

THE BOARD OF NESS COUNTY COMMISSIONERS
June 22, 2026

The Ness County Board of Commissioners met in regular session Monday, June 22, 2026, at 9:00 a.m. in the Ness County Commissioner Chambers. Chairman Travis Petersilie called the meeting to order with Commissioners Mark Davis, Dave Albers, and County Clerk Lori Hertel in attendance.

Road and Bridge

Ness County Road and Bridge/Landfill Supervisor Bryan Whipple and Assistant Supervisor Eric Seib met with Commissioners.

Termites were discovered in a storage container-Pest Control was contacted.

Commission reviewed a list of uncollected landfill fees. Accounts not paid within 30 days will be placed on a cash-only basis.

Whipple reported \$480.00 in landfill fees June 9 – 13th and 75 yds of crushed concrete were hauled June 15-19th.

Whipple stated the County was high bid on the GMC Topkick Truck.

Bid estimates were presented on the purchase of 3 bulk oil tanks: John M. Ellsworth Company, Inc.- \$7,935.60, Hoidale Company Inc.-\$11,870.91.

Motion: Upon the motion of Petersilie, seconded by Davis, Commission unanimously voted to accept low bid from John M. Ellsworth Company, Inc. for \$7935.60 plus shipping.

Colby from Foley Equipment Company was present to discuss equipment needs.

Road concerns were discussed.

Employment matters were addressed.

Colby Butler of Kirkham Michael presented a recap of Kirkham Michael's activities since May 18, 2026.

Butler presented Additional Services Authorization #1 for the Decommissioning Study related to the Cedar Bluff Wind Project. Commission reviewed the agreement and was advised that Cedar Bluff Wind, LLC will reimburse Ness County for all costs incurred by Kirkham Michael in preparing the decommissioning report.

Motion: Upon the motion of Davis, seconded by Albers, Commission unanimously voted to approve and sign the agreement for the Decommissioning Study.

Butler discussed abandoned bridges and which ones were still inspected.

Commission

A call to Attorney Logan Schultz by phone conference was made to discuss potential legal action.

Motion: Upon the motion of Albers, seconded by Davis, Commission voted unanimously to recess into executive session to discuss pending litigation pursuant to the attorney-client privileged communication exception K.S.A. 75-4319(b)(2), for a period of 8 minutes beginning at 10:04 a.m. Motion carried unanimously (Albers, Davis, Petersilie, Attorney Schultz by phone and Hertel in executive session). Regular session resumed at 10:12 a.m. No decisions were made.

Road and Bridge

Whipple requested an executive meeting to discuss personnel matters.

Motion: Upon the motion of Albers, seconded by Davis, Commission unanimously voted to recess into executive session to discuss an employee matter pursuant to the nonelected personnel matter exception, K.S.A. 75-4319(b)(1) for a period of 10 minutes beginning at 10:35 a.m. Motion carried unanimously (Petersilie, Albers, Davis, Whipple, Seib, Gayer, Mitchell and Hertel in executive session). Regular session resumed at 10:45 a.m. No decisions were made. More discussion was needed.

Motion: Upon the motion of Petersilie, seconded by Davis, Commission unanimously voted to recess into executive session to discuss an employee matter pursuant to the nonelected personnel matter exception, K.S.A. 75-4319(b)(1) for a period of 5 minutes beginning at 10:46 a.m. Motion carried unanimously (Petersilie, Albers, Davis, Whipple, Seib, Gayer, Mitchell and Hertel in executive session). Regular session resumed at 10:51 a.m. No decisions were made.

Sheriff

Ness County Sheriff Brandon Mitchell met with Commission. Mitchell provided update on department, personnel & new hire incentives.

NextEra Energy Resources

Lead Project Manager Alexis Philbrick, Chris Evans, and Burg Salanoa met with Commission to introduce themselves and the company. They are promoting battery energy storage systems, that would hold energy coming from the wind towers

County Attorney

Ness County Attorney Jacob Gayer met with Commission to discuss road abandonment, abandon vehicle sale, and battery energy storage systems. Accounts Payable for June 19, 2026 was then reviewed and approved by Gayer.

Minutes and Correspondence

Minutes of Regular Meeting held on June 15, 2026, were reviewed, approved, and signed as presented. Correspondence was reviewed and acknowledged.

Accounts Payable

Accounts Payable dated June 19, 2026, were reviewed, approved, and signed by Commission.

Commission

County Clerk Hertel presented a Bond Release form to be signed at the request of Cedar Bluff Wind Energy, LLC for the NextEra Re-generation project. Project is complete.

Motion: Upon the motion of Albers, seconded by Davis, Commission voted unanimously to approve and sign the release.

The meeting adjourned at 12:15 p.m.

Attest:



Travis Petersilie, Chairman



Lori Hertel, County Clerk

June 22, 2026