

**RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS**

November 15, 2019

Commission met in special session as the Board of Canvassers at 9:00 a.m. in Commission chambers at the Marion County Courthouse with Chr. Kent Becker and Comm. Randy Dallke present. Comm. Dianne R. Novak was absent. Also present were Deputy Register of Deeds Jo Ottensmeier, Co. Clerk Tina Spencer, Election Clerk Marcy Hostetler, Deputy Co. Clerk Ashley Herpich, members of the public and members of the press.

CANVASS OF 2019 GENERAL ELECTION: Dallke moved to appoint Jo Ottensmeier to the Canvassing Board in the absence of Comm. Novak. Becker seconded and motion carried 2-0. The Canvass was called to order. An election summary report was presented by Spencer. Precinct level results including Election Day scanned totals, hand counts, write-in votes, and late advance votes were provided for review.

- Provisional ballot situations were reviewed. Dallke moved to open and count those provisional ballots allowed by law. Becker seconded and motion carried 3-0. The provisional ballots were opened and scanned. Precinct level results were updated to include all provisional votes counted.
- Session recessed until 1:00 p.m. so that results could be combined and updated. Co. Counselor Brad Jantz joined the session. The Canvassing Board reconvened at 1:00 p.m. and an additional provisional vote not tallied earlier in the session was added to the totals. Spencer requested additional time to prepare the final official results and to present them for official approval and signature. After discussion, Becker moved to recess the Canvass until 1:00 p.m. on Monday, November 18th. Dallke seconded and motion carried 3-0.
- At 1:30 p.m. the Canvassing Board was reconvened for additional discussion. Becker made a motion to recess the Canvass until 8:00 a.m. on Monday, November 18th instead of 1:00 p.m. Dallke seconded. Motion carried 3-0.

EXPEDITION WIND DEVELOPMENT AGREEMENT DISCUSSION: Commission met in special session at 1:34 p.m. with Chr. Kent Becker, Comm. Randy Dallke, and Comm. Dianne R. Novak present. Also present were Co. Clerk Tina Spencer and Co. Counselor Brad Jantz. Deputy Co. Clerk Ashley Herpich was present for portions of the meeting. Attorney Patrick Hoffman joined the session. Also present were Co. Engineer Brice Goebel, Planning/Zoning/Environmental Health Dir. Sharon Omstead, and Tanner Yost of Kirkham Michael Engineering. Present on behalf of the Expedition Wind project were Patrick Pelstring, Jesse Hopkins-Hoel, and Attorney Trish Voth. Also present were members of the public and the press.

- A markup draft of the proposed development agreement was reviewed in detail. Several changes were requested in the language of the document during the review process.
- The Payment In Lieu of Taxes (PILOT) section of the document was discussed. Novak requested better terms for the PILOT payment. Pelstring amended the payment offer as follows: PILOT for all turbines to be paid at a rate of \$2,000/megawatt for the first 10 years. In year 11 the turbines on the Doyle CUP's would increase to \$2,500/megawatt and in year 16 the turbines on the Doyle CUP's would increase to \$5,000/megawatt. The turbines included in CUP #6 (non-Doyle) would be placed on the tax roll in year 11.
- After additional discussion with legal counsel for both sides, Dallke moved to accept the agreement with the changes discussed, subject to staff review. Becker seconded and motion carried 2-1. Novak opposed.

Development Plan Resolution: A resolution was presented to officially approve the development plan (previously approved by motion and vote of the Commission on Monday, November 4th). Becker moved to adopt Resolution 2019-16 approving a comprehensive development plan for a wind energy conversion system for certain lands located within the unincorporated area of Marion County, Kansas, under the authority granted by the Marion County Zoning Regulations Articles 12, 19, 24, and 27. Dallke seconded and motion carried 2-1. Novak opposed.

DIAMOND VISTA ROAD MAINTENANCE AGREEMENT DISCUSSION: Jantz presented a tentative offer from Enel Green Power (EGP) to pay for road repairs in the Diamond Vista project area. Tanner Yost of Kirkham Michael suggested that any offer be addressed after the post-construction report and cost estimate is presented to the Board. Yost indicated that the report will be ready by the end of November. The Board instructed Jantz to respond to EGP acknowledging the offer, but indicating the Board's intention to receive the post-construction report prior to agreeing to a settlement amount.

Becker moved to adjourn. Dallke seconded and motion carried 3-0. Meeting adjourned at 5:19 p.m.

Kent Becker, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

**RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS**

November 15, 2019, Continued

MARION COUNTY, KANSAS
RESOLUTION NO. 2019-- 16

A RESOLUTION APPROVING A COMPREHENSIVE DEVELOPMENT PLAN FOR A WIND ENERGY CONVERSION SYSTEM FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF MARION COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE MARION COUNTY ZONING REGULATIONS ARTICLES 12, 19, 24 AND 27.

WHEREAS Expedition Wind LLC submitted a twenty-three (23) page development plan, which was considered by the Board of County Commissioners of Marion County during its meeting on November 4, 2019 (the "Development Plan"), for some of the real property that is subject to the following existing Conditional Use Permits: Marion County Commission Resolutions Numbered 2010-19; 2011-22; 2014-13; 2014-22; 2015-15; 2019-11; and 2019-15 (collectively, the "CUPs"), a copy of which is available for public inspection at the Marion County Planning and Zoning Department, 203 S. 3rd Street, Marion, Kansas, during normal business hours.

WHEREAS the Marion County Planning Commission (the "Planning Commission") conducted public hearings related to the Development Plan on June 3, 4, and 10, 2019 ("First Hearing") and on October 24, 2019 ("Second Hearing"), and collectively with the First Hearing, the "PC Hearings") following the satisfaction of all notice requirements for such hearings pursuant to the Marion County Zoning Regulations;

WHEREAS all interested parties in attendance at the PC Hearings were provided an opportunity to be heard and the Marion County Planning Department Zoning Administrator and staff presented recommendations which discussed the application of the facts to the factors set out in the Marion County Zoning Regulation as guidelines for the evaluation of Conditional Use applications and the accompanying Development Plan;

WHEREAS on July 15, 2019, the Board of County Commissioners of Marion County (the "Governing Body") reviewed the Development Plan as discussed in the First Hearing; and approved Marion County Commission Resolution numbered 2019-11, which conditioned the approval of the Development Plan on Expedition Wind LLC's demonstration that all components of a WECS to be located in unincorporated areas of Marion County are within an approved Conditional Use area or are exempt from Conditional Use approval ("Approval Conditions");

WHEREAS the Planning Commission on October 24, 2019 on a vote of 7 to 1 with one member recusing recommended approval of a Conditional Use application and the accompanying development plan;

WHEREAS the Approval Conditions were satisfied on November 4, 2019, when the Governing Body approved Resolutions 2019-14 and 2019-15; and

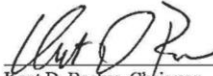
WHEREAS, the Governing Body has reviewed the Development Plan and determined that the Development Plan satisfies all of the Development Plan requirements pursuant to both the Marion County Zoning Regulations and also pursuant to the CUPs; and has further determined that the Governing Body's approval of the Development Plan is the only act remaining to occur for the Development Plan to be approved pursuant to the Marion County Zoning Regulations.

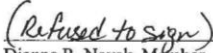
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, that the Development Plan, is approved and is the current and only Development Plan in effect regarding any of the CUPs.

This Resolution shall be effective upon publication.

Adopted this 15 day of November, 2019 by the Board of Marion County Commissioners, Marion County, Kansas.


BOARD OF COUNTY COMMISSIONERS MARION
COUNTY, KANSAS


Kent D. Becker, Chairman


Dianne R. Novak, Member


Randy Dalke, Member



ATTEST: 
Tina D. Spender, Marion County Clerk