

The Allen County Board of Commissioners met in regular session at 8:30 a.m. with Chairperson Jim Talkington, Commissioner Jerry Daniels, Commissioner Thomas R. Williams and Sherrie L. Riebel, Allen County Clerk.

Bob Johnson, Iola Register, Heather Bosler, Humboldt Union, Chuck Apt, citizen, Larry Walden, citizen, Bryan J. Murphy, Allen County Sheriff, and Ben Alexander, Thrive representative, was present to observe the meeting.

Commissioners approved the minutes of the March 28, 2017 meeting.

Chuck Apt reported he has had 90 Child in need of care and juvenile cases in 3 months

Chuck commented he supports a new grocery store in town, but does not agree the county commissioners should pay to have them come in. The funds should be better used towards helping the hospital. The hospital services are more important than the grocery store. He isn't concerned about him paying taxes, but rather the citizens on a fixed income in our community. He feels the monies would be better to put in reserve for the hospital.

Chuck stated the commission should set up objective standards for persons to apply and ask for money on an annual basis, not a case by case basis; or make a short term loan with conditions, along with options to forgive loans, if they do what they say they are. He commended the commissioners, but feels they done all they should do towards G&W. It's not up to the commission to carry them over the thresh hole. He continued discussion. Chuck stated the plan should have been in black and white when they said they were coming to Iola, not changing it now. It's not commission's land anymore, should be GGW INVESTMENTS, LLC's to build. GGW INVESTMENTS, LLC are looking for an excuse to not come and blame on someone else. Chuck suggested several other options. Commissioner Daniels asked if Chuck wanted the commission to give \$1 dollar to GGW INVESTMENTS, LLC. He asked about attracting persons if there is not a grocery store in Iola. Discussion followed. Chuck stated we need to maintain who we have in Allen County due to Iola having lost several businesses just in one year.

Mitch Garner, Allen County Public Works Director, reported some washouts within the south part of the county due to heavy rains.

Alan stated he has visited with Mitch about tearing out the parking lot at the old hospital site. Mitch stated they could if weather permits.

Commissioner Talkington has put himself in a situation that he recused himself from any of the GGW INVESTMENTS, LLC discussion.

Sherrie requested on behalf of CASA to use the courtyard to hold an event "A Walk in Their Shoes: A Walk for Child Abuse Awareness" on April 21<sup>st</sup> from 5:30 p.m. to 7:30 p.m. They will be asking children to bring an old pair of shoes to exchange for a pinwheel. They will walk once around the square and then ask the children to plant the pinwheel garden. (The gardens have been done in the past.) The shoes will later be used to make a traveling art piece to illustrate the number of children suffering abuse. CASA will either have a set walk time or walk in groups to accommodate children who are not able to be there at a certain time. They are planning to have live music, food vendors, and various kid-friendly activities such as face painting, sidewalk chalk art, etc. Commissioners approved the use of the courtyard in coordination with Ron Holman, Allen County House and Grounds Director.

Alan requested signature on Health Care Foundation Grant for Allen County Farmer's Market Growth and Strengthening Local Food System in the amount of \$25,000. Alan also needs to have Resolution 201704 approved. Commissioners reviewed:

RESOLUTION NO. 201704

A RESOLUTION AUTHORIZING THE EXECUTION OF GRANT AWARD AGREEMENT 735-FY16-4844 BETWEEN THE HEALTH CARE FOUNDATION OF GREATER KANSAS CITY AND ALLEN COUNTY, KANSAS.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the County of Allen, Kansas that the Chairman of the Board of Commissioners be and is hereby authorized and directed to execute the Grant Award Agreement 735-FY16-4844 with the Health Care Foundation of Greater Kansas City.

ADOPTED THIS 4th DAY OF April, 2017

Commissioner Williams moved to approve Resolution 201704. Commissioner Daniels seconded, motion passed 3-0-0.

Ben Anderson, Thrive Representative requested a support letter from the commission. City of LaHarpe is applying for a grant from Healthcare Foundation of Greater Kansas City.

April 4, 2017

Healthcare Foundation of Greater Kansas City  
Two Pershing Square  
2300 Main, Suite 304  
Kansas City, MO 64108

To the Foundation,

This letter conveys the strong support of the Allen County Commission for the proposal to better utilize the La Harpe City Hall and hold fitness and health programming in the building.

Allen County supports the health of our neighbors, and we know that we can build stronger communities and a stronger county by opening up public buildings and creating spaces for residents to meet each other, access health services and exercise.

The County of Allen County is pleased to support the work the City of La Harpe is doing to improve the lives and health of its residents. The City's application for an applicant-defined grant will help one of Allen County's larger towns and poorest incorporated municipality move forward into the growing culture of health in the region.

Sincerely,

Jim Talkington  
Chairman

Commissioner Daniels moved to support LaHarpe's request and authorize Chairman Talkington to sign the support letter. Commissioner Williams seconded, motion passed 3-0-0.

Bob Johnson stated he is very much for a grocery store, but against giving monies to GGW INVESTMENTS, LLC.

Sid Fleming, City of Iola Administrator, Mary Kay Heard, Ed Miller, and John McRae, Iola Industries representatives, all joined the meeting for discussion.

Jerry Hathaway, Allen County Attorney, peaked in.

Larry Manes, Economic Development Advisory Committee, presented information on 2016 Countywide Economic Development review. He reviewed in detail the lack of proper housing in and around Allen County, industrial prospects, lack of "shovel ready" sites for industrial prospects, wind farms and other topics.

David Toland, Thrive Executive Director and John Masterson, Iola Industries, joined the meeting.

Commissioner Williams moved to go into executive session for 15 minutes to discuss Business Trade Secrets. Commissioner Talkington seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, Bill Maness, Economic Development Director, David Toland, Thrive Executive Director, John Masterson, Iola Industries, Sid Fleming, City of Iola Administrator, Alan Weber, Allen County Counselor and Sherrie L. Riebel, Allen County Clerk. The time is now 9:30 a.m. Commissioners reconvened at 9:45 a.m. No action was taken.

Commissioner Williams moved to go into executive session for 5 minutes to discuss Business Trade Secrets. Commissioner Talkington seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, Bill Maness, Economic Development Director, David Toland, Thrive Executive Director, John Masterson, Iola Industries, Sid Fleming, City of Iola Administrator, Alan Weber, Allen County Counselor and Sherrie L. Riebel, Allen County Clerk. The time is now 9:46 a.m. Commissioners reconvened at 9:51 a.m. No action was taken.

Commissioner Williams moved to go into executive session for 10 minutes to discuss Attorney-Client Privilege. Commissioner Talkington seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, Terry Call, Allen County EMS Billing, Sid Fleming, City of Iola Administrator, Alan Weber, Allen County Counselor and Sherrie L. Riebel, Allen County Clerk. The time is now 9:53 a.m. Commissioners reconvened at 10:03 a.m. No action was taken.

Commissioners discussed the proposed changes to the EMS City of Iola contract.

Terry Call, Allen County EMS Billing, presented information concerning collections and billings. He reported there were 454 total ambulance responses for an average of 5.05 calls per day. Of those runs 139 were dry runs, 238 ALS Emergency, 68 BLS Emergency and 9 BLS Non-Emergency and 92 hospital to hospital transfers. He has billed \$325,810.08 and received \$127,438.52 with \$108,202.77 write off, that leaves a balance of \$90,168.79. Total receipts for 2017 for \$192,657.89. Payments received broke down were Medicare \$92,345.39, Commercial \$73,826.20, Patient \$13,484.70 and Setoff \$13,001.60.

Mary Kay stated it is very important to keep the industries we have most of all!! She explained they (Iola Industries) have reached out to each of the current industries to see what their needs might be. Commissioner Daniels expressed this is the thing to do to show support.

Alan presented information on an agreement between City of Iola, Iola Industries, Allen County and GGW Investments, LLC.;

ECONOMIC INCENTIVE AGREEMENT

*This agreement is made this \_\_\_ day of April, 2017 by and between the City of Iola, Kansas (hereinafter "City") Iola Industries Inc. (hereinafter "Industries") Allen County, Kansas (hereinafter "County") and GGW Investments, LLC a Missouri Limited Liability Company (hereinafter "GGW").*

Whereas, GGW operates grocery stores in Kansas and other states and wishes to build and operate a grocery store in Iola, KS

Whereas, City, Industries and County wish to provide incentives to GGW to build a new grocery store at the old Allen County Hospital site located at 101 South 1st Street, Iola, Kansas, which property has already been purchased by GGW and for which architectural plans have already been drawn;

Now therefore, all parties agree to provide the following incentives to GGW:

1. City will provide utility extensions of a value of \$37,842 as detailed in Attachment A. GGW's electrical contractor will do any and all interior electrical work and will be responsible to connect the interior electrical system to the extensions. The extensions and all exterior electrical components will remain the property of City.

2. Industries will grant to GGW the sum of \$170,000.00 in cash toward the cost of construction. The payments provided herein will be made to GGW as follows:

Payment 1: \$10,000 upon execution of this agreement by all parties;  
Payment 2: \$35,000 at 50% completion of the construction project, as certified by GGW's architect;  
Payment 3: \$125,000 upon completion of the construction project, as evidenced by receipt of a Certificate of Occupancy from the city of Iola.

3. County will grant to GGW the sum of \$180,000.00 in cash toward the cost of parking lot and infrastructure construction. The payments provided herein will be made to GGW as follows:

Payment 1: \$10,000 upon execution of this agreement by all parties;  
Payment 2: \$35,000 at 50% completion of the construction project, as certified by GGW's architect;  
Payment 3: \$135,000 upon completion of the construction project, as evidenced by receipt of a Certificate of Occupancy from the city of Iola.

Further, County, with cooperation from City, will remove the parking lots on the west and south sides of the building site within 14 days of execution of this Agreement by all parties, weather permitting.

4. GGW agrees that it will commence active construction work on the new grocery store by May 1<sup>st</sup>, 2017, as evidenced by mobilization of excavation equipment on site, movement of dirt, and installation of a construction trailer or similar accommodation at the site. GGW further agrees that it will construct its Iola store in compliance with the building plans already submitted to and approved by County and City, including use of brick or similar material on all non-window or door portions of the south, west and north faces of the building, as detailed in the Contract of Sale executed between Allen County and GGW on July 24, 2015 and as shown in Attachment B. GGW further agrees to complete construction of the new grocery store by no later than December 15, 2017.

Failure by GGW to meet the deadlines outlined above may, at the sole discretion of City, Industries, and County, result in penalties of one thousand dollars (\$1,000.00) per day levied against GGW. City, Industries and County agree to make reasonable accommodations in the event of weather delays.

GGW agrees to hire a total of at least 35 full and part-time employees at its Iola store upon opening, and to maintain an average of at least 30 employees at the Iola store per twelve (12) month period commencing January 1, 2018. On or before January 15 of each year G&W shall submit a report to County providing the monthly headcount of employees at its Iola store and the annual average of employees at the Iola store. This reporting requirement will end following submission of the January 15, 2022 report.

In the event GGW fails to meet the annual average hiring target, City, County and Industries may, at their sole discretion, levy pro-rated penalties against GGW computed as follows: The actual annual average employees for any given year will subtracted from the target of 30, multiplied by the annual value of the cash incentives provided under this Agreement over a five-year period and divided by the target of 30. (For example, if the actual average employees for a given year is 28 then 28 shall be subtracted from 30 for a result of 2. The annual value of the cash incentives for that year, one-fifth of \$350,000.00, will then be multiplied by 2 and divided by 30 to arrive at the penalty amount).

5. The parties agree that this Agreement contains all of terms and conditions of their Economic Incentive Agreement. This Agreement may be executed in any number of counterparts, each of which so executed will be deemed to be an original, but all such counterparts will together constitute the same instrument.

This Economic Incentive Agreement is executed the day and year first above written.

To be signed by City of Iola Mayor, Iola Industries, Inc. President, Allen County Commission Chairman and GGW Investments, LLC President.

Alan reviewed the document by each entity as what each will be offering as well as the conditions and what GGW Investments, LLC has agreed to do. Commissioner Williams moved to accept the County's conditions. Commissioner Daniels wanted to make clear that this choice will not add taxes to peoples'

taxes. This year's budget process (2018) he is considering a reduction in the tax levy if his fellow commissioners agree. He stated if the County hadn't had Enbridge go through the county this discussion would never happen, but because Enbridge did they could have this discussion. They have been accused of setting precedence, but they will be setting precedence if they don't. Commissioner Daniels seconded. Chairman Talkington stated he had recused himself. But he did call for a motion. Motion passed 2-0-1.

Bob Johnson requested Chairman Talkington tell him why he didn't vote one way or another. Bob stated since Chairman Talkington represents 1/3 of the county he should say why.

Bob stated Westar has announced they will not be purchasing any more wind power.

Commissioners approved the following documents:

- a) Clerk's Vouchers –2017 - \$622,450,24
- b) Payroll Changes & Approvals

With no further business to come before the board, the meeting was adjourned until April 11, 2017 at 8:30 a.m. in the Commission room of the courthouse.

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Jim Talkington, Chairperson

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Thomas R. Williams, Commissioner

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Sherrie L. Riebel, County Clerk

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Jerry Daniels, Commissioner