

The Allen County Board of Commissioners met in regular session at 8:30 a.m. with Chairperson Jerry Daniels, Commissioner Bruce Symes, Commissioner William H. "Bill" King and Sherrie L. Riebel, Allen County Clerk in the assembly room at the courthouse.

Rick Danley, Iola Register, Nick Reynolds, The Humboldt Union, Bryan J. Murphy, Allen County Sheriff, Robert Johnson, II, Allen County Counselor, Terry Call, Zoning/LEPP/Ambulance Billing Director, Bill Collins, Capital Trucking, Bob Henthorne, Danny Hurt, Rich Eckert, Cole Andersen, representing Mid-States Materials, LLC, Dave and Sue Scantlin, Calvin Parker, Sean Geffert, Bob Johnson, and Larry Walden, citizens were present to observe the meeting.

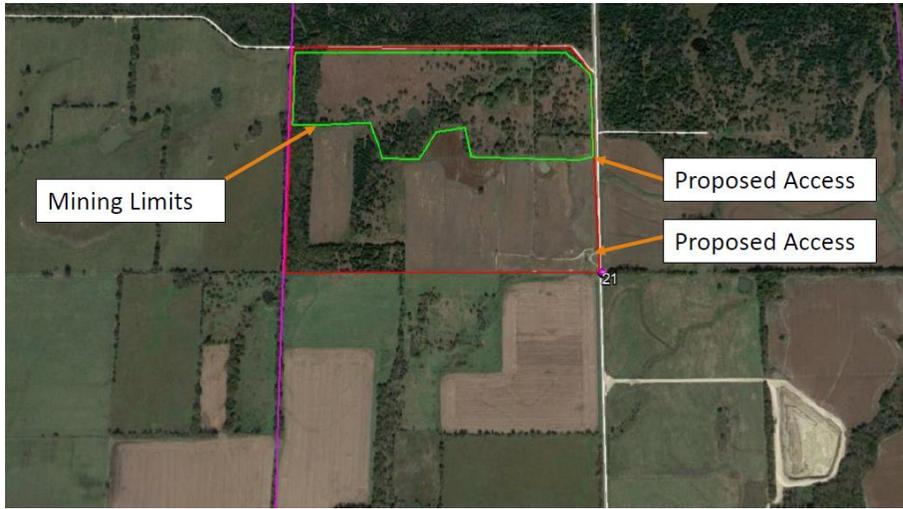
Terry Call led the flag salute.

Terry Call, Allen County Zoning Administrator, presented to the Allen County Commission the recommendation of the Allen County Zoning Board on January 24, 2019 which is to deny the Conditional Use Permit requested by Mid-State to quarry the site. Terry explained the vote was 5 in favor of the deny, 1 opposed, and 1 absent. He stated the reasons each zoning board member stated as their reason for the denial.

Chairman Daniels had each person introduce themselves to the commission.

Rick Eckert, Mid-States counsel, showed a power point presentation and discussed each slide. He explained Mid-States Materials, LLC is a locally owned and operated aggregate materials company operating out of multiple Kansas, Missouri, and Oklahoma rock quarries. Mid-States Materials, LLC delivers a full line of crushed and processed aggregate for civil, commercial, residential and industrial construction projects. Rick explained Mid-States is seeking an approval of a Conditional Use Permit (CUP) to allow for the operations of a limestone quarry. He stated Mid-States believes the purpose of this specific location is to meet and serve the need of Bettis Asphalt for limestone aggregate. This site will also serve the Eastern portion of Woodson and Wilson County.

Rick presented a map of the area. He explained the site owned by David Gant is shown in the red, the area they are wanting to quarry is shown in the green. He stated they would work with the Public Works Director and Sheriff concerning the access road onto 1100<sup>th</sup> Street.



Rick stated he felt the #1 issue with the zoning board was the blasting. Mid-States proposed to put in the limits of the CUP that they will not blast within 1,000 feet from any house, specifically Calvin Parker (950 feet away) and Wayne Riebel's homes. He stated Nelson's Quarry blasts within 500 feet of houses but they do own those houses.

The #2 issue was with fly rock. There should not be any fly rock because of the way the blasts are done. There are new subdivisions being built near quarries elsewhere. In Douglas County values are appreciating not depreciating.

Rick commented there is over 2,000,000 plus tons in reserve on these 28 acres where limestone is 15-30 feet thick. The average depth is about 20 feet.

Rick stated Mid-States Materials supports and embraces environmental management. Their goal is to leave the land aesthetically pleasing so it can have meaning for future generations. Once the CUP is approved, Mid-States Materials, LLC will register the site with the Department of Agriculture, post bond and develop a reclamation plan. Rick presented pictures of past reclamations Mid-States have done.



Rick made clear there will not be an asphalt plant located on this property, if they would decide to do so they would have to apply for another CUP. Bettis their sister company is located on the north side of the Allen County square; this is the only satellite office in Kansas. He commented the blasting would not be everyday for years, they will blast a couple hundred tons then it might be a couple to three years before they need to again. They will not be selling out of this location until the State of Kansas has finished the KDOT project on US #169 Hwy.

Dave Scantlin commented this keeps getting compared to Monarch's site but it is not because Monarch is a dirt pit only, no blasting. If this permit is allowed it would open the door for Monarch to apply for blasting on this site. This property requested for the CUP will not be a normal reclamation because there will not be a hole, just a blunt wall and possible a small pond. Dave asked if the quarries were there before the homes or if the homes were before the quarry, big difference.

Mitchell Garner, Allen County Public Works Director, joined the meeting.

Calvin Parker said he has made his 20-minute presentation to the zoning board at least twice and he felt that was all he needed to do. He encouraged the commission to follow the Zoning Board's recommendation to deny the request. Calvin said he didn't care what was said about blasting, you can still feel it and vibrations damage homes.

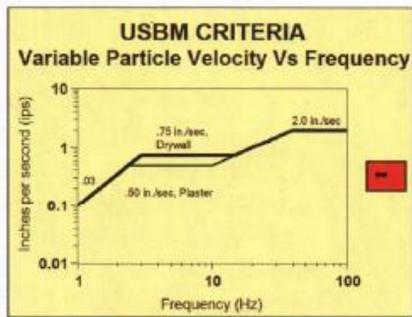
Dan Hunt, Buckley Powder Company, presented information on vibrations to the commission.



# Memo

**To:** Cole Anderson  
**From:** Dan Hunt  
**CC:** Phil Porter, Dave Creek  
**Date:** 1/23/2019  
**Re:** Expected Vibration (PPV) Nearest Non-Owned Structures

The use of explosives in the State of Kansas is regulated by the State Fire Marshall's Office. There regulations are based on the NFPA 495 - Kansas Explosives Materials, 2013 Edition. Within this publication are specific sections and regulations which place limits on vibrations at structures near blasting. These limits have been proven over decades of scrutiny to prevent damage to structures. Below please find the graph which represents those limits.



When this criterion was initially studied, the levels of vibration that were determined to **not** cause damage were first proven and then they reduced those levels in half for the now established regulations. This is why regulators and industry experts are so confident that if you remain under these limits you cannot cause damage to structures.

Seismograph machines are used to monitor off site effects from blasting. These machines will provide readings based on these set limits and provide both the blaster and regulators clear evidence of potential off site effects.

The explosives industry, along with regulatory agencies and the scientific community have also developed formulas which can be used to predict vibration from blasting. Through these formulas we have determined that the vibration from blasting at the surrounding structures of this property will be less than 1/2 to less than 1/10<sup>th</sup> of the state limits.

For these specific calculations the assumptions utilized were for the deepest potential depth of hole at this location, thus the most potential explosives per delay, and at the closest distance from each structure to the proposed quarry property line. This will also give those individual surrounding property owners additional assurance since the petitioner has also agreed to a 1000' buffer zone around the active quarry.

Dan compared blasting vibrations to thunder vibrations.

Sean Geffert expressed his concerns; safety of the vehicles pulling out on 1100<sup>th</sup> Street. He drives a grain truck and it is hard to slow down over the hill especially when someone pulls out onto 1100<sup>th</sup> Street. Sean commented he is also concerned about property values.

Bill Collins, Capital Trucking, works with Bettis on trucking. He commented on the traffic happening with the wind farms on the east side of the county. Bill has been involved with the trucking for the wind farms and there are no issues; the quarry is small potatoes in comparison to windmills. This quarry would be bringing more business into Allen County.

Commissioner King asked Terry about the Zoning Board concerns. Terry reviewed the issues. Commissioner King moved to table a decision until next week.

Commissioner Symes questioned Calvin about his previous job with Monarch Cement and blasting. Calvin stated there is more vibration to make smaller rock. The mud seams squirted in the air when blasting. Monarch still shook the house around the quarry but Monarch owned the houses so they kept fixing them up. He stated this area is full of retirees who like this area; not crushing noises and trucks backing.

Rick stated the crusher would not be staying on the property; they cost too much money so they move them from site to site. The crusher would only crush a couple hundred ton then it might not be back for a couple of years or so. They would be crushing for Bettis and possible gravel rock for driveways. Rick mentioned Cole has worked for Mid-States for 10 years and there has never been an insurance claim filed.

Dave commented this approval would not be bringing in that much business if it is not a full-time business; they only opened up to get this CUP approved.

Calvin stated there wouldn't be any insurance claims because most people can't afford lawyer fees.

Chairman Daniels stated he respects the process of the zoning board but he has a big problem on what you can or can't do with your own land.

Commissioner Symes questioned what kind of signage could you do, how would you make a hill a safe place to pull out from?

Sheriff Murphy stated he agrees with the comments and concerns of the zoning board on safety, he understands there are regulations and those will be followed, but gut feeling it is just a matter of time before something will happen. Monarch's CUP he or public works director can make them clean the road if needed. Rick stated if the commission want, they could stipulate that Mid-States can only turn right out of the property; will not cross traffic.

Chairman Daniels stated when Monarch had their zoning the speed limit was lowered due to concerns of children learning to drive and the commission placed a 45-mph speed limit on 1100<sup>th</sup> Street.

Bob Henthorne stated Bettis purchased SEKAN from Macha earlier so they have had a presence in Allen County for 3 years, they have only within the last year been located north of square.

Commissioner Symes seconded Commissioner King's motion to table a decision. Motion passed 3-0-0.

Commissioners adjourned back to the Commission Room.

Commissioners approved the minutes of the regular meeting on January 8, 2019.

Mitch Garner, Allen County Public Works Director, requested signatures on the Noxious Weed Annual Report. Commissioner King moved to approve the annual report. Commissioner Symes seconded, motion passed 3-0-0.

Mitch stated the Ottawa asphalt plants are not making asphalt they are repairing equipment. He would have to go farther to get it if they need it. Chairman Daniels discussed making your own hot patch. Commissioner King discussed Bourbon County and it takes a long time to process. He explained how it works. Commissioner Symes asked about Bettis buying out SEKCAN. Discussion followed. Bob Johnson the first is getting ready to do a piece in the paper and asked about an overlay. Discussion followed on timing. Chairman Daniels said depends on time it is done and funding from state. Commissioners allowed discussion will be continuing. Can use capital outlay towards roads! Sheriff discussed counters for south of 1250<sup>th</sup> to see how many are coming through? Sheriff stated they are still taking roads north of town. Mitch stated they can put counters out. North of lola all the way through South of Humboldt. Bob will go to the worst places first? How much is in the capital outlay...discussion followed. Commissioner Symes not sure of the total damage on the roads yet.

Chairman Daniels asked a trival question for Robert Johnson, I, Chairman Daniels presented a certificate of recognition of his years of service to reporting Allen County commission meetings.

Counselor Johnson asked about "No Haul" roads concerning the wind mills. Discussion followed. Mitch has addressed the issue.

Counselor Johnson stated he has a signed agreement from Steve Norman for permission to tear down the wall bordering the Iola Senior Center on Jefferson. Mitch's crew will take care of the wall.

Chairman Daniels discussed tabling the wind farm Zoning.

Angie Murphy, 911 Communications Director, discussed equipment that has no use any longer. Commissioner King discussed how to get rid of old equipment and reporting on the inventory list. Discussion followed. She has given some parts to other counties.

Angie presented stats from 2018. She reviewed with the commission.



## Allen County 911 Communications Center



### 2018 Overview

Phone Calls	↓	Down from 51,223 to 48,696
Calls for Service	↑	Up from 31,224 to 31,987
NCIC Transactions	↑	Up from 92,608 to 101,319

**Noteworthy:**

- 236 additional traffic stops during Click it or Ticket 2018
- Throughout the duration of big storms, the 911 Center is easily overstretched with incoming calls from the public;
  - June 27, 2013            498 calls
  - November 11, 2015    365 calls
  - October 6, 2016        621 calls

**NCIC 2018**

NCIC Transactions	2017	2018
KS Warrants Entered/Modified	2,159	0
KS Warrants Clear/Cancelled	267	85
NCIC Warrants Entered/Modified	2,632	2,268
NCIC Warrants Cleared/Cancelled	729	525
Articles Entered/Modified	18	22
Articles Clear/Cancelled	0	5
Guns Entered/Modified	0	1
Guns Clear/Cancelled	2	6
License Plates Entered/Modified	39	45
License Plates Clear/Cancelled	4	2
Missing Person Entered/Modified	43	30
Missing Person Clear/Cancelled	14	8
PFA/Stalking Order Entered/Modified	883	1,196
PFA/Stalking Order Clear/Cancelled	41	82
Sex Offenders Entered/Modified	527	547
Sex Offenders Clear/Cancelled	10	18
Vehicles Entered/Modified	61	79
Vehicles Clear/Cancelled	17	22
Triple III	2,666	3,153
Validations - NCIC	1,013	1,403
Car Stop Screens	81,483	91,822
	92,608	101,319

**Call Summary**  
 Allen County Communications  
 410 N State  
 Iola, KS 66749

County: Allen  
 2018  
 Emergency Communications

Report Date: 01/16/2019 10:30:55  
 Report Date From: 01/01/2018  
 Report Date To: 12/31/2018  
 Period Group: Month  
 Call Type: All  
 Abandoned Filters: Include Abandoned  
 NSI Filters: NSI Included in 911 Totals  
 Agency Affiliation: All

	January 2018	February 2018	March 2018	April 2018	May 2018	June 2018	July 2018	August 2018	September 2018	October 2018	November 2018	December 2018	Total
Inbound	328	309	396	370	441	385	351	430	395	436	394	322	4559
Abandoned	16	11	12	7	10	21	10	7	12	14	26	22	168
Abandoned %	4.85%	3.44%	2.93%	1.89%	2.22%	5.17%	2.77%	1.60%	2.95%	3.11%	6.19%	6.40%	3.55%
Unparsed	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	344	320	410	377	451	406	361	437	407	450	420	344	4727
Inbound	0	0	0	0	0	0	0	0	0	0	0	0	0
Abandoned	0	0	0	0	0	0	0	0	0	0	0	0	0
Outbound	0	0	0	0	0	0	0	0	0	0	0	0	0
Unparsed	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0
Inbound	2729	2431	2969	2734	2950	2892	2587	2828	2765	2952	2755	2757	33349
Abandoned	14	6	12	11	8	13	6	40	14	14	9	0	147
Outbound	830	738	853	767	851	911	832	859	893	975	990	984	10473
Unparsed	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	5573	3175	3634	3512	3809	3816	3425	3727	3672	3941	3744	3741	43969
Avg Call Duration	106.7	93.6	93.1	96.1	93.5	98.1	103.5	98.8	100.5	97.5	100.7	102.7	98.7
Total	3917	3495	4244	3889	4260	4222	3766	4164	4079	4391	4164	4085	48696

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Commissioner Symes stated the public needs to be educated on phone numbers to call for emergencies. Discussion followed on type of calls. Angie explained what types of calls are made and what "hang up" calls entailed. She discussed NCIC and changes and what those mean to the department load.

**Enterpol Dispatch  
Calls for Service by Type**

Allen 911 Central Dispatch History

01/01/2018 to 12/31/2018

10-17 - CHECK STATUS :	5295	VEH - LOGGING VEHICLE:	196
45 - 10-45 OUT CHECKING SUBJECT:	868	VIN - VIN INSPECTIONS:	338
55 - PAGER GROUP 55 :	2	VIO - VIOLENCE:	425
911 - 911 HANG UPS:	479	WELFARE - WELFARE CHECK:	315
AA - AGENCY ASSIST:	538	WS - WARRANT SERVICE:	366
ACO - ANIMAL CONTROL:	983		
ALARM - ALARMS:	396	<b>Total:</b>	<b>31987</b>
AMB - AMBULANCE:	1695		
AMBS - AMBULANCE STANDBY:	65		
BKIN - BREAK-IN:	139		
CD - COURT DOCUMENTS:	122		
CE - COMMUNITY EVENT:	67		
CI - CIVIL ISSUES:	546		
CIVIL - CIVIL PROCESS:	334		
CODE - CODE ENFORCEMENT:	42		
CON BURN - CONTROLLED BURN:	486		
CRIM - CRIMINAL:	1346		
DEC - DECLINE FOR SERVICE:	13		
DUPLICAT - DUPLICATE CALL:	189		
FIRE - FIRES:	269		
FOLLOWUP - FOLLOW UP CALL:	2673		
FOOT - FOOT PATROL:	39		
GUN - GUN CALLS:	63		
HAR - HARASSMENT AND THREATS:	288		
HELIO - HELICOPTER/FIXED WING PLANE:	52		
HOS - HOSPITAL AMBULANCE TRANSFER:	173		
INTERVIE - INTERVIEW:	28		
LFP - LOST/FOUND PROPERTY:	232		
LIVESTOC - LIVESTOCK CALLS:	431		
LO - LOCK OUTS:	292		
MA - MOTORIST ASSIST:	286		
MD - MOCK DRILL:	1		
MH - MENTAL HEALTH ISSUES:	90		
MISC - MISCELLANEOUS:	1073		
MISS - MISSING PEOPLE:	86		
MUTUAL - REQ FOR MUTUAL AIDE:	7		
MVA47 - MOTOR VEHICLE COLLISION W/O IN:	557		
MVA48 - MOTOR VEHICLE COLLISION W/INJU:	78		
NI - NOISE ISSUES:	129		
OD - OPEN DOOR:	79		
OFS - OUT OF SERVICE:	30		
PARKING - PARKING VIOLATION:	177		
RECK - RECKLESS DRIVER:	648		
ROAD - ROAD CLOSURE:	93		
ROUT - ROUTINE REQUESTS:	210		
SCH - SCHOOL INCIDENT:	137		
SEX - SEXUAL ASSAULTS:	32		
SP - SUSPICIOUS PERSON/ACTIVITY:	903		
SRCH - SEARCH WARRANT:	45		
STA - OUT OF STATION:	229		
SW - SEVERE WEATHER:	37		
TEST - TEST:	684		
THEFT - THEFT:	476		
TRAF - TRAFFIC:	5252		
TRANS - PRISONER TRANSPORT:	306		
UTILITY - UTILITY CALLS:	557		

Sheriff Murphy discussed about KCAMP and PRIA standards national Jail policy. Current EMC does not indorse it, but KCAMP does. Lexia \$9,000 up to date policy and KCAMP would do it for them. Just to keep in mind.

Commissioners set the Canvass for the USD #257 Special Bond Question Election to be held on April 2, 2019 for April 9<sup>th</sup> at 10:00 a.m. Discussion followed on different types of elections.

Sheriff Murphy discussed his tower project. He will put together a time line for the commission. FAA has requirements and they are working on the hoops they have to go through. He has visited with Haden Towers on this project. He would like to get this done in 2019. Sheriff talked about what the tower could be used for besides the county use; i.e. other businesses. Sheriff talked about the 500 foot guyed wire tower.

Terry discussed the traveling out house. Commissioners reviewed the proposed lease agreement. They would like to have it finalized by April 2 so it is available for spring events.

Commissioner Symes moved to go into executive session for 15 minutes to discuss Attorney-Client Privilege. Commissioner King seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Symes, Commissioner King, and Robert Johnson, II, Allen

County Counselor. The time is now 10:14 a.m. Commissioners reconvened at 10:29 a.m. No action was taken.

Commissioner King moved to go into executive session for 5 minutes to discuss Attorney-Client Privilege. Commissioner Symes seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Symes, Commissioner King, and Robert Johnson, II, Allen County Counselor. The time is now 10:30 a.m. Commissioners reconvened at 10:35 a.m. No action was taken.

Commissioners reviewed the annual inventory reports for EMS – Humboldt, Lola, Moran and office and Humboldt Senior Center.

Commissioners reviewed the annual reports for Elsmore, Humboldt & Marmaton Townships and Fire District #4. They also reviewed November 2018 and December 2018 Allen County Fair Board reports.

Commissioners approved the following documents:

- a) Clerk's Vouchers – \$54,162.47
- b) Payroll – Mileage reimbursement for Terry Call, Sherrie L. Riebel, Bill King, and Cindy Scovill
- c) Payroll change sheet for Karie White
- d) Journal Vouchers - #9
- e) Abatements: RE Value 1956, \$257.02, Yr 2018  
PP Value 5700, \$856.54, Yr 2018  
Oil Value 57810, \$7915.00, Yr 2018  
Oil Value 455, \$63.88, Yr 2017
- f) Support letter for Fire District #2 – Allen County Rural Fire

With no further business to come before the board, Commissioner King moved to adjourn, Commissioner Symes seconded, and motion passed 3-0-0. Meeting was adjourned at 10:37 a.m. until February 12, 2019 at 8:30 a.m. in the Commission room of the courthouse.

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Jerry Daniels, Chairperson

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William H. King, Commissioner

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Sherrie L. Riebel, Allen County Clerk

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Bruce Symes, Commissioner

