



Public Outreach Initiative

South Harper Peaking Facility and 345 kV Substation

July 22, 2008

South Harper Community Outreach

Introduction

In 2005, Aquila completed construction and began operation of the South Harper peaking facility near Peculiar, MO, and an associated transmission substation a few miles north of the peaking facility. Aquila has been aware that its construction and operation of these facilities have created contention and strained relationships with neighbors, the Cass County Commission and others in the area. In evaluating its methods and activities in the building of the peaking facility and substation, Aquila determined that it could have more effectively reached out to the community to communicate the need for additional power generation and why the South Harper site was chosen, or solicited their input during the site selection and construction processes.

With an agreement with Cass County that allows Aquila to seek special use permits for the plant and substation, and legislation that allows Aquila to seek retroactive approval of the peaking facility from the Missouri Public Service Commission, Aquila believed it was important to improve those relationships. Aquila leadership invested resources in that effort by appointing a team to study the issue and plan and implement a course of action.

Creation of Team

Aquila assembled a team of employees and outside consultants to develop and execute strategic initiatives to reach out to Cass County residents to communicate and give context to the events that had transpired, relay information about the current status of the plant, outline future developments and improve relationships with county residents.

The team included seven employees from Aquila's business planning, communications and operations divisions, three employees from Aquila's regional office in Cass County, three marketing and public relations consultants from Callis & Associates, outside legal counsel and the plant manager of the South Harper peaking facility. The majority of the team had also worked on communication and outreach efforts in Sedalia, MO, when Aquila purchased an option on city-owned property for future development of a peaking facility.

Team Objectives

Through Aquila leadership and team discussion, the group determined its objectives to be:

- Achieve success in obtaining special use permits for the South Harper peaking plant and 345 kV substation
- Inform the Cass County public about Aquila's efforts to keep the plant and substation
- Give the community Aquila's perspective on why the plant was built near Peculiar
- Provide a clear, concise timeline of events and how they influenced Aquila's previous actions, and accept responsibility for the results of those actions in this development.
- Communicate the increase in customers' energy consumption and the growing need for power generation

The team began meeting May 9 to outline its plans for achieving those goals and continued to meet weekly for nine weeks.

Plan of Action

In discussing the best approach for providing Cass Countians with complete and current information about the South Harper peaking plant and the substation, the team decided the information should go to residents directly without media filter and in a format that allowed them to ask questions and express concerns.

The team hosted a series of community meetings held in Cass County's six most populous towns. All meetings were held in well-known, easy to find locations and during the evening to allow attendance by people who work during daytime hours. The meeting schedule and locations were as follows.

<u>City</u>	<u>Location</u>	<u>Date</u>
Garden City	Community Building	June 26, 7 p.m.
Belton	Carnegie Village	June 26, 7 p.m.
Harrisonville	Community Center	June 30, 7 p.m.
Pleasant Hill	Memorial Building	June 30, 7 p.m.
Raymore	Community Bank	July 1, 6 p.m.
Peculiar	Lion's Club	July 1, 7 p.m.

Format of the community meetings included a PowerPoint presentation (Attachment A) with talking points, followed by a question and answer session. It was determined that the presenters should be Aquila leadership who were most familiar with South Harper's development, including recent efforts to retain and improve the plant. Ivan Vancas, vice president of Aquila's Missouri Electric Operations, and Scott Heidtbrink, vice president of Generation and Energy Resources, were primary presenters.

The team believed that for Aquila to move beyond the controversy that has surrounded the peaking facility, it must genuinely apologize for the turmoil that had been created and acknowledge that it should have done a better job communicating to neighbors and the surrounding communities. Each community meeting was to begin with that apology and then transition to the PowerPoint presentation. Content of the presentation included:

- role a peaking facility plays in power generation
- steps in the legal process questioning the plant's legality
- extensive steps Aquila had taken to address neighbors' concerns and improve sight and sound barriers around the plant
- recent developments, including legislation allowing retroactive approval of the plant and substation
- agreement with Cass County and the applications to obtain special use permits
- population boom in Cass County and the growing demand for power generation

The team also developed a list of potential questions that may be asked, along with answers for each. Comments cards (Attachment B) were developed and distributed at the meetings to solicit feedback from attendees. Aquila shared energy efficiency information with attendees and gave each a compact fluorescent lightbulb. The meetings also included light refreshments.

Communication Efforts

To promote the six community meetings and to drive attendance, the team developed and placed full-color, two-thirds page print ads in the Cass County media. (Attachment C)

The publication schedule for the advertisements in area weekly newspapers was:

<u>Newspaper</u>	<u>Pub. Dates</u>	<u>Mtg. Date</u>
Cass County Democrat-Missourian	June 20 and 27	June 30
Belton Journal	June 19 and 26	June 26
Belton Star-Herald	June 19 and 26	June 26
Raymore Journal	June 19 and 26	July 1
Pleasant Hill Times	June 18 and 25	June 30

The team did not buy radio advertisements, because Cass County has no local radio stations. The county is covered by the KC metro area radio, so any radio advertisements would have been transmitted across the entire metro area where there would have been little interest.

Invitation letters (Attachment D) were mailed to 118 Cass County community leaders and influencers, including elected federal, state, county and city officials, candidates for elected office, government administrative personnel, and Chamber of Commerce and economic development leaders. The team believed it was important for these people to attend the meetings, as well as encourage others to attend.

Two team members also took advantage of an impromptu opportunity to make a presentation about the peaking facility and upcoming community meetings to the executive board of the Harrisonville Chamber of Commerce on June 12.

A media advisory (Attachment E) encouraging media coverage of the community meetings was sent to all KC metro media with special emphasis given to Cass County media (Media List: Attachment F).

Via an independent petition effort, Aquila obtained a list of 900 Cass County residents who supported keeping the South Harper Peaking Facility. A full-color postcard (Attachment G) with information about the community meetings was sent to this group to invite them to attend.

Coordination with Legal Group

At the time the outreach team was meeting to plan and execute the community meetings, another group of Aquila leadership and legal consultants worked on resolution and settlement of pending lawsuits, including those filed by StopAquila. The legal group also worked out details of an offer to reward neighbors within a one-mile radius of the plant, who were not members of StopAquila and who had not filed a lawsuit regarding the plant. The two groups occasionally coordinated efforts to allow the public outreach team to assist with communication functions.

Work the public outreach team did for the legal group included:

- Planned and executed two meetings with the one-mile neighbor group. These meetings were held June 14 (16 people attended) and June 17 (26 neighbors attended) at the South Harper plant. Total attendance represented 26 families who live within a mile of the peaking facility.
- Evaluated and provided input with the structure of payments under consideration
- Reviewed the letter inviting these neighbors to the meetings
- Prepared a Powerpoint presentation and talking points for the meetings, including a list of questions that might be asked and drafted answers for those questions
- Attended the two meetings to assist with coordination, monitor reaction of attendees to the presentation and record questions asked

The team believed that monitoring the neighbors' reaction to the presentation and their questions would provide insight into how the community as a whole might react to Aquila's presentations.

Results of the Outreach Effort

Despite Aquila's concerted effort to encourage residents to attend these community meetings, attendance was low. Our feedback tells us that most people were aware of the meetings, but did not attend. There could be many reasons for that: busy summer schedules, away for vacation, not really interested, don't have any problems with the peaking plant. Typically, the public is more apt to attend a public meeting of this type when they are opposed to whatever is being discussed.

Following is the breakdown of public attendance for each meeting.

<u>City</u>	<u>Attendance</u>
Garden City	0
Belton	2
Harrisonville	0
Pleasant Hill	5
Raymore	2
Peculiar	10

As expected, attendance was highest at the meeting in Peculiar near the plant location. Ten people attended that meeting for the presentation by Scott Heidtbrink. The tone of the meeting and the question and answer session that followed was very positive.

Eight comment cards were received from the series of six community meetings. All respondents answered yes to the questions:

- Do you support the continued operation of the South Harper Peaking Facility?
- Did the information provided at this meeting aid in your understanding of the South Harper Peaking Facility.

Comments added to the cards also were positive. Both comments below were from the meeting in Peculiar:

- We are glad this issue was resolved. We need Aquila's assistance to help us with our balanced growth plan.
- Great power plant. Keep up the good work.

Local print journalists attended the meetings in Belton and Pleasant Hill. Newspaper articles appeared in the *Belton Star-Herald* and *Cass County Democrat-Missourian*, and in the *Pleasant Hill Times*. (Attachments H and I, respectively).

Conclusion

Although Aquila had hoped for greater attendance at the community meetings, we still consider this effort to have been a success. We gave the community an opportunity to have an open forum with us, allowed them to ask questions or make any comments they wished, apologized for having allowed this situation to cause turmoil, and were able to explain why the South Harper Peaking Facility and the substation are so desperately needed for power generation and transmission. Through media coverage of the community meetings, residents were made aware of some of the information we shared.

Powering Your Future

Scott Heidtbrink,
Vice President
Generation and
Energy Resources



Agenda

- Background on South Harper Peaking Facility
- How we got here
- Why South Harper is needed



Aquila

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South Harper Peaking Facility

- Runs when demand is high
- Powers up quickly
- Has run 90-100 days annually for past 3 years

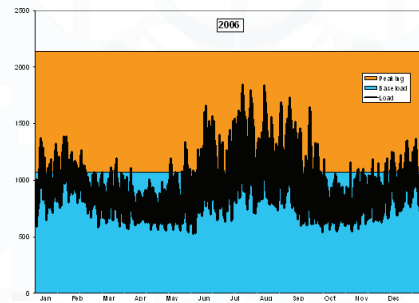


Aquila

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South Harper Peaking Facility

Aquila Hourly Loads and Capacity



Aquila

6

Why we chose this location

- Near electric transmission lines
- Near natural gas lines
- Load center



Lower cost to consumers

Aquila

7

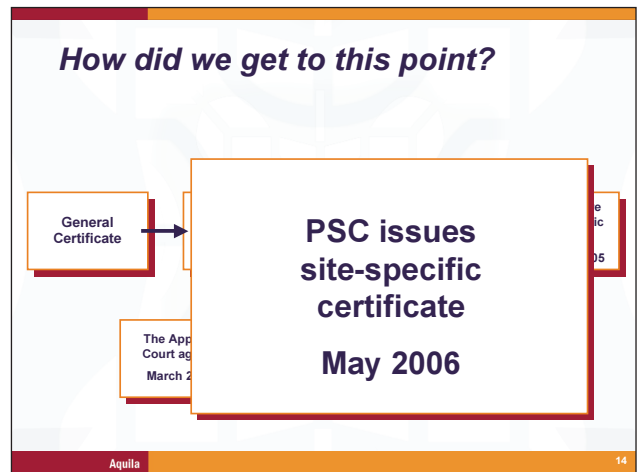
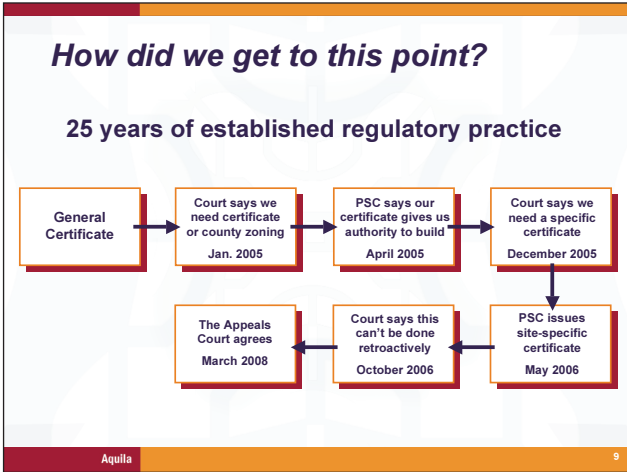
The 345 kV Substation

The Regional Hub for Electricity



Aquila

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How did we get to this point?



How did we get to this point?



We improved the site

- Visual screening
- Noise abatement
- Environmental tests



We responded to the community

- Tornado sirens
- Paved roads
- Fire hydrants
- Tree planting
- Weatherization of homes
- Lighting for Raisbeck Park ball field



Recent Activities

- Legislation
- County Agreement
- SUPs
- StopAquila and close neighbors
- Community meetings



Legislation

- SB 720 passed by MO General Assembly
- Grants PSC authority to grant certificate retroactively
- Signed June 16 by Lt. Gov. Kinder
- Effective August 28



Reaching an agreement with the County

- Paid \$1.8 million
- Meet additional county restrictions
- Reach out to neighbors
- Seek special use permits



Special use permits

- Filed applications May 5
 - Peaking facility
 - Substation
- Planning board hearing held June 24
- BZA hearing scheduled for July 3
- If SUPs approved, require annual renewal



Outreach Activities

- StopAquila agreement
- Community meetings

Community Meetings

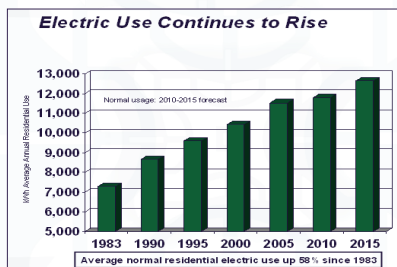
Thursday, June 26	Garden City Belton
Monday, June 30	Harrisonville Pleasant Hill
Tuesday, July 1	Peculiar Raymore

Why South Harper is needed

- Population growth
- New homes
- Increased use of electronics



Our Power-Hungry Homes



Electric use per family has increased 58% in the last 25 years.

Conclusion

- Aquila wants to be a good neighbor
- We're taking steps to keep South Harper & the substation operating



Tours
Call 1-888-521-4059



Thank you for coming today.

We'd Like Your Comments

Do you support the continued operation of the South Harper Peaking Facility?

Yes No Undecided

Did the information provided at this meeting aid in your understanding of the South Harper Peaking Facility?

Yes No Undecided

Do you have any additional feedback you'd like to share with Aquila?

Please check if you would like someone to call you to discuss the facility.

The following is optional:

Name _____

Address _____

City _____ State _____ Zip _____

Daytime Phone _____

Please drop your completed card in the box after the meeting.

Thank you for your comments.

www.aquila.com/south_harper/



MO_184_08_06/08



Want to Know More?

Attend one of six informational meetings on Aquila's South Harper peaking facility.

Aquila invites you to hear firsthand about our South Harper peaking facility in Cass County. We are hosting a series of public meetings in six Cass County communities to provide information on the South Harper plant, the electric substation north of the plant, and the growing demand for power in the area.

We are seeking special use permits to continue to operate the plant and substation. While you may have read or heard about the facilities, we think it's important for you to fully understand what's at stake and be able to ask questions and provide input on what the future holds for the plant and substation.

We hope you will attend one of the community meetings listed below. Refreshments will be provided.

Community Meetings	Thursday, June 26	7:00 p.m.	Community Center, 201 Willow Lane, Garden City
		7:00 p.m.	Carnegie Village, 107 Bernard Dr., (East of 163rd and Hwy. 58), Belton
	Monday, June 30	7:00 p.m.	Community Center, Cass Room, 2400 Jefferson Pkwy., Harrisonville
		7:00 p.m.	Memorial Building, 212 N. Cedar, Pleasant Hill
	Tuesday, July 1	7:00 p.m.	Lion's Club, 500 Schug Ave., Peculiar
		6:00 p.m.	Community Bank of Raymore, 801 W. Foxwood Dr., Raymore

More information on Aquila's South Harper Peaking Facility is available at www.aquila.com/south_harper/.

We hope to see you at one of the meetings.

www.aquila.com/south_harper



Powering Your Future

**Invitation letter for public outreach meetings
Sent to Cass County officials and influencers**

Dear :

Aquila wants you to be aware of and invites you to attend any of a series of six community meetings scheduled in Cass County. At these meetings, we will provide information about the company’s South Harper Peaking Facility, located near Peculiar, and an electric substation north of the plant. We will also update you on the current status and invite comments.

The schedule is as follows:

Thursday, June 26

Garden City

7:00 p.m.
Community Center
201 Willow Lane

Monday, June 30

Harrisonville

7:00 p.m.
Community Center – Cass
Room
2400 Jefferson Pkwy

Tuesday, July1

Peculiar

7:00 p.m.
Lion’s Club
500 Schug Ave.

Thursday, June 26

Belton

7:00 p.m.
Carnegie Village
107 Bernard Dr. (East of
163rd & Hwy 58)

Monday, June 30

Pleasant Hill

7:00 p.m.
Memorial Building
212 N. Cedar

Tuesday, July1

Raymore

6:00 p.m.
Community Bank of
Raymore
801 W. Foxwood Dr.

We hope you can join us. If you have questions, you can contact us at 1-888-521-4059.

Sincerely,



Aquila

Providing Energy
For Better Living.

Media Advisory

Media Contacts:

Al Butkus (816) 467-3616 (cell: 816 896-8804)

Media Relations (816) 467-3000

AQUILA TO HOLD SIX COMMUNITY INFORMATIONAL MEETINGS ON ITS SOUTH HARPER SPECIAL USE PERMIT

WHAT: Aquila will conduct six separate community informational meetings to talk about its application for a special use permit for its South Harper peaking facility in Peculiar.

WHEN & WHERE:

Thursday, June 26

7 p.m. Community Center, 201 Willow Lane, Garden City, MO.

7 p.m. Carnegie Village, 107 Bernard Dr., Belton

(East of 163rd and Hwy. 58)

Monday, June 30

7 p.m. Community Center, Cass Room,
2400 Jefferson Pkwy, Harrisonville

7 p.m. Memorial Building, 212 N. Cedar, Pleasant Hill

Tuesday, July 1

6 p.m. Community Bank of Raymore,
801 W. Foxwood Dr., Raymore

7 p.m. Lion's Club, 500 Schug Ave., Peculiar

WHY: Aquila is holding these meetings to explain the need for this generating facility and to answer community members' questions.

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Publication	Contact/Editor	Phone #	E-Mail	News Deadline	Notes
Raymore Journal	Megan/Cornie McCann	816-322-6002	thejournal@stobcolbl.net	Mondays by Noon	Same as Belton Journal
Belton Journal	Megan/Cornie McCann	816-322-6002	thejournal@stobcolbl.net	Mondays by Noon	Same ownership as Raymore Journal
Belton Star Herald	Linda Thompson	816-331-5353	editor@the-star-herald.com	Mondays by 4:00PM	A/S contact Aaron Edwards
KC Conservative (Cass Co.)	Katrina or Mark Wilson	816-380-8000	editor@kccconservative.com	Last week of month	
(Harrisonville) Cass Co. Democrat-Missourian	Linda Thompson	816-380-3228	lthompson@demo-mo.com	Mondays by 5:00PM	Linda in Belton M.T.; Harrisonville W/R F
Pleasant Hill Times	Kirk & Jan Powell	816-540-3500	jphtimes@comcast.net	Fridays by 5:00PM	
Kansas City Star	Steve Everly	816-234-4455			edit page William Pepper
	Don Bradley	816-234-7810			
Kansas City Business Journal	Susan Stegemeyer	816-777-2203			
	Susan Mirres	816-271-8960	susanm@hpqco.com		
St. Joseph News-Press	Jack Miles	660-747-8123	dsjnews@hpqco.com		
Wettersburg Star Journal	Jack Miles	660-747-8123	dsjnews@hpqco.com		
Radio	News Contact			Talk Shows	
KBEQ/FM	Natalie	816-753-4000	natalie@q104kc.com		
KCKC/FM	Miki Pace	816-753-4000	mpace@star102.com		
KFKE/FM	Debbie Erikson	816-753-4000	debbie@dkkr.com		
KMXX/FM	Teresa	816-753-4000	teresa@ml93.com		
KCMO/AM	Kevin Patrick	913-514-3000	kpatrick@10kemo.com		When called they said to send news info to kpatrick, but included more contact info. found.
KCFX/FM	Frankie	913-514-3000	frankie@101thefox.net		
KCHZ/FM	Shorly	913-514-3000			
KCJL/FM	Rick Tamblin	913-514-3000			
KCMO/FM	Kimberly Justice	913-514-3000	kpatrick@10kemo.com		
KMKR/FM	Kevin Patrick	913-514-3000	kpatrick@10kemo.com		
KCSPIAM	Nichole Teich	913-744-3600	news@kmbc.com		
KQRG/FM	Nichole Teich	913-744-3600	news@kmbc.com		
KRBZ/FM	Nichole Teich	913-744-3600	news@kmbc.com		
KMBZ/AM	Nichole Teich	913-744-3600	news@kmbc.com		
KCTEZAM	Dennis Rooney	913-344-1500	Dennis.Rooney@1510.com		
KCUR/FM	Frank Morris	816-235-2867	morrisf@umkc.edu		
KCWJ/AM	Paul Vansickle	816-313-0049	paulvansickle@kcwi.org		
KCKM/FM	Chad Boeger	913-344-1500	choeger@unhcnbroadcasting.com		
KKFI/FM	Donna	816-931-3122	donna@kfi.org		Site will forward on to appropriate group.
Television					
KCPT-TV	Nick Haines	816-756-3580	nick_haines@kcpt.org		
KCTV/KSWO-TV	Tracy Miller	913-677-5555	newsdesk@kctv5.com		
KCMF-TV	Karen King	816-221-2900	Newsp@KMBC.com		KCMF and KMBC emails the same for PR
KMBC-TV	Geary Roberts	816-221-9999	News@KMBC.com		
KMCI-TV	Rick Iler	816-753-4141	desik@nbcactionnews.com		
KSHB-TV	Rick Iler	816-753-4141	iler@nbcactionnews.com		
WDAF-TV	Bryan McGruder	816-753-4567	bryan.mcgruder@foxtv.com		

Attachment G

Media Clip, Pleasant Hill Times

By F. KIRK POWELL
Editor & Publisher

The Cass County Administrative Commission last week sent Aquila's application for a special use permit for its South Harper power plant near Peculiar back to the County Planning Board on a technicality. A question arose at the July 3 meeting of the County Commission whether Aquila had properly requested a special use permit for the power plant and the utility agreed that it would be best to send the application back to the County Planning Board for another review. Presiding County Commissioner Gary Mallory said he believed that the commissioners had already given Aquila permission to seek a special use permit for the power plant in an agreement reached between the county and utility earlier this spring, but agreed it would probably be best to make sure the process is proper.

Mallory made a motion to send the application back to the Planning Board and it passed by a unanimous 2-0 vote. Mallory and District 1 Commissioner Jon Seabaugh voted for the motion and District 2 Commissioner Jim Meara was absent.

Since it appears as if Aquila's electric substation at 203rd Street and Knight Road is in the City of Peculiar and not under the county's jurisdiction, a special use permit for that facility was not considered.

In another procedural question, an attorney who represents property owners in the neighborhood told the commissioners that he believes since the South Harper and substation sites are technically owned by the City of Peculiar, that's who should be making the application. An attorney representing Aquila said that the utility would list the City of Peculiar as the owner on the application for a special use permit if that is necessary.

Finally, a neighbor pointed out that heavy truck traffic to and from the electric substation has damaged 203rd Street and said the road needs to be replaced.

Aquila's application for a special use permit is expected to be heard by the County Planning Board on Tuesday, July 22.

In the meantime, Aquila has held a series of public meetings around the county to outline the need for additional electric power and demonstrate the utility's willingness to be a good neighbor.

One of those meetings was held at the Memorial Building in downtown Pleasant Hill on Monday, June 30. At this meeting, Aquila vice president of power generation and energy resources Scott Heidtbrink admitted that the South Harper power plant had been controversial because the utility hadn't done a very good job of getting its message out.

He told the handful of people attending the information meeting that much of the controversy arose over whether Cass County or the Missouri Public Service Commission (PSC) had the authority to approve the power plant site.

The power plant has been clouded by controversy ever since Aquila built the \$140 million "peaking facility" in 2005 without first getting zoning approval from Cass County.

The Missouri Public Service Commission later approved the power plant after it had already been built, but both trial and appeals courts ruled that the PSC permission came too late and ordered the plant torn down.

In Heidtbrink's presentation in Pleasant Hill, he said that electric use has increased 58 percent in the past 25 years and Cass County customer growth has jumped 26 percent since 2001.

He said the peaking facility is needed to meet periods of high demand for electricity or when power is needed on short notice. Heidtbrink said Aquila is trying to be a good neighbor.

"We have installed five tornado sirens, added 23 fire hydrants, installed ball park lighting, paved 2-3/4 miles of rural road and built berms and planted trees around in the neighborhood," he said.

"We have settled a lawsuit with the "StopAquila" organization and are working to resolve six other private lawsuits."

The utility has held similar informational meetings in Peculiar, Raymore, Harrisonville and Garden City to provide information about the South Harper plant and the growing demand for power. The meetings attracted only a handful of people and in a couple of the communities, no one showed up at all.

APPENDIX 6

**DOCUMENT TO BE PROVIDED
SEPARATELY IN HARD COPY FORMAT**

Minutes of July 31, 2008

The Cass County Commission convened on July 31, 2008 at 10:00 A. M. for the 2nd day of the July term, with members present as follows:

Gary L Mallory	Presiding Commissioner
Jon H. Seabaugh	Associate Commissioner District 1
Jim Meara	Associate Commissioner District 2
Janet Burlingame	County Clerk
Lee Morris	Planning Director
Traey Lambertz	Codes Director
Kate Welborn	County Counselor.

Presiding Commissioner Mallory opened the Zoning meeting at 10:00 am to review zoning applications.

Zoning Applications reviewed as follows:

1. Application #2757-Ryan Strand, SUP for a Stable and Training Facility, S34,T45,R32- Commissioner Mallory asked if anyone in attendance objected to this application. There were no objections. Commissioner Mallory made **a motion to accept** recommendation from the Planning Board and approve Application #2757. Commissioner Seabaugh seconded the motion and it passed unanimously by a roll call vote.

2. Application #2766Aquila, Inc, Combined Conceptual and SUP for Power Generation Facility as remanded by the Commission, 24900 S. Harper, S29/32,T45,R32- The following people spoke:

Ed Clemons, representing Aquila, presented a hard copy presentation that he requested to be part of the record of the meeting and asked for SUP approval.

Representative from Burns & McDonnell discussed the noise compliance study and air quality issues.

Terry Hedriek, Project Manager for Aquila, discussed water issues and improvements made with Water #7 and West Peculiar Fire.

Tom Miller, Construction Manager and Plant Manager, discussed onsite operations.

Troy Bowers, Bowers Engineering, hired by Aquila to assure Aquila that it met all Stormwater issues. All requirements met.

Max Sherman, KCP&L, discussed Electro Magnetic Force and community outreach.

Commissioner Mallory asked if anyone in attendance objected to this application. There were no objections. **Commissioner Mallory made the following motion:**

The Cass County Commission adopts the findings and recommendations of the Cass County Planning and Zoning Board with respect to the Use described in Aquila's Application No. 2766. The Cass County Commission thus finds that: (1) a special use permit will serve and protect the

public interest and the welfare of the residents of Cass County and will be in compliance with the County's Zoning Order; and that (2) the operation, location, construction and maintenance aspects of the Use satisfy the standards and requirements of Article 10 of the Zoning Order and are in harmony with the purpose and interests of the Zoning Order subject to the stipulation of conditions and restrictions upon the Use hereinafter set forth and subject to the issuance of a Special Use Permit; and that (3) the Use is in compliance with all agency, municipal, state and/or federal entities which have regulatory authority over the Use, to the extent same have issued conditions and restrictions on the Use.

The Cass County Commission therefore recommends the approval of the Conceptual Use described in Aquila's Application No. 2766, and recommends that a Special Use Permit for the Use be issued without an additional application process, pursuant to the Commission's authority under the Zoning Order. The Cass County Commission recommends and instructs the Zoning Director to draft a SUP for review by the Board of Zoning Adjustments and Aquila which should include the following general and specific conditions:

1. Conditions (A) through (F) recommended by Staff in its report dated June 24, 2008;
2. The Conditions described in Paragraph 12 subsections (a) through (x) of the Agreement entered into between the County and Aquila dated April 21, 2008 and any amendments to the Agreement hereinafter approved;
3. The Stipulated Condition presented to the County by Aquila and Stop-Aquila.org relating to the payment of settlement proceeds;
4. Aquila shall secure all necessary permits required by the Cass County Building Codes Department per a letter dated July 3, 2008.

Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.

A transcript of this item will be acquired and made a part of the minutes of this meeting.

3. Application #2770-American Tower Corp, SUP for Cellular Communication Tower-S13,T45,R31, West side of Route 7, north of 227th St-Commissioner Mallory asked if anyone in attendance objected to this application. There were no objections. Commissioner Mallory **made a motion to accept** recommendation from the Planning Board and approve Application #2770. Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.

4. Application #2773-Christina Schleich, lot split S25,T46,R33 19021 Route Y- Commissioner Mallory asked if anyone in attendance objected to this application. There were no objections. Commissioner Mallory **made a motion to accept** recommendation from the Planning Board and approve Application #2773. Commissioner Seabaugh seconded the motion and it passed unanimously by a roll call vote.

5. Application #2774-John Gustin, Lot Split, rezone 30701 Route VV, S9,T46,R30- Commissioner Mallory asked if anyone in attendance objected to this application. Comments as follows: Mr. Gustin asked for a waiver on \$1,000.00 impact fee. Commissioner Mallory **made a motion to accept as presented.** Commissioner Seabaugh seconded the motion and it passed unanimously by a roll call vote. The impact fee waiver was not part of the motion to approve application #2774.

Lee Morris, Zoning Director, discussed a proposed revised PIC related to commercial animal facility regulations.(copy attached as part of these minutes) Presiding Commissioner Mallory stated we would have more public meetings to discuss this issue and some of the meetings will be held in the evening. The meeting notice will be published. Mr. Morris suggested it be scheduled for August 26, 2008 at 6:00 pm on the 2nd floor of the Courthouse. This date and time was agreed upon.

Presiding Commissioner Mallory moved to enter Executive Session and that the meeting and record be closed at 11:30 am, pursuant to RSMo. 610.021.1 Litigation. Commissioner Seabaugh seconded the motion and it passed unanimously by a roll call vote.

Commissioner Seabaugh moved to adjourn from Executive Session and reconvene into regular session at 11:35am. Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.. No Votes were taken during the meeting.

Commissioner Seabaugh made a motion to approve an addendum to the Memo of Agreement dated 4-21-08 between Cass County and Aquila (addendum attached). Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.

Meeting Adjourned for BZA at 11:45 am.
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Presiding Commissioner Mallory opened the regular meeting for public comment at 12:00 pm.

Public Comments: No Public Comment

Janet Burlingame, County Clerk, reviewed the following:

1. Minutes from July 3, 2008, meeting. Commissioner Mallory made a motion to approve minutes from July 3, 2008, meeting. Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.
 2. Abatements- Approved-2005 Per #484,2006 Per #472& #473& #474, 2007 Per #402 thru #407, 2007 RE #224 & #225 & 226.
 3. Warrant's & PO's- Approved.
-

The Commission discussed the following:

1. **Resolution No. 08-03 Supporting KC Area Rock Island Corridor Coalition-** Commissioner Seabaugh made a motion to approve . Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.
2. **Resolution No. 08-04 Authorizing Expansion of Middle Big Creek-**Commissioner Mallory made a motion to approve Order No. 08-09. Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.
3. **Bids for Sheriff Headsets-**
 - a) Simmons Law Enforcement, L.S.-\$650.00
 - b) Stryker Tactical, Raymore, Mo -\$645.00Bids will be given to Sheriff's Office to review.
4. Commissioner Seabaugh made a motion to authorize Presiding Commissioner Mallory to sign documents authorizing Cass County to participate in National Association of Counties (NACO) Prescription Drug Discount Program. Commissioner Meara seconded the motion and it passed unanimously by a roll call vote.
5. Commission approved request from Lee Morris to utilize the County web site for Public Notices including Agendas for the Planning Board, Commission, BZA, etc.

6. Commission reviewed Road and Bridge County Aid Road Trust Fund (CART) receipts year to date from Steve Cheslik, County Treasurer. Receipts are down to the same level as 1998 and 1999.
7. Commission reviewed the Cash Flow Report for June 2008 from Sandy Gregory, County Recorder.
8. Commission reviewed information from Baycom Inc. a company that provides wireless tour guide systems. This could be used for tours of the Courthouse and Justice Center. Bids will be solicited to determine the possibility of acquiring a system.
9. Commission reviewed a report from our facility maintenance staff indicating their progress in the installation of energy efficient ballasts and lamps.

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THE COMMISSION ADJOURNED AT 1:00 PM
.....

GARY L. MALLORY
Presiding Commissioner

JANET BURLINGAME
County Clerk

JON H. SEABAUGH
Associate Commissioner District 1 South

JIM MEARA
Associate Commissioner District 2 North

CASS COUNTY, MISSOURI
PLANNING AND ZONING DEPARTMENT

Application No. 2766 Date: September _____, 2008
Generation Facility: Section: 29 and 32 Township: 45 Range: 32

SPECIAL USE PERMIT

1. This permit is issued on this _____ day of September, 2008, specifically to Aquila, Inc. doing business as KCP&L Greater Missouri Operations Company, the Operator. The Special Use Permit is not transferable to any other individual, Corporation, Limited Liability Company or partnership without the prior written consent of the Commission.
2. The location of this Use shall be on a leased 38.17 acre parcel, part of a 73.58 acre Parent Tract owned by the City of Peculiar located at 24400 South Harper Road, more particularly described in Attachment A.
3. Compliance with the 2007 Cass County Zoning Order, as amended, and with all applicable State, Federal and local laws, (the "Governing Laws") is a condition of the issuance of this Permit.
4. Any non-compliance with any condition or requirement of this Permit as determined by the Cass County Commission shall require the Operator of the Use to cease all operations of the non-compliant equipment within 24 hours of notification of the non-compliance by the Cass County Zoning Department. However, if the non-compliance is curable within sixty (60) days and the Operator is using reasonable efforts to cure the same, then in lieu of being required to cease operations, the Operator shall be liable for a fine of \$500 per day until such time as the non-compliance has been cured pursuant to the successful completion of a Compliance Action Plan as defined in the Zoning Order with proof acceptable to the County Commission. If the non-compliance cannot be, or is not cured within sixty (60) days of notification of the non-compliance by the Cass County Zoning Department, the Permit shall be suspended or revoked. Any Permit which has been suspended or revoked shall only be reissued as described in Item No. 3 above. Notification of non-compliance shall be by certified United States mail, return receipt requested, to the Operator's representative and at the address identified in the signature block, below, and shall be deemed received for purposes of this provision on the third business day following deposit of same, postage paid, with the United States Postal Service.
5. All permits when required by State or Federal Authorities, shall be obtained prior to commencement of operations on the property referenced in this Permit, and a copy thereof shall be forwarded to the Cass County Zoning Department. Each time a permit is reissued or renewed, a copy shall be forwarded to the Cass County Zoning Department. Failure to obtain any required permit, or in the event of suspension or revocation of such permit, shall result in a like suspension or revocation of the Special Use Permit by the Cass County Commission.

6. Verification of ownership of the Facility and verification of payment of the appropriate taxes for the usage and appurtenant structures shall be furnished to the Cass County Zoning Department annually, before the anniversary date of the Permit.
7. The Operator agrees that this Permit shall be subject to the provisions governing Special Permits under the 2007 Cass County Zoning Order as amended, to the specific provisions of this Permit, and to the Memorandum of Agreement between Aquila and Cass County, dated April 21, 2008 as amended on July 31, 2008. The agreed conditions to any Permit issued set forth in Section 12 of the Memorandum of Agreement as amended are expressly incorporated herein by reference, and made a part of the conditions of this Permit whether or not otherwise referenced or specifically set forth in this Permit. Operator shall comply with Sections 12(g) and 12(h) of the Memorandum of Agreement within seven (7) days of the issuance of this Permit, and/or within seven (7) days of notification from the County of additional fees or expenses that have been incurred which require reimbursement. The Operator shall comply with Section 12(f) of the Memorandum of Agreement within thirty (30) days of the issuance of this Permit. The County may rely on the provisions of any of these documents for purposes of enforcement proceedings.
8. The Cass County Commission, the Cass County Zoning Officer, or representative(s) appointed by these parties, specifically reserve the right to periodic, random, unannounced visits to the property referenced in this Permit, during the business hours established by this Permit, to ascertain whether all provisions of this Permit are current and in compliance. The Operator and their site management personnel agree to allow entry and access upon the property, and the facility, and to assist the inspectors in any manner requested, including but not limited to providing any requested records for review, for purposes of verifying Permit compliance.
9. An annual review of the conditions of the Special use Permit and of the site shall be performed at the direction of the Cass County Zoning Department on or about the anniversary date of this Permit in order to insure the continued compliance of the Operator. There will be a fee charged for this review and inspection, the amount to be set by the Commission.
10. This Special Use Permit is not perpetual, but shall be granted for a period of twelve (12) months following the original issuance date. The County may at this annual renewal time revoke with cause, continue without change or modify the terms and conditions of this Permit, subject to other conditions, as noted herein, limiting the right to modify the Special Use Permit; however, the Special Use Permit will not be unreasonably revoked or modified if the Operator is in compliance with the conditions of the Special Use Permit at the time of such renewal, or develops and implements an action plan to obtain compliance following notice by the County of any deficiency.
11. Following the annual review of the documents, any reported non compliant issues and the site, notification of the Permit will be issued by the Zoning Department. At each renewal period this Permit will be subject to modification for alignment with any Cass County Ordinance which is in effect at that time. The Operator will be provided, for their review, any such modifications prior to the renewal for the Permit. Should this Permit be renewed with modifications, the renewal period will start over with a new twelve (12)

month period. Should this Permit be renewed without modifications, the duration and annual renewal period will remain as originally established.

12. Failure or delay by the County to review or take the proscribed actions at the times indicated on this Permit in the prescribed time shall not act as a waiver by the County to review, revoke, or modify this Permit, shall not act as a renewal for this Permit, nor shall limit the County's remedies against the Operator. Until review and reissue, the Operator shall abide by the terms and conditions of this Permit. This Permit shall not be revoked, modified, or renewed without specific action by the Commission.

Special Conditions of This Permit

13. This Use shall not be expanded on the tract described in Attachment A by the addition of any additional generating or regulating equipment without the prior written permission of the County Commission. The Operator will not request the right or authority to locate additional turbines on the tract described in Attachment A at any time during the five (5) year period following issuance of the Permit.
14. Any water supply required for fire protection by the Building Codes enforced in the County shall at all times be adequate. In the event that such service is interrupted, this Permit shall become inactive until the situation has been corrected. In the event such service is curtailed, but not completely interrupted, the Operator shall reduce its water consumption consistent with fire protection requirements until the situation has been corrected.
15. Exterior lighting shall be kept at a minimum for security of plant personnel. After sundown, exterior lighting shall not exceed 5 footcandles in exterior work areas, parking and pedestrian areas and at the perimeter of the tracts, not including the Operator's lighting of the American flag currently located on the tract. If building permits are required to be issued by the County for repair or maintenance operations which are required during night hours, the permits may permit task lighting in excess of these levels for limited duration, scheduled activities.
16. Sound generation as a result of this Use shall comply with the County's existing residential noise standards. Notwithstanding, sound generated during daylight hours of operation as described below shall not exceed 60 dBA at the Parent Tract property boundary. Sound generated during evening hours of operation as described below shall not exceed 55 dBA at the Parent Tract property boundary.
17. The County may require periodic testing to determine operating sound levels. When reasonably requested by the County, Operator shall measure sound levels at designated positions on each tract. The Operator shall provide the results of such measurements, obtained by an independent testing firm at Operator's expense, and performed in accordance with protocols to be established by the County in cooperation with the Operator.
18. Subject to the limitations in paragraph 23, below, additional sound dampening or elimination measures shall be as determined by the County Commission depending on the sound characteristics of the Use.

19. Use of any materials considered by State or Federal regulatory agencies to pose a hazard shall be allowed as part of the Use without specific, written authorization by the County Commission only if the use of hazardous materials is in compliance with OSHA, MDNR, and EPA regulations, and notification of such use has been provided to the County.
20. The Operator shall maintain the Use to be in compliance with the requirements of the Permit to Operate OP2007-062, issued 11.26.07, and including the Acid Rain Permit OP2006-036, issued 6.19.06, as such permits are issued and amended by MoDNR. At any renewal of these permits, a copy shall be forwarded to the Cass County Zoning Departments.
21. The Operator shall provide monitoring and record keeping of actual emissions as described in the Permit to Operate. When requested by the County, the Operator shall provide the Zoning Department copies of such records of actual emissions as submitted to MDNR by the Operator. At any event where emissions exceed MDNR permit conditions, the Operator shall provide such reporting to the County contemporaneously with the event.
22. Such revisions to air quality standards as may be established by Federal or State authorities may be used at the discretion of the County as limiting emissions for this Use, unless, because of being "grandfathered" into such revisions, this Use is not required to comply with the revised standards.
23. Operator has submitted a report or reports from Burns and McDonnell regarding sound and emissions from the Use. The County may require Operator to implement additional sound dampening and/or emission controls identified in said report(s), though in excess of any requirements imposed by applicable State or Federal regulatory agencies, provided that Operator shall not be obligated to expend in excess of \$2,000,000 to implement any such additional sound and emission controls beyond those required by applicable State and Federal permits.
24. Any detrimental effects of electrical, magnetic or wave action occurring as a result of the Use permitted by the SUP shall be mitigated using procedures customary in the electrical generation and transmission industry and in accordance with applicable Federal and/or State regulations as determined by the County Commission.
25. The performance of the installed surface water management plan shall be compliant with the requirements of the Zoning Order, and shall be maintained in good operation by the Operator. Any revisions to the site shall require a new management plan to be submitted to and approved by the County prior to any construction on either parcel.
26. Landscaping proposed for the entire 73.58 acre Parent Tract in the Application for the Permit, and similar plans submitted to the State Conservation Department shall be completed within 18 months of the issuance of this Permit.
27. The hours of operation for the Use permit of the facility for power generation shall not be limited. For purposes of this Permit, hours of daylight operation shall be 7:00 a.m. to 7:00 p.m. according to the clock schedule in common use for the area.

28. As a Special Use Permit issued by the County, this use is subject to a Road Impact Fee in the amount of \$3,300.00, to be established by the County Commission under separate order, which Road Impact Fee shall be remitted by the Operator within ten (10) days of the County's notification of same.
29. This permit shall be subject to the condition agreed between the Operator and StopAquila.org attached hereto as Attachment B.
30. Operator shall secure and remit the fees assessed by the County for all permits required by the Cass County Building Codes Department per a letter dated July 3, 2008 within seven (7) days of the issuance of this Permit.
31. Operator shall not directly or indirectly (on its own behalf or in collaboration with the record owner of the tract identified on Attachment A) encourage, consent to, authorize, support or seek voluntary or involuntary annexation of the tract identified on Attachment A by any municipality.

SIGNATORY PAGE

CASS COUNTY COMMISSION

Gary Mallory
Gary Mallory, Presiding Commissioner

Jon Seabaugh
Jon Seabaugh, District # 1 Commissioner

Jim Meara
Jim Meara, District # 2 Commissioner

Janet Burlingame
Janet Burlingame, Cass County Clerk

Aquika Inc dba KCP&L Greater Missouri Operations Company
OPERATOR

By: Scott Heidtbrink
Operator Name

Sr. Vice President Corporate Services
Titles

Scott Heidtbrink (or)
Tom Miller
Representative Point of Contact

(816) 654-1628
(816) 531-6895
Telephone No.

KCP&L
1201 Walnut Kansas City, MO 64106
Document Mailing Address

Attention:

ATTACHMENT A
SPECIAL USE PERMIT 2766

Included is property description for Tract 1, 38.17 acres and the leased location of the Use, a Power Generating Facility, according to the Lovelace and Associates Survey dated August 29, 2005, and the adjacent, north Tract 2, 35.41 acres. Both properties are owned by the City of Peculiar, Missouri.

Parent Tract

The Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Twenty Nine (29), and the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section 32, except that part of deeded to Cities Service Gas Company by deed recorded in Book 398, Page 518, Recorder's Office, Cass County, Missouri, and except easements of record, all in Township Forty-Five (45), Range Thirty-Two (32).

ATTACHMENT B
SPECIAL USE PERMIT 2766

A settlement agreement has been entered into between Aquila, Inc. and StopAquila.org. Pursuant to that agreement, StopAquila.org has the following right:

[18.] Request That County Suspend Permit on Lack of Payment. The Parties agree that StopAquila shall be entitled to ask the County to suspend any permit given by the County to Aquila if Aquila does not at the appropriate time file a written notice with the Escrow Agent asking the Escrow Agent to turn over all said escrow funds to StopAquila, with the suspension of the permit continuing until said payment is delivered to StopAquila. StopAquila may present this request to the County and its attorney before the Special Use Permit hearing and may ask the County to make such a condition, and in such request StopAquila will not advise the County of the dollar amount to be received from Aquila due to this settlement.

Pursuant to this provision of the agreement, StopAquila.org and Aquila jointly request that Cass County make the following provision a condition of grant of any special use permit:

The County will suspend any permit given by the County to Aquila if Aquila does not, in accordance with the settlement between Aquila and StopAquila, file a written notice with the Escrow Agent asking the Escrow Agent to turn over all said escrow funds to StopAquila, with the suspension of the permit continuing until said payment is delivered to StopAquila. The following conditions apply:

1. If Gerard Eftink (representative of StopAquila) sends notice to the county that the money should have been released from escrow to him but was not released, he shall send a copy of this notice to Dale Youngs (representative of Aquila, Inc.) and give him until the second business day after said notice to respond.
2. Mr. Youngs then has until the second business day after notice to show to the county that the money has been released from escrow to Mr. Eftink or that the fact that the funds have not been released is consistent with the terms of the settlement agreement. Mr. Youngs shall show that the money has been released by producing to the county a copy of a document from the escrow agent that shows that in fact the money has been released from escrow to Mr. Eftink, or that the fact that the funds have been released is consistent with the terms of the settlement agreement. If such is not shown to the county by the end of the second business day, the county shall then issue notice of suspension of the permit.

APPENDIX 9

**DOCUMENT TO BE PROVIDED
SEPARATELY IN HARD COPY FORMAT**