

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

Robert Johnson, Iola Register, Nick Reynolds, The Humboldt Union, Bryan J. Murphy, Allen County Sheriff, Roy Smith, Allen County Undersheriff, Alan Weber, Allen County Counselor, Ron Holman, Allen County House and Grounds Director, Bruce Symes, candidate for County Commission Dist. #3, Mike Bruner, Allen County Democratic Chairman/Commissioner Candidate for District #1, Robert and Juanell Garrett, Paul Zirjack, John and Merle McRae, Larry Walden, citizens, was present to observe the meeting.

Alana Kinzle led the flag salute.

Commissioners approved the minutes of the regular meeting on August 7, 2018.

Alana Kinzle, Allen County Veterans' Garden Project, has raised more than \$10,000. Partnered with the Elks Club and has made the \$10,000 match. She reported they did decide on the fountain and it was donated. Just wanted the commission to know. Alan is working up a MOU for this; Terry Taylor is the secretary, Alana Kinzle is the Chairman. Commissioner Daniels made a statement that the BRAVO Company First Battalion 108 Aviation Helicopter Unit of the Kansas Army National Guard is head to Iraq. His son is one of them; God's Speed to them. Commissioners commented the garden will be a good asset to Allen County.

Jim Gilpin, and Mary Kay Heard, Iola Industries, joined the meeting.

John McRae asked if the commission had any decision today on purchasing Elks Lake and paying half on an appraisal. Commissioner Brockner stated he is still waiting on more information from Alan. Mary Kay asked the commission to pay half of the survey/appraisal. Discussion followed. Alan stated no matter what is decided it is open for negotiation. John McRae commented that if all Iola Industries want to do is sell the ground they could put it up at auction, and they could probably get 1.2 million at an auction but all the board would rather keep it as recreational land. Chairman Williams stated he would make a motion today to purchase it but it still needs to negotiate. Mary Kay stated there is already precedence being set for counties to purchase land for recreational area; beautiful area with trails and such around it; it would be more benefit to Allen County than what Elsmore Lake is to Bourbon County. Discussion followed. John McRae stated the Iola Industries Board met Friday to respond to the questions Alan had; they realize the commissioners have to have due diligence for the county and need for appraisal. Chairman Williams moved to allow Alan to enter into a discussion to review and see what half the appraisal for the land would be. Commissioner Daniels seconded, motion passed 3-0-0.

Mitchell Garner, Allen County Public Works Director, presented a letter of thanks from the City of Moran for helping with chip and seal this summer.

Mitch reported Kansas Department of Transportation (KDOT) will be shutting down US Hwy #169 from Minnesota Road to US Hwy #54. The shut down will be for at least 30 days to work on ramps.

Mitch mentioned his crews are still out mowing and patching, but equipment keeps breaking down.

Paul Zirjack expressed his thanks to Chairman Williams and good luck on the future of working with AG.

Robert Garrett (Candidate to fill Chairman Williams's position on the commission board), asked about the hospital leasing and financial responsibilities of the hospital. What would happen to sales tax if leased? Alan stated it would be in the lease agreement and explained what it would entail. City of Iola's sales tax will only be collected through 2019 and Allen County's sales tax will be collected until 2021. Commissioners will look at all options concerning the hospital; either leased or ran by the county. Commissioner Bocker stated the commission needs to keep off the hospital bonds off of the tax rolls for the citizens of Allen County.

Mike Russell joined the meeting.

Larry Walden discussed 2019 budget, using a bag of quarters to represent what the county spends on regular budget and a bag for what Enbridge Pipeline pays in ad valorem taxes. Discussion followed. He wants 40% of the Enbridge monies paid back to the county residents. Larry wants the commissioners to cut the budget 7 mills giving back to the citizens in a reduction. Gift money is what he calls it. Commissioner Daniels stated it is irresponsible not to look at all the possibilities; the mill levy is projected to be lower again this year.

Chairman Williams opened the public hearing for the Solid Waste Hearing at 9:00 a.m. Mitch reported a new cell has been built since the last 5 year plan. Alan will need to review to changes and create a Resolution. Robert Garrett stated a lot of huge trucks come into Allen County Regional Landfill so Allen County must be the lowest in the area. Mitch stated the changes are usually in April so the other counties can budget charges. Discussion followed. Mitch explained citizens don't pay to take their trash in the Allen County Regional Landfill Subtitle D. Questions on what all activities happen at the landfill/quarry. Commissioner Daniels stated quarrying our own rock creates a hole which is filled with the landfill contents. Discussion followed on cells and workings of the landfill.

RESOLUTION NO. 201808

A RESOLUTION CERTIFYING THE REVIEW AND REVISION OF THE ALLEN COUNTY SOLID WASTE MANAGEMENT PLAN

WHEREAS, The Allen County Director of Public Works, the Allen County Solid Waste Committee and the Board of Allen County Commissioners have reviewed updates to the Allen County solid Waste management plan as required by law; and

WHEREAS, A public hearing was held before the Board of County Commissioners on August 14, 2018 at 9:00 a.m. all after having been advertised as required by law; and

WHEREAS, No objections to the Allen County Solid Waste Management Plan or the proposed changes made thereto were raised at said hearing;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the County of Allen, State of Kansas that the 2018 Allen County Solid Waste Management Plan is hereby approved

ADOPTED THIS 14th DAY OF August, 2018

Board of County Commissioners
Of Allen County, Kansas

Maynard Cress, Logan Township Treasurer, requested on behalf of the unincorporated City of Petrolia and Logan Township to help with fire protection needs. Nelsons Quarry's has a quarry located close; across from Petrolia. They have a dry hydrant at that location. Petrolia wants to put in gates at the drive and make it a circle drive. They want to get a military pump but will need something to keep it from freezing. Maynard commented if the fire trucks hooked on city lines it would collapse their lines. Instead of running into Chanute to get water they want help fixing the area so that the township could get to the dry hydrant easier and quicker. He asked the commissioners for rock and for the building the road. Currently the Fire District/Townships have mutual aid agreement with Chanute, Woodson County and Neosho County. They have recently redone agreements. They need a new fire truck as the other

one quit them on a run. Discussion followed. Commissioners will have Alan write up agreement with Nelson's and Logan Township for review and will have Mitch do the base road and provide gravel. Discussion followed. Maynard stated the townships will provide the gates.

Commissioners reviewed a letter from Troy Smith, 31st Judicial District Community Corrections Director, informing the commission that Mike Luttrell's term on the Advisory Board expired on May 6, 2018. Mike is unable to serve another term. Troy is requesting Roy Smith be appointed to serve the 31st Judicial District replacing Michael Luttrell. Chairman William moved to appoint Roy Smith, Allen County Undersheriff for a two-year term to the 31st Judicial District Community and Juvenile Services Advisory Board starting on May 6, 2018 expiring on May 6, 2020. Commissioner Daniels seconded, motion passed 3-0-0.

Commissioners discussed Area Agency on Aging Board replacement for Larry Walden, who resigned. They asked the newspaper reporters to ask for interested parties.

Those present and the commissioners discussed Enbridge Pipeline taxes. Chairman Williams stated the commissioners elected to do what they think is best for Allen County.

Chairman Williams opened the public hearing for the 2019 Allen County budget. Those present were Robert Johnson, Iola Register, Nick Reynolds, The Humboldt Union, Bryan J. Murphy, Allen County Sheriff, Alan Weber, Allen County Counselor, Bruce Symes, candidate for County Commission Dist. #3, Mike Bruner, Allen County Democratic Chairman/Commissioner Candidate for District #1, Robert and Juanell Garrett, Paul Zirjack, Larry Walden, citizens. Robert Garrett presented information from past budgets. He commented cash receipts were not coming in like what is projected. Robert wondered what cash projection are made from. Discussion followed. Bob Johnson requested the commission cut the budget. Bruce asked about interest, investments and CD's. Discussion followed. Bob Johnson stated as long as the money is spent wisely he is okay with the budget; he thinks the commissioners are good stewards of what they have spent. He discussed the Elk's Lake proposal, and economic decisions already done. Robert Garrett asked about windfarm taxes. Alan explained 2020 would be the first of In Lieu of Taxes, complete in 2019. Commissioner Daniels explained no payments have been made from the windfarms payment, since they don't start until sometime in 2020; school security was out of current taxes. Commissioner Daniels moved to approve the budget as printed. Commissioner Brocker seconded, motion passed 3-0-0.

Alan Weber, discussed the large tractor trailers. Commissioners all agreed they want to send a letter to: The Honorable Jerry Moran, The Honorable Pat Roberts, and The Honorable Lynn Jenkins.

The Allen County Board of Commissioners would like to share our concerns about federal legislation that would put bigger tractor-trailer trucks on area roads in Kansas by allowing higher weights of 91,000 pounds or more and legislation that would increase the size of commercial truck trailers by 10 feet.

As you know, Kansas has some ongoing problems with a lack of KDOT funding for much-needed highway and infrastructure projects. According to the study on bigger trucks completed by the U.S. Department of Transportation in 2016, these heavier and longer trucks would severely impact pavement and bridges across the country, adding on billions of dollars in damage.

In Allen County, we see many grain and agricultural trucks come through on our local roads (especially on Routes 54, 59 and 169, which bisect the county) and these trucks are already allowed at heavier weights due to legislation passed by the Kansas Legislature last year. Allowing *any* 18-wheeler of a heavier weight to use our local roads (which are also U.S. and State Highways) would result in even more damage and cost to taxpayers.

We hope that you will oppose these federal mandates for even bigger trucks, out of concern for the safety of our motorists as well as the integrity of our roads and bridges.

Commissioner Daniels moved to have Chairman Williams sign the letters. Commissioner Brocker seconded, motion passed 3-0-0.

Alan presented a third amendment for the windfarms:

THIRD AMENDMENT TO ROAD USE AGREEMENT

THIS THIRD AMENDMENT TO ROAD USE AGREEMENT (this "Amendment") is made and entered into as of August 14, 2018 ("Effective Date") by and between the Allen County Board of Commissioners, on behalf of Allen County, Kansas (the "Board") and Prairie Queen Wind Farm LLC, a Delaware limited liability company ("Developer"), together with their successors and assigns, collectively and individually, as the case may be. The Board and Developer may hereafter be referred to as, together, the "Parties" and each, a "Party".

RECITALS

A. The Board and Developer entered into that certain unrecorded Road Use Agreement dated November 29, 2017, as amended by that certain First Amendment to Road Use Agreement dated December 5, 2017, and further amended by that certain Second Amendment to Road Use Agreement dated June 26, 2018 (collectively, the "Road Use Agreement").

B. The Parties desire to enter into this Amendment to amend the Road Use Agreement to make certain amendments, as further described herein.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Capitalized Terms. Capitalized terms not defined herein shall have the meanings ascribed to such terms in the Road Use Agreement.

2. Amendment, Exhibit C of the Road Use Agreement in hereby deleted in its entirety and replaced with the Exhibit C attached hereto.

3. Force and Effect. Except as explicitly amended hereby, the Road Use Agreement is ratified and confirmed in each and every respect, and the Road Use Agreement shall continue to be in full force and effect.

4. Counterparts. This Amendment may be executed with counterpart signature pages and in duplicate originals, each of which shall be deemed an original, and all of which together shall constitute a single instrument.

[remainder of page intentionally blank; signatures follow]

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed as of the date first written above.

"COMMISSIONER" Allen County Board of Commissioners

Commissioner Daniels moved to approve the 3rd amendment for Prairie Queen Wind Farm, LLC. Chairman Williams seconded, motion passed 3-0-0.

Alan requested an executive session. Commissioner Daniels moved to go into executive session for 5 minutes to discuss non-elected personnel. Commissioner Brocker seconded, motion passed 3-0-0. Those in the room will be Chairman Williams, Commissioner Daniels, Commissioner Brocker, Alan Weber, Allen County Counselor, and Sherrie L. Riebel, Allen County Clerk. The time is now 9:53 a.m. Commissioners reconvened at 9:58 a.m. No action was taken.

Chairman Williams adjourned the meeting to the conference room for the purpose of canvassing Allen County's 2018 August Primary Election.

Commissioners reconvened at 10:00 a.m. Chairman Williams opened the canvass. Jill Allen, Allen County Deputy Clerk, tended to the minutes.

Sue Becker with the Kobach Campaign, Kent Thompson, Nick Reynolds, Mike Bruner, Bryan Murphy, Larry Walden, Darolyn Maley, Robert and Juanell Garrett, Paul Zirjack, lady with yellow jacket walked in near the end,

Sherrie presented the canvassing regulations. She stated that she and Alan went through the Provisionals prior. She explained the circumstance of each provisional. Sherrie answered Sue's question, yes voters that were unaffiliated did fill out the required voter registration application. Alan discussed those that voted at their new residence, but had not registered there yet, so they were provisional. Sherrie explained that a few voters came over from Agency Central after the deadline of voter registration. There were three of such voters.

Sherrie removed the voter app from the provisional envelope, and then Commissioners proceeded to open the provisional envelopes. They laid the ballots flat on the table face down.

Counted are 25 (6 Democrats / 19 Republicans)

Not Counted are 11

Shannon Patterson, Allen County Clerk's Office, joined the meeting to run the counted ballots through the DS-450. Sherrie explained the ballots that had to be hand counted and why. She went over her spreadsheet that she balances back to on the ballot count.

Larry asked about the postmark on the ballot. Sherrie reported the ones that came in the mail were all postmarked, those were counted on Wednesday and Thursday after receiving them, none were received on Friday. Shannon said there were some write-in names on the ballots she just ran through the machine.

Alan read results to Sherrie so she can mark them in the big red election results book. Sherrie then went over the write-in that were on the counted ballots, none had enough votes. Sherrie then told what write-ins actually did have enough votes to be elected to an office.

Commissioners signed the all pages with results listed from the big red election book.

Commission Brocker moved to adjourn at 10:30 a.m., Commissioner Daniels seconded. Motion passed 3-0-0.

Commissioners approved the following documents:

- a) Clerk's Vouchers – 8/10/18-\$232,995.16 & 8/14/18-\$43,435.96
- b) Payroll Changes - reimburse mileage for Terry Call and Sherrie L. Riebel

- 6 months increase for Karie White

- New hire Dusty D. Miner, Admin. Assistant Sheriff's Office

c) Clerk's Journal entries: #46

With no further business to come before the board, Commissioner Brocker moved to adjourn, Commissioner Daniels seconded, and motion passed 3-0-0. Meeting was adjourned at 10:30 a.m. until August 21, 2018 at 8:30 a.m. in the Commission room of the courthouse.

Thomas R. Williams, Chairperson

John F. Brocker, Commissioner

Sherrie L. Riebel, Allen County Clerk

Jerry Daniels, Commissioner