

The Allen County Board of Commissioners met in regular session at 8:30 a.m. with Chairman Jerry Daniels, Commissioner William "Bill" H. King, Commissioner John F. Brocker and Sherrie L. Riebel, Allen County Clerk.

Rick Danley, Iola Register, Nick Reynolds, Humboldt Union, Bruce Symes, Candidate elect for Commission District #3, Bryan J. Murphy, Allen County Sheriff, Robert Johnson II, Allen County Counselor, Paul Zirjacks, citizen, Larry Walden, citizens, was present to observe the meeting.

Chairman Daniels led the group in the Pledge of Allegiance.

Commissioners approved the minutes of the regular meeting on December 28, 2018.

Deborah Regehr, Shannon Patterson, Patrick Cash, Cindy Scovill, all with 8 years of service to Allen County, Donna Kovacic with 16 years of service with Allen County, Bryan J. Murphy with 24 years of municipal service were recognized with appreciation for their years of service.

Sherrie presented Resolution 201901 authorizing the Allen County Commissioners authority to sign the Health Forward (Foundation) Grant Award Agreement 735-FY18-5741.

RESOLUTION NO. 201901

A RESOLUTION AUTHORIZING THE EXECUTION OF GRANT AWARD AGREEMENT 735-FY18-5741 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-FY18-4844 with the Health Care Foundation of Greater Kansas City.

ADOPTED THIS ____ DAY OF January, 2019
Board of County Commissioners
Of Allen County, Kansas

Commissioner King moved to approve Resolution 201901. Commissioner Brocker seconded, motion passed 3-0-0.

Sherrie requested Commissioners approve Resolution 201902 exemption Allen County from the GAAP and using cash basis and budget laws of Kansas.

RESOLUTION NUMBER 201902

A RESOLUTION EXEMPTING ALLEN COUNTY, KANSAS FROM THE PROVISIONS OF K.S.A. 75-1117 (SUPP. 1978), 75-1120 (SUPP. 1982), 75-1121 (SUPP. 1988), AND 75-122 (SUPP. 1983) SO AS NOT TO REQUIRE ALLEN COUNTY, KANSAS TO MAINTAIN FIXED ASSET RECORDS AND OBSERVE FIXED ASSET ACCOUNTING PRACTICES.

BE IT RESOLVED BY THE GOVERNING BODY OF ALLEN COUNTY, KANSAS:

WHEREAS, Allen County, Kansas has determined that the financial statements and financial reports for the year ending December 31, 2019, to be prepared in conformity with the requirements of K.S.A. 75-1120(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to Allen County, Kansas or the members of the general public of Allen County, Kansas; and

WHEREAS, there are no revenue bond ordinances or other ordinances or resolution of said municipality which require financial statements and financial reports to be prepared in conformity with said act for the year ending December 31, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Allen County, Kansas, in regular meeting duly assembled this 8th day of January 2019, that the said Board of County Commissioners requests the Director of Accounts and Reports to waive the requirements of said law as they apply to Allen County, Kansas for the year ending December 31, 2019.

BE IT FURTHER RESOLVED that the said Board of County Commissioners shall cause its financial statements and financial reports of the said municipality to be prepared on the bases of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this state.

THE BOARD OF COUNTY COMMISSIONERS
OF ALLEN COUNTY, KANSAS

Commissioner King moved to approve Resolution 201902. Commissioner Brocker seconded, motion passed 3-0-0.

Cole Herder, City of Humboldt Administrator, joined the meeting.

Mitchell Garner, Allen County Public Works Director, reported they are still pouring cement for the new hanger at the Allen County Regional Airport; as soon as it cures, they will start on the hanger.

Mitch reported there is 17 miles (34 lane miles) of old US Hwy #169 that could be requested of KDOT for overlay. This is the road traffic used for their own detour. Commissioner Elect Symes discussed the old highway north of town should be included if requesting funding help from KDOT. Discussion followed.

Mitch mentioned the crews are still picking up bush, grading, trimming and mowing.

Mitch discussed the Prairie Queen Windfarm and roads. Discussion followed. Counselor Johnson and Mitch have another meeting set up.

Cole reported he will be setting up a meeting with Sid for land for the ambulance station in Humboldt.

Cole mentioned the City of Humboldt needs rock and they have been purchasing it. Commissioners told him to visit with Mitch.

Cole reported KDHE has approved for the Utility extension for Humboldt area so they will begin work soon.

Sandra Drake, Allen County Appraiser, joined the meeting.

Larry Walden, citizen, visited with the commission about a device that allows the closing the Commission door without bending over. Demonstration followed. No action was taken at this time.

Larry presented a paper to the commissioners with 13 points and comments from him. Discussion followed.

Matt Godinez, Southeast Kansas Regional Planning Commission Director, introduced himself and wanted to reach out to let the commission know what programs are available to Allen County and Cities and what they service they offer to Southeast Kansas Counties; they handle Federal Funding for counties, they fill the part where grant packages are available. Allen County qualifies for grant funding just for belonging to Regional Planning Commission. Matt stated he would be happy to help whatever Allen County and Allen County cities need. He works full time as the Economic Director for the City of Chanute. Matt stated Southeast Kansas has a lot going for them. Cole stated they have a small staff but does very good job for the area.

Counselor Johnson presented a Sixth Amendment to Road Use Agreement for Prairie Queen Wind Farm LLC. Commissioners reviewed:

SIXTH AMENDMENT TO ROAD USE AGREEMENT

THIS SIXTH AMENDMENT TO ROAD USE AGREEMENT (this "Amendment") is made and entered into as of January 8, 2019 ("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, further amended by that certain Second Amendment to Road Use Agreement dated June 26, 2018, further amended by that certain Third Amendment to Road Use Agreement dated August 14, 2018, further amended by that certain Fourth Amendment to Road Use Agreement dated November 13, 2018, and further amended by that certain Fifth Amendment to Road Use Agreement dated December 18, 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.

2.1 Exhibit A of the Road Use Agreement is hereby deleted in its entirety and replaced with the Exhibit A attached hereto.

2.2 Exhibit E of the Road Use Agreement is hereby deleted in its entirety and replaced with the Exhibit E 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.

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 King moved to approve and sign this 6th amendment with Prairie Queen Wind Farm LLC. Commissioner Brocker seconded, motion passed 3-0-0.

Counselor Johnson discussed the vacation policy change for the Allen County Employee Personnel Policy. A short discussion followed. He will send out the draft to department heads before next week's meeting, Monday, January 14, 2019:

E-5. Vacation Leave.

(a) Full-Time employees. Full-time employees are entitled to paid vacation leave according to the following schedule provided no paid vacation leave may be taken without approval during the first twelve months of employment.

Years of continuous employment at anniversary date (regular shifts):

1	2 to 9	10 or more
Vacation hours vesting on anniversary:		
40	80	120
Maximum accumulation of hours allowed-(current and carryover) :		
80	120	160

Years of continuous employment at anniversary date (12-hour shifts):		
1	2 to 9	10 or more
Vacation hours vesting on anniversary:		
42	84	126
Maximum accumulation of hours allowed (current and carryover) :		
84	126	168

(b) Scheduling. The dates for the taking of vacation leave shall be scheduled in consultation with the employee's supervisor or supervisors. In cases where the requested vacation schedules of two or more employees would adversely affect the efficient operation of the County, vacation leave shall be granted at the discretion of the supervisor. Elected department heads are encouraged to and non-elected department heads shall require each employee to take at least one continuous week of vacation per year. Elected department head are encouraged to and non-elected department heads shall themselves take at least one continuous week of vacation per year. During such continuous vacation period, the employee shall refrain from engaging in any work of Allen County including office work, reviewing or answering emails, etc. The mandatory one week (5 work days) shall be calculated to include regular days off and the use of vacation days. The commission recognizes that most employees are Monday through Friday employees, however, in the event of a Public Safety employee, who is a shift schedule, who has irregular work hours the one week shall be calculated to include regular days off to meet the requirements of taking five (5) continuous days off.

(c) Holiday During Vacation. County holidays that occur during the taking of an employee's authorized vacation leave will not be counted as a day of vacation.

(d) Minimum Hours. Employees may use vacation leave in units of not less than 15 minutes, subject to the approval of their supervisor.

(e) Termination. Upon termination, an employee shall be compensated for all earned but unused vacation leave at their final rate of pay, limited however, to the maximum accumulation of hours authorized in the schedule in ARTICLE E-5(a) as spelled out above.

(f) Carry over of excess hours. Allen County believes that vacation is important to the health and well-being of our employees and encourages all employees to utilize their vacation hours. Therefore, Allen County will not accumulate unused vacation hours or pay for unused vacation days beyond the maximum accumulation of hours allowed in paragraph E-5(a). In the event special work demands prevent an employee from taking all available vacation days, a request may be made to carry over no more than the following number of hours.

Full-time employees: 40 hours

12-hour shift employees: 42 hours

Such carry over must be approved by the employee's supervisor and by the County Commission upon written application of the employee which application must be submitted by the employee and their supervisor to the Allen County Clerk no later than 30 days prior to the excess hours being accrued. Carryover hours shall be used within six (6) months of the anniversary of the carryover of the hours.

Unused vacation hours in excess of the maximum accumulation as set out in E-5 (a) which are not approved by the employee's supervisor and the County Commission shall be deemed void and shall be removed from the employee's payroll record. This portion of the personnel policy shall in essence be a use it or lose it policy from January 1, 2019 forward. Each employee shall have until July 1, 2019 to be in compliance with this new policy.

(g) Elected officials are not eligible for vacation leave.

Commissioners will consider on Monday, January 14, 2019.

Commissioner King 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 Daniels, Commissioner Brocker, Commissioner King, and Robert Johnson, II, Allen County Counselor. The time is now 9:40 a.m. Commissioners reconvened at 9:50 a.m. No action was taken.

Commissioner King moved to approve Karen Kimball's vacation until September 2019; each other employee's requests will be held on a case by case issue. Commissioner Brocker seconded, motion passed 3-0-0.

Commissioners discussed the security cameras. Chairman Daniels asked about sound and Sheriff Murphy stated there is not currently sound. Discussion followed.

Sandra presented a copy of a letter on the Neosho County Appraiser's opinion of wind farms.

Commissioners commented there will be an upcoming hospital update on January 22, 2019.

Larry asked about the possibility of expanding the Allen County Regional Airport runway. Commissioner King stated there is room and the idea has been discussed but has enough runway now for large airplanes. Discussion followed on possible new equipment and items to attract larger planes.

Caryn Tyson, Kansas District #12 Senator, joined the meeting. She stated she had attended a meeting in Humboldt last week and is very excited about what is happening in Allen County. Senator Tyson discussed the changes and dynamics for 2019 Legislation. She will be serving as Tax Chair again. Senator Tyson discussed possible tax cuts for Kansas. They will not be able to itemize and that means less money for taxpayers. She discussed Kansans should have an option to item on their Kansas or not. Discussed Conference committee Reports (CCR) and what those mean to Kansans. Hearing next Tuesday and work the bill on Wednesday; it does impact 2018 filings. Senator Tyson discussed claiming medical bills and how those would save individuals from filing for bankruptcy.

Senator Tyson discussed municipalities combining and tax lids, demand payments for KPERs, KDOT funding shouldn't be used for other projects.

Senator Tyson discussed KDOT detours when they were on vacation in western Kansas. Discussion followed on the burdens that fall on the county. Chairman Daniels explained the US Hwy #169 project between Humboldt and Chanute is to be completed in April 2019. Senator Tyson stated she is on the transportation committee and will keep an eye on possible funding to help restore old US Hwy #169 through Allen County.

Senator Tyson explained her concerns on Mental Health issues, Sales tax on food (stop cuts before looking at sales tax on food), there are proposed cuts in the legislation but time will tell.

Larry asked about school consolidation within small communities, whether legislators will be acting on any bill in regards consolidation. Senator Tyson stated no, she does see one coming. She explained the harmful school funding from last year; how it actually harms small schools. They need to understand how important school funding is. Discussion followed. Senator Tyson stated Consolidation needs to be a local vote, not mandated by state.

Commissioner Elect Symes asked about hospital funding. Senator Tyson stated Kansas does not have funding for helping; they start out with funding and then it gets dropped little by little. We don't want to lose funding for hospitals. She stated if the locals aren't using their own hospital then Federal or State funding won't save it. Senator Tyson stated it would help a lot if the veterans could have a card and be accepted anywhere not just in Topeka; use local hospitals and pharmacy. Discussion followed. She believes you should live within your means and that for the state too; focus on needs not just wants.

Senator Tyson discussed school funding; Want vs Need. Local decisions makers would know their communities more than legislators.

Senator Tyson stated she would watch for "Appraiser's bill electing Appraisers, not appointing them." Discussion followed. Commissioner Brocker stated you won't be able to find appraisers to be elected because of changes in law. Discussion followed with Sandra Drake, Allen County Appraiser on valuations how their figured and laws governing them.

Cole discussed the tax lid with Senator Tyson. She stated there is a grave problem with property tax when people have to make a decision to pay for medicine, medical or food or to keep their homes.

Cole discussed the internet sales tax. Senator Tyson stated it should take care of itself with past legislation.

Mr. Zirjacks asked if Kansas is being affected by Federal shutdown. Discussion followed.

Senator Tyson discussed IT Security and how it needs to be priority! Discussion followed. Commissioner Elect Symes discussed Ransom Ware problems and issues.

Cole expressed his appreciation of the Kansas Tax Credit Program.

Commissioners expressed their appreciation to Senator Tyson for taking the time to visit with them and department heads.

Commissioner King 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 Daniels, Commissioner Brocker, Commissioner King, Sherrie L. Riebel, Allen County Clerk and Robert Johnson, II, Allen County Counselor. The time is now 10:58 a.m. Commissioners reconvened at 11:03 a.m. No action was taken.

Commissioners discussed department head merit raises and stated the intent was for all elected and appointed to have a 2% merit increase.

Commissioner King moved to go into executive session for 5 minutes to discuss non-elected department heads. Commissioner Brocker seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Brocker, Commissioner King, and Robert Johnson, II, Allen County Counselor. The time is now 11:06 a.m. Commissioners reconvened at 11:11 a.m. No action was taken.

Commissioner King discussed monuments in the courtyard. He feels the county should use real caution in putting monuments but the one the Sheriff want to put up would be against the building in a rose garden outside the Law Enforcement office. Chairman Daniels would still like to keep it in the office but will review it. Commissioner King stated he is concerned about the cover for the monument sweating with the outside environment. Discussion followed. Larry requested the commission look at it before the vote. Commissioner King stated he was requested to check it out and report back. Commissioner Elect Symes stated he would like to be include in the beginning of a project such as this if a citizen or employee wants to put something in the courtyard not after the fact. No action was taken at this time.

Sherrie requested on behalf of a resident to install a flag pole of 80' with a 20'X30' flag or 100' with a 25'X40' flag on the courtyard's southwest corner. She explained a person wanted to donate this and they were looking at a couple of options. Commissioners suggested they visit with the City for the other option.

Commissioner King moved to go into executive session for 15 minutes to discuss non-elected department heads. Commissioner Brocker seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Brocker, Commissioner King, Commissioner Elect Symes

and Robert Johnson, II, Allen County Counselor. The time is now 11:24 a.m. Commissioners reconvened at 11:39 a.m. No action was taken.

Commissioner King moved to go into executive session for 10 minutes to discuss non-elected department heads. Commissioner Brocker seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Brocker, Commissioner King, Commissioner Elect Symes and Robert Johnson, II, Allen County Counselor. The time is now 11:40 a.m. Commissioners reconvened at 11:50 a.m. No action was taken.

Commissioner King moved to go into executive session for 5 minutes to discuss non-elected department heads. Commissioner Brocker seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Brocker, Commissioner King, Commissioner Elect Symes and Robert Johnson, II, Allen County Counselor. The time is now 11:51 a.m. Commissioners reconvened at 11:56 a.m. No action was taken.

Commissioners reviewed the annual inventory reports for Register of Deeds, Allen County Treasurer, and Moran Senior/Community Center.

Commissioners expressed their appreciation for John F. Brocker, serving as Allen County Commissioner District #3. Today is his last official commission meeting.

Commissioners approved the following documents:

- a) Payroll – Pay changes for Misty D. Rice, Justin Thompson, Douglas Krogh & Tanner Porter
- b) Payroll – Payroll for new hire David S. Harrison, Courthouse Deputy
- c) Payroll – Carry over vacation for Karen Kimball to be used by her anniversary date.
- d) Clerk's Vouchers – \$272,094.34
- e) Clerk's Journal Entry for 2018 #71, #72, #73, & #74
- f) Clerk's Journal Entry for 2019 #1, #2, #3, #4, #5 & #6
- g) Abatements: RE Value 24,230, \$3769.86, Year 2018
TR Value 1894, \$260.20, Year 2018

With no further business to come before the board, Commissioner Brocker moved to adjourn, Chairman Daniels seconded, and motion passed 3-0-0. Meeting was adjourned at 12:01 a.m. until January 14, 2019.

Jerry Daniels, Chairperson

John F. Brocker, Commissioner

Sherrie L. Riebel, Allen County Clerk

William H. King, Commissioner