

Board of Crawford County Commissioners

Commissioners' Journal

2024, **THIRTY-FOURTH** MEETING

CRAWFORD COUNTY COURTHOUSE, COMMISSIONERS' BOARD ROOM
Girard, KS. **Tuesday, May 7, 2024 10:00 AM**

The Crawford County Board of Commissioners met pursuant to Kansas Statutes.

Annotated Chapter 19, Article 2, Section 18 in due and regular session with open doors.

Commissioner Carl Wood served as the presiding officer.

Commissioners Tom Moody and Bruce Blair were in attendance.

County Clerk Lisa Lusker and County Counselor Jim Emerson were seated with the Board.

Chairman Wood led the Pledge of Allegiance.

UNDER THE HEADING BUSINESS FROM A PREVIOUS MEETING CONSENT AGENDA

On motion (24-228) of Commissioner Moody and the second of Commissioner Blair that the consent agenda be approved including:

1. Approval of the **May 3, 2024** minutes of the Board of County Commissioners.

Yeas: Commissioners Moody, Blair, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed and the consent agenda was approved.

SIGNING OF MOTIONS

The County Clerk presented the following motions for Commissioners' signatures:

| | | |
|-----------|-----|--|
| Motion 24 | 220 | That the consent agenda be approved including: Approval of the April 30, 2024 minutes |
| Motion 24 | 221 | To recess this open session and go into a closed executive session for a period of not more than 10 minutes to discuss Non-Elected Personnel to discuss grants and to include the Board of County Commissioners, County Counselor Jim Emerson, and County Grant Writer Gus Brunetti and to reconvene by 10:32 AM |
| Motion 24 | 222 | To approve the April 2024 Clerk's Report as presented |
| Motion 24 | 223 | To recess this open session for a period of 5 minutes |

Board of Crawford County Commissioners

| | | |
|-----------|-----|---|
| Motion 24 | 224 | To recess this open session and go into a closed executive session for a period of not more than 10 minutes to discuss Non-Elected Personnel to discuss EMS and to include the Board of County Commissioners and County Counselor Jim Emerson, and to reconvene by 10:48 AM |
| Motion 24 | 225 | To recess this open session and go into a closed executive session for a period of not more than 45 minutes to discuss Non-Elected Personnel to discuss EMS and to include the Board of County Commissioners, County Counselor Jim Emerson, and EMS Director Randy Sandberg, and to reconvene by 11:29 AM |
| Motion 24 | 226 | To recess this open session and go into a closed executive session for a period of not more than 10 minutes to discuss Non-Elected Personnel to discuss Road and Bridge and to include the Board of County Commissioners and County Counselor Jim Emerson, and to reconvene by 11:49 AM |
| Motion 24 | 227 | To recess this open session and go into a closed executive session for a period of not more than 15 minutes to discuss items that would be deemed privileged in the Attorney-Client Relationship to discuss billing packets and to include the Board of County Commissioners and County Counselor Jim Emerson, and to reconvene by 12:02 PM |

UNDER THE HEADING NEW BUSINESS

PROCLAMATION AND ORDERS OF THE BOARD

PUBLIC HEARINGS AND OPENING OF ANNOUNCED BIDS

MESSAGES FROM CRAWFORD CO LOCAL BOARD OF HEALTH

MESSAGES FROM ELECTED OFFICIALS

MESSAGES FROM OTHER GOVERNMENTAL ENTITIES

MESSAGES FROM THE PUBLIC

Item One: County Counselor Jim Emerson mentioned as of right now the county has a resolution drafted for a moratorium for a year on wind and solar that will allow them to get their comprehensive plan renewed. He explained this is not just for wind and solar and that the comprehensive plan is very important for the county for the next 20 years as it is a long term plan. Mr. Ray Huff, a resident of Crawford County, discussed how the resolution stated it is for 12 months but can be extended if necessary and wanted to know if that is true and Mr. Emerson answered it could be extended if needed. Mr. Huff's next question was about the specifics on zoning in the resolution and if the Commission will be considering options outside of county wide zoning for wind and solar restrictions and Mr. Emerson's answer is yes options are open and nothing has been decided on yet. Mr. Emerson also mentioned nothing will be decided mostly until the comprehensive plan is completed and they take the time to get the public's input. Mr. Huff asked about another wind and solar company and Commissioner Wood stated he does not know who that company is, and reassured when the Commissioners know something the public will also know. Mr. Huff asked if the public may ask questions for EDF Renewables and the Commission stated that would be fine. Ms. Judy Prince asked if at the end of the moratorium will the Commissioners be relying on the hired consultants opinion or will they be listening to the opinions of the public and Commissioner Wood stated he would like to take public opinion and Mr. Emerson stated he will look into a public vote but that the county would also like to look at the suggestions of the consultant as well. Ms. Prince

Board of Crawford County Commissioners

asked where this consultant came from and if they are biased and Mr. Emerson explained they have not hired one yet.

Item Two: Mr. Alan Blaesser and Mr. Leif Clark with EDF Renewables addressed the Commissioners. Mr. Blaesser mentioned they are here to discuss the moratorium on wind and solar and presented the Commissioners with printed material. Mr. Clark discussed the unintended consequences of more governmental control. He also mentioned they are further along on their project and that a one year moratorium could be detrimental to their current project. Mr. Clark gave details on the project. Commissioner Moody asked Mr. Clark and Mr. Blaesser if they are comfortable answering questions from the public and they answered that they are. Mr. Ray Huff asked how much money will this company receive from this current project they speak about and Mr. Clark mentioned they do not have an answer for this project specifically right now. Mr. Blaesser said a lot of things play into that and would need to be looked at to determine that amount. Mr. Huff asked where the electricity produced would be going and Mr. Blaesser mentioned it goes to Kansas as well as outside of the state. Mr. Huff asked if this project will contribute to any power plant closures or loss of jobs in the future and Mr. Blaesser stated no this project will not contribute to plant closures or loss of jobs. Mr. Huff stated he is part of an electric coop that gets patronage every year and wants to know if they will then receive additional patronage from EDF Renewables and Mr. Blaesser stated that part of the project is still being negotiated. Mr. Huff asked if they will be able to determine how much of the electric produced by this project is being used in Crawford County and Mr. Blaesser stated no they cannot determine that. Mr. Huff discussed the decommissioning process and asked how long this process takes and if damage to the ground and concrete is included in this and Mr. Blaesser explained that their agreement with the County would be to return land to a similar state and Mr. Huff asked similar or exact state and Mr. Blaesser mentioned nothing could be exact. Mr. Huff asked if the company will replace the lost soil with equal quality soil and Mr. Blaesser answered yes they do. Mr. Clark explained the decommissioning process is something they will go back and forth with the county on to make adjustments and negotiations. Mr. Huff asked if they can guarantee that they will not sell lease rights and Mr. Clark and Mr. Blaesser answered. Mr. Huff asked if they are currently putting gag clauses on people who have signed up to participate in this project and Mr. Clark stated that within the lease there is a section requiring the land owner to not discuss the lease. Mr. Huff mentioned he just recently completed a very extensive, expensive wild life project and it is directly within the map EDF Renewables presented and wants to know what kind of compensation he will receive if a wind turbine is put up right next to his wetland conservation. Mr. Blaesser explained they have done and are doing studies on effect of wildlife. Mr. Huff asked what turbine manufacturer they would use and Mr. Blaesser answered that is still to be determined. Mr. Huff asked if they would be willing to show the financials for this project as well as the turbines per land owner and amounts per landowner. Mr. Blaesser answered there will be 72 turbines and discussed details on those but not the financials. Ms. Judy Prince asked about the contracts and if they would be willing to share their contracts with the public and Commissioners and Mr. Clark answered that they could release certain aspects while also not releasing specifics about each landowners agreement. Ms. Prince also asked if the lease is sold to another company who then sells it again will EDF come back to decommission or will it be the other companies, and also will the public have access to those decommissioning contracts. Mr. Clark answered it

Board of Crawford County Commissioners

would be the responsibility of the new companies. Mr. Clark provided his cell phone number at 346-810-1252 and cards with his email address for if anyone wants to contact him with questions he would be more than happy to discuss with them. Mr. Ross Martinson from Farlington asked if the solar panels and parts for windmills come from foreign countries. Mr. Clark answered yes some solar panels have come from overseas but some parts come from within the United States as well. Mr. Blaesser gave more details on this. Mr. Mike Oplotnik spoke in favor of solar and wind. He stated that EDF encouraged the people to take their contracts to whoever they would like to look over their contract and that they have been nothing but appropriate to work with. Mr. Michael Diskin discussed community outreach from EDF and stated they have been here for 3 years but he has not heard anything from or about them until recently. Ms. Lora Weber spoke about how the land will not be returned to the way it was before and that is her concern. Ms. Becky Willard stated she is a property owner with six sets of Canadian geese nesting on her property and wants to know who is going to take care of the baby geese if their mother is killed by the wind turbines. She asked if the turbines will be taller than 600 feet and Mr. Blaesser stated the plan is to not have the turbines exceed 600 feet. Mr. Stan Clausen spoke next against wind turbines asking about tax breaks for people who have to deal with seeing these turbines but receive no profit off of them and spoke in favor of the moratorium. Mr. Alan Egbert spoke next about his strip pit ground he owns and not in favor of wind turbines. Mr. Egbert stated he has solar panels and is having a hard time being paid for producing energy. Commissioner Wood asked what disturbed Mr. Egbert's ground in the 50's to 70's and Mr. Egbert confirmed it was coal mining. Commissioner Wood asked Mr. Blaesser and Mr. Clark why they don't use a cash bond instead of a paper bond. Mr. Clark spoke about decommissioning. Mr. Clark explained some areas on the map and their relevance. Commissioner Blair stated after all the discussions with the public he believes the Commission needs to have a discussion with the consultant and figure out what everything looks like with a moratorium and without before making a decision. Mr. Oplotnik asked how EDF Renewables is supposed to proceed and Commissioner Blair stated they will try to have this done as soon as possible and that he is not making a decision on a moratorium today. Mr. Diskin mentioned he has 47 years invested in his land and Commissioner Blair stated the consultant determines some of this situation so he believes they really need to speak with them first. Mr. Diskin stated the comprehensive plan will be discussed during the moratorium so he asked why they cannot just go ahead and place the moratorium today. Commissioner Blair stated he would like to gather information from Mr. Emerson on how to take public input because from what he has seen it is about a fifty-fifty split in opinion. Mr. Oplotnik made comment to which Commissioner Wood discussed roads and bridges. Commissioner Wood stated he also will not make a decision on a moratorium today. Commissioner Blair asked Mr. Clark and Mr. Blaesser for a specific timeline they are looking at because he once again wants to get everyone's input from both sides. Mr. Blaesser mentioned they are at a stage that they would like to continue studies in the community for about another year and a half to complete environmental studies. Mr. Diskin asked how a one year moratorium really impacts a 5 year pre operating plan and Mr. Clark answered. Mr. Oplotnik spoke on the pre operating period and its requirements. Ms. Judy Prince stated in the moratorium she believes it says studies will not be prohibited. Mr. Darrin Delange spoke against county wide zoning but spoke in favor of EDF Renewables. Commissioner Wood stated his entire district is zoned and stated most of them do not even know they're in a zoned area. Mr. Ray Huff spoke again how he wants the Commissioners to approve

Board of Crawford County Commissioners

the moratorium sooner rather than later. County Clerk Lisa Lusker stated she received an email from Mr. Greg Davied with comment in regards to personal property rights.

On motion (24-229) of Commissioner Wood and the second of Commissioner Moody to recess this open session for a period of 5 minutes.

Yeas: Commissioners Moody, Blair, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners reconvened the Open Session at 11:57 AM.

NEW BUSINESS

Item One: Commissioner Moody mentioned the work session this morning pertaining to the roads and he believes the session went well and was productive. He is looking forward to starting road projects and getting them completed.

Item Two: Mr. Emerson discussed the chip and seal oil bids. He mentioned that Wright Asphalt is the recommendation at \$2.45/gallon.

On motion (24-230) of Commissioner Moody and the second of Wood to approve the chip and seal oil bid from Wright Asphalt in the amount of \$2.45/gallon.

Yeas: Commissioners Moody, Wood, and Blair

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Three: Mr. Emerson presented the lease purchase agreement for Fire District #1. He stated it is a 10 year lease agreement with Clayton Holdings, LLC in the amount of \$339,000 with an interest rate of 4.94%. He mentioned the other bid was about 2 percent higher. Commissioner Wood asked who Clayton Holdings, LLC is and Mr. Emerson mentioned they are paired with Commerce Bank. Commissioner Moody mentioned we have used them in the past and Mr. Emerson confirmed the previous 3 lease purchases have been with them.

On motion (24-231) of Commissioner Moody and the second of Commissioner Wood to approve the lease purchase agreement for Fire District #1 for a 2024 Freightliner Pumper with Clayton Holdings, LLC for 10 years at \$339,000 and interest rate of 4.94% and authorizing the Chairman to sign.

Yeas: Commissioners Moody, Blair, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Board of Crawford County Commissioners

Item Four: Mr. Emerson discussed Resolution #2024-007 which places a moratorium on wind and solar. He referenced the comments made by the Commissioners earlier about not wanting to make a decision today. Commissioner Wood mentioned he would like to postpone the vote until Friday and Commissioner Moody asked for it to be postponed a week from Friday. Commissioner Moody stated he believes the comprehensive plan needs to be brought up to date and that they should not make a decision quickly either way. Commissioner Blair asked how quickly we can speak to a consultant after Mr. Emerson makes a recommendation on one and Mr. Emerson answered he is not sure it depends on the recommendation made as one consultant is out of Nebraska.

Item Five: Commissioner Blair brought up Hepler fire department. He asked Mr. Emerson if he received anything and he stated he had not yet received anything.

OLD BUSINESS

Item One: Mr. Emerson stated the Commissioners need a motion to cancel the meeting on Tuesday May 14th.

On motion (24-232) of Commissioner Moody and the second of Commissioner Wood to cancel the Regular Session of the Board of County Commissioners on Tuesday, May 14th due to Commissioners attending the Southeast Kansas District 4 County Commissioners and Road Officials Meeting.

Yeas: Commissioners Moody, Wood, and Blair

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Item Two: Commissioner Moody asked if there is a KDOT Highway 69 meeting tomorrow and Commissioner Wood stated he believes its on May 16th. Commissioner Moody stated he would like some clarification on that so they can clarify if all three Commissioners may be in attendance.

Item Three: Commissioner Wood discussed the report on the old landfill and told Mr. Emerson he would like a copy of that report. Mr. Emerson stated they have looked over it a little but not extensively yet.

EXECUTIVE SESSION

Item One: Commissioner Wood requested an executive session for 30 minutes to discuss Non-Elected Personnel.

On motion (24-233) of Commissioner Wood and the second of Commissioner Blair to recess this open session and go into a closed executive session for a period of not more than 10 minutes to discuss Non-Elected Personnel to discuss EMS and to include the Board of County Commissioners and County Counselor Jim Emerson, and to reconvene by 12:43 PM.

Yeas: Commissioners Wood, Moody, and Blair

Board of Crawford County Commissioners

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

The Commissioners went into Executive Session at 12:13 PM and reconvened the Open Session at 12:33 PM with no action taken except to go back into open session.

UNDER THE HEADING FUTURE BUSINESS AND ANNOUNCEMENTS

FUTURE BUSINESS:

Item One: May 10, 2024 – Mr. Charles Bowers, KDHE Engineer, regarding landfill transfer permit.

Item Two: May 10, 2024 – Ms. Brooke Powell, Executive Director, Safehouse Crisis Center presenting Emergency Shelter Grant Application.

Item Three: May 10, 2024 -- Representative Ken Collins.

ANNOUNCEMENTS:

Item One: May 8, 2024- US 69 Highway Study Public Feedback Meeting located at the Pittsburg Public Library from 1:30 PM to 2:30 PM. One or more Commissioner may be in attendance.

Item Two: May 14, 2024 – Southeast Kansas District 4 County Commissioners and Road Officials Meeting hosted by Neosho County at the KDOT District 4 Complex, Chanute, KS from 8:00 AM to 12 Noon. More than one Commissioner may be in attendance.

Item Three: May 14, 2024- The Regular Session of Board of County Commissioners is cancelled due to the Commissioners attending the Southeast Kansas District 4 County Commissioners and Road Officials Meeting.

UNDER THE HEADING MOTION TO ADJOURN

MOTION TO ADJOURN

Item One: Adjournment

On the motion of Commissioner Moody and the second of Commissioner Wood to adjourn the [May 7, 2024](#) meeting of the Board of Crawford County Commissioners at 12:36 PM and to reconvene at the next regularly scheduled time with open doors.

Yeas: Commissioners Moody, Blair, and Wood

Nays:

Present but not voting:

Absent or not voting:

The motion prevailed.

Board of Crawford County Commissioners

In Testimony whereof, I have hereunto set my hand and caused to be affixed my official seal and submitted these minutes for the approval of the Board of Crawford County Commissioners.

Lisa Lusker
County Clerk

<>

This submission completed at the Crawford County Courthouse in Girard.

[Taken RJA 5/9/24 9:00 AM/amended BKW 5/9/24 2:30 PM](#)