MAKE SURE THE PERMIT FEE COVERS ALL COUNTY FEES THAT COULD BE CHARGED; COMMISSIONER BORHO ASKED IF THIS WAS THE FIGURE FOR OVER A 30 YEAR PERIOD: \$23,210,000; MR. GIL AGREED.

COMMISSIONER BORHO MADE A MOTION THAT THE COMMISSIONERS APPROVE THE DECOMMISSIONING BOND AND DECOMMISSIONING BOND AGREEMENT, ROAD USE AND MAINTENANCE AGREEMENT, PRATT COUNTY CONTRIBUTION AGREEMENT AND PRATT COUNTY PERMIT FEE AGREEMENT WITH NINNESCAH WIND ENERGY, LLC. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0.

ROBERT SCHMISSEUR, COUNTY COUNSELOR, DISCUSSED THE PRATT ENERGY LLC ANNUAL CLAIM FOR EXEMPTION; ALL DOCUMENTATION HAS BEEN REVIEWED AND VERIFIED TO CONTINUE THE TAX EXEMPTION.

COMMISSIONER WARD MADE A MOTION TO APPROVE THE PAYMENT VOUCHERS FOR MARCH 14, 2016. COMMISSIONER BORHO SECONDED THE MOTION. MOTION CARRIED 3-0.

ROBERT SCHMISSEUR, COUNTY COUNSELOR, REQUESTED A FIFTEEN MINUTE EXECUTIVE SESSION TO DISCUSS AN ATTORNEY/CLIENT ISSUE; COMMISSIONER WARD MADE A MOTION AT 7:20 P.M. TO ADJOURN INTO EXECUTIVE SESSION FOR FIFTEEN MINUTES TO DISCUSS AN ATTORNEY/CLIENT ISSUE. COMMISSIONER BORHO SECONDED THE MOTION. MOTION CARRIED 3-0. COMMISSIONER WARD MADE A MOTION AT 7:35 P.M. TO RETURN FROM EXECUTIVE SESSION WITH NOTHING TO REPORT. COMMISSIONER BORHO SECONDED THE MOTION. MOTION CARRIED 3-0.

COMMISSIONER BORHO MADE A MOTION TO RETAIN TREVOR WOLHFORD, ATTORNEY, IN REGARDS TO THE DOUGHTERY/PRATT ENERGY, LLC TAX EXEMPTION MATTER. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0.

COMMISSIONER BORHO MADE A MOTION AT 7:40 P.M. TO ADJOURN THE MEETING. COMMISSIONER WARD SECONDED THE MOTION. MOTION CARRIED 3-0. MEETING ADJOURNED.

JOE R. REYNOLDS CHAIRMAN

DAVID L. WARD MEMBER

ATTEST:

SHERRY KRUSE
COUNTY CLERK

GLENNA L. BORHO MEMBER