

IOLA, KANSAS

OFFICE OF THE ALLEN COUNTY CLERK

November 13, 2017

The Allen County Board of Commissioners met in a special session at 9:00 a.m. with Chairperson Jim Talkington, Commissioner Thomas R. Williams, Sherrie L. Riebel, Allen County Clerk/Election Official and Alan Weber, Allen County Counselor for the purpose of canvassing the November 7, 2017 City/School General Election. Commissioner Jerry Daniels was absent.

Commissioners reviewed the election and found no discrepancies. They found Kent Goodner to be the City of Humboldt, Ward 1, position #3 winner of the write ins; Mark Peters, to be the City of Iola, Ward 4 winner of the write ins; Corliss Lynes to be the winner of the City of Moran council of the write ins; David Janssen and Richard Barnum of the City of Savonburg to the winners of the write ins; Alex Henderson won the coin toss between he and Danny Fewins for the City of Elsmore council seat; Jason Kegler won the write in position for USD #256; Jerad Larkey won the write in position for USD # 257, member district #5 seat.

With no further business to come before the board, the meeting was adjourned until November 14, 2017 at 8:30 a.m. in the Commission room of the courthouse.

Jim Talkington, Chairperson

Thomas R. Williams, Commissioner

Sherrie L. Riebel, County Clerk

Absent
Jerry Daniels, Commissioner

IOLA, KANSAS

OFFICE OF THE ALLEN COUNTY CLERK

November 14, 2017

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.

Commissioners approved the minutes of the regular meeting on November 7, 2017.

Bob Johnson, Iola Register, Roy Smith, Allen County Undersheriff, Mark and Virginia Peters, citizens, Tom Nevans, Veteran's Day Committee Representative, Bill Maness, Downtown Iola Christmas Planning Committee, Alan Weber, Allen County Counselor, Ron Holman, Allen County House and Grounds Director, and Larry Walden, citizen, were present to observe the meeting.

Tom Nevans, Veteran's Day Committee Representative, thanked the commission for use of the courtyard and courthouse; he also thanked Commissioner Daniels for speaking. Discussion followed.

Bill Maness, Downtown Iola Christmas Planning Committee, Dec. 1, planning a kick off for shopping season by doing a block party, carriage ride and other events. Please keep restrooms open until 8 p.m. that evening. Commissioners approved.

Bill mentioned there will be a Christmas parade on December 21, and a few other activities include a Ginger Bread walk and along with classes and prizes.

Chairman Talkington asked about the Comfort Suites plans. Bill stated planning is still in works; probably in the spring.

Chairman Talkington asked about G & W's opening. Bill stated a final date for G & W is planned to be on December 15, 2015. Discussion followed.

Sherrie explained Auto and Election pay compensation.

Mitchell Garner, Allen County Public Works Director, reported Allen County was approved to do another bridge. Connecticut Road between 4800 to 5000 Streets; almost to the Bourbon County line. He requested Commission sign the request. The bridge is estimated around \$415,000 and Allen County's portion would be approximately \$90,000. Commissioner Williams moved to approve to sign the Kansas Department of Transportation – Bureau of Local Projects Project Programming Request to build. Commissioner Daniels seconded, motion passed 3-0-0.

Mitch presented bids for grader tire bids. Bids were received from Fred's Treads, Chanute, KS for Michelin 14.00R24 – XGLA2 for \$1,225.00 times 24 tires equals \$29,400; J.D.'s Automotive, Iola, KS for Michelin 14.00R24 – XGLA2 for \$975.00 times 24 tires equals \$23,400; Cross Mid-West, Pittsburg, KS for Michelin 14.00R24 – XGLA2 for \$812.86.00 times 24 tires equals \$19,508.64; Allied Oil Tire Co., Joplin, MO for Michelin 14.00R24 – XGLA2 for \$800.00 times 24 tires equals \$19,200; and Eastside Tire, Humboldt, KS didn't bid. Discussion followed on when the tires could be delivered and how soon Mitch needed the tire. Chairman Talkington moved to accept Allied Oil Tire Co and installation by JD. Commissioner Daniels seconded, motion passed 3-0-0.

Commissioner Daniels asked about AWOS at the airport. It is down and Mitch is looking to get fixed but needs some supplies.

Mitch updated the commission on the progress of the airport hangers. They will work through the winter as possible and hope to finish in the spring.

Alan discussed the proposed letter to Senator Pat Roberts concerning a federal tax bill that is being proposed.

**OFFICE OF THE ALLEN COUNTY COMMISSIONERS
ALLEN COUNTY COURTHOUSE**

One North Washington
IOLA, KANSAS 66749

Jerry Daniels, District #1
Thomas R. Williams, District #2
Jim Talkington, District #3

(620) 365-1406
Fax:(620) 365-1441

November 14, 2017

The Honorable Senator Pat Roberts
109 Hart Senate Office Building
Washington, D.C. 20510-1605

RE: Proposed Tax Reform

Dear Senator Roberts,

My name is Jim Talkington. I am a constituent and am the Chairman of the Board of County Commissioners of Allen County, Kansas.

I am writing to strongly urge you to reject any portion of the proposed 2017 tax reform legislation which would eliminate a broad category of tax-exempt bonds issued for the benefit of ALL charitable 501(c)(3) organizations (hospitals, colleges, schools, retirement communities, etc.) effective December 31, 2017. I ask that you also reject any legislation which would restrict the ability to use tax-exempt bonds to finance public infrastructure projects such as airports and utilities.

The elimination of tax-exempt financing will force issuers and borrowers, like Allen County, to pay higher borrowing costs to finance critical infrastructure projects which are cornerstones of the communities you represent. These higher borrowing costs likely will be passed on to users of the facilities that we finance with tax-exempt bonds.

These provisions will have the unintended consequence of harming your constituents by increasing costs for these public purpose projects.

In addition, and most important to Allen County at this time, I ask you to please oppose any tax reform provisions which would eliminate the ability to issue tax-exempt advance refunding bonds after December 31, 2017. These advance refunding bonds are issued to take advantage of reduced interest rates and to save money for our local community. Our inability to issue tax-exempt advance refunding bonds to refinance outstanding bonds would have significant negative financial consequences for our county.

Currently, Allen County is working on an advance refunding issue for Allen County Regional Hospital which will result in long term savings of nearly \$2,000,000.00. These savings are essential for Allen County to continue to provide quality medical services to our rural area.

I would be happy to discuss this matter with you at your convenience.

Sincerely,
Jim Talkington, Chairman
Board of County Commissioners

Commissioner Daniels moved to approve Chairman Talkington sign. Commissioner Williams seconded, motion passed 3-0-0. Chairman Talkington signed the letter to Senator Pat Roberts

Alan requested refinancing bond documents and minutes and Resolution 201707.

**EXCERPT OF MINUTES OF A MEETING
OF THE BOARD OF COUNTY COMMISSIONERS OF
ALLEN COUNTY, KANSAS
HELD ON NOVEMBER 14, 2017**

The Board of County Commissioners (the "Board") of Allen County, Kansas (the "County"), met in regular session at the usual meeting place in the County at the lola Courthouse, lola, Kansas at 10:00 a.m. The Chairman presided and the following members of the Board were present: Jim Talkington, Jerry Daniels and Tom Williams

The following members were absent: None

The Chairman declared that a quorum was present and called the meeting to order.

Thereupon, there was presented a Resolution entitled:

RESOLUTION NO. 201707

A RESOLUTION AUTHORIZING ALLEN COUNTY, KANSAS TO ENTER INTO A SUPPLEMENTAL LEASE WITH THE ALLEN COUNTY, KANSAS PUBLIC BUILDING COMMISSION; AND AUTHORIZING THE EXECUTION THEREOF AND CERTAIN RELATED DOCUMENTS IN CONNECTION WITH THE ISSUANCE BY THE ALLEN COUNTY, KANSAS PUBLIC BUILDING COMMISSION OF ITS REVENUE REFUNDING BONDS, (ALLEN COUNTY HOSPITAL PROJECT).

WHEREAS, the Allen County, Kansas Public Building Commission (the "Issuer") is a duly organized municipal corporation created by Allen County, Kansas (the "County"); and

WHEREAS, pursuant to the authority granted under K.S.A. 10-1201 *et seq.*, and K.S.A. 12-1757 *et seq.*, as amended and supplemented by Charter Resolution No. 201014 of the County, all as amended (collectively, the "Act"), the Issuer has issued and has outstanding its Revenue Bonds, Series 2011 (the "Series 2011 Bonds") and Revenue Bonds, Series 2012 (the "Series 2012 Bonds"), which Series 2011 Bonds and Series 2012 Bonds provided funds to construct, furnish and equip a new Allen County Hospital (the Hospital, as constructed, together with the Land thereon collectively referred to as the "Project"); and

WHEREAS, the Issuer has issued and has outstanding its Taxable Revenue Bonds, Series 2013 for the purpose of providing working capital for the Project (the Series 2011 Bonds, Series 2012 Bonds and Series 2013 Bonds herein referred to as the "Refunded Bonds"); and

WHEREAS, the issuer has leased the Project to the County under a Lease dated as of December 1, 2011, as supplemented by a First Supplemental Lease, dated as of May 1, 2013; and

WHEREAS, the Refunded Bonds were issued pursuant to a Bond Trust Indenture, dated as of December 11, 2011 (the "Original Indenture") by and between the Issuer and Security Bank of Kansas City as successor Trustee to UMB Bank, n.a., as supplemented by a First Supplemental Bond Indenture, dated as of May 01, 2013 (the "First Supplemental Bond Indenture"); and

WHEREAS, as of the date of the adoption of this Resolution, certain provisions in proposed federal legislation (the "Tax Legislation") may prevent the Issuer and the County from realizing certain economic efficiencies by the future issuance of refunding bonds; and

WHEREAS, in order to maximize the County's opportunity to realize such economic efficiencies by the issuance of the Issuer's refunding bonds, the County finds it necessary and advisable to provide the Issuer with additional flexibility regarding the timing and structure of the issuance of its refunding bonds, such timing and structure as may be dictated by the final form and passage of the Tax Legislation; and

WHEREAS, pursuant to the Original Indenture and K.S.A. 10-116a, the Board of County Commissioners (the "Board") does hereby find and determine it desirable to request the Issuer to issue its Revenue Refunding Bonds (such refunding bonds as may be issued defined as the "Refunding Bonds" and together with the Series 2011 Bonds, Series 2012 Bonds, and Series 2013 Bonds, collectively referred to as the "Bonds"), in one or more series, for the purpose of paying the costs of refunding the Refunded Bonds as more fully set forth in one or more Supplemental Bond Indentures prescribing the form and details of such Refunding Bonds, the execution of the purchase agreements for such Refunding Bonds being subject to the satisfaction of the conditions stated herein and the execution of such Supplemental Bond Indentures being subject to the conditions stated in the Issuer's resolution authorizing the issuance of such Refunding Bonds, which conditions shall be identical to the conditions stated herein; and

WHEREAS, the Board hereby determines that it is in the best interest of the County that the County and the Issuer to enter into a Second Supplemental Lease (the Second Supplemental Lease, together with the Original Lease and First Supplemental Lease referred to collectively as the "Lease") pursuant to which the County will continue to lease the Project from the Issuer upon the terms and conditions set forth therein; and

WHEREAS, the Board further finds and determines that it is necessary and desirable in connection with the issuance of the Refunding Bonds that the County execute and deliver certain documents and that the County take certain other actions as herein provided;

WHEREAS, the Allen County Hospital (the "Hospital") is operated by the Board of Trustees of Allen County Hospital (the "Hospital Board") as provided in K.S.A. 19-4601 *et seq.*, and the Hospital Board will have responsibility for collection and application of the revenues generated from operation of the Hospital; and

WHEREAS, it is the intention of the Board and the Hospital Board to continue providing for rental payments under the Lease in part from such revenues, to the extent that there are available moneys after making provision for payment of the ordinary and necessary operating expenses of the Hospital; and

WHEREAS, it is further the intention of the Board and the Hospital Board to continue providing for the rental payments in part from the proceeds of a portion of a one-half of one percent (.50%) City-wide retailers' sales tax (the "City Sales Tax") approved by the

voters of the City of Iola, Kansas (the "City") and pledged to the Hospital Board to assist in paying the costs of the Project, including debt service on the unrefunded portions of the Series 2011 Bonds and Series 2012 Bonds; and

WHEREAS, it is further the intention of the Board and the Hospital Board to continue providing for the rental payments in part from the proceeds of a one-quarter of one percent (.25%) County-wide retailers' sales tax (the "County Sales Tax") approved by the voters of the County for the purpose of paying costs of the Project, including debt service on the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEN COUNTY, KANSAS:

SECTION 1. Findings and Determinations. The Board hereby finds and determines that, pursuant to the Act and K.S.A. 10-116a: (i) continuing to lease the Project from the Issuer under the terms and provisions set forth in the Lease; and (ii) the issuance of the Refunding Bonds in one or more series by the Issuer to pay the costs to refund the Refunded bonds and pay costs of issuance thereof, are necessary, convenient and in furtherance of the governmental purposes of the County. The Refunding Bonds may be issued in one or more series, the interest on which may be taxable for federal income tax purposes.

SECTION 2. Authorization of Documents. The following documents are hereby approved in substantially the forms presented to and reviewed by the Board at this meeting and attached to this Resolution (copies of which documents shall be filed in the records of the County), and the County is hereby authorized to execute and deliver each of such documents (the "County Documents") with such changes therein as shall be approved by the officials of the County executing such documents, such officials' signatures thereon being conclusive evidence of their approval and the County's approval thereof:

(a) Second Supplemental Lease under which the Issuer will lease its interest in the Project to the County and will make the proceeds of the Refunding Bonds available to the County for the purposes herein described, in consideration of rental payments that will be sufficient to pay the principal of, redemption premium, if any, and interest on the Bonds;

(b) Bond Purchase Agreement, pursuant to which UMB Bank, n.a., Kansas City, Missouri, agrees to purchase a series or multiple series of Refunding Bonds;

(c) Continuing Disclosure Agreement among the County, the Hospital Board and the Trustee, as Dissemination Agent;

(d) Preliminary Official Statement.

SECTION 3. Execution of Documents. The Chairman is hereby authorized and directed to execute and deliver the County Documents for and on behalf of and as the act and deed of the County. The County Clerk is hereby authorized and directed to attest, by manual or facsimile signature, to the County Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution. Notwithstanding the foregoing, the Chairman is authorized to execute and deliver the respective bond purchase agreement for any series or multiple series of Refunding Bonds only if the following criteria are met: (a) the true interest cost of any series of Refunding Bonds shall not exceed 4.25% and (b) the final maturity of any series of Refunding Bonds shall not extend beyond the calendar year 2036.

SECTION 4. Official Statement. The proposed form of the Preliminary Official Statement ("Preliminary Official Statement"), relating to the Refunding Bonds, in substantially the form

as presented to the Board as of the date hereof, the final Official Statement, in substantially the form of the Preliminary Official Statement with such changes and additions thereto as are necessary to conform to and describe the transaction, and any supplement to the Preliminary Official Statement and to the Official Statement are hereby approved, and the public distribution of the same by the Purchaser is hereby approved for use in connection with the sale of the Refunding Bonds. The Chairman is hereby authorized on behalf of the County to certify to the Purchaser that the Preliminary Official Statement is deemed final by the County within the meaning of Rule 15c2-12 of the Securities and Exchange Commission except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the County are hereby authorized, if requested, to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirements of such Rule.

SECTION 5. Further Authority. The County shall, and the officials, agents and employees of the County are hereby authorized and directed to, take such further action, and execute such other documents, certificates and instruments, including, without limitation, any credit enhancement and security documents, arbitrage certificate, redemption notices, closing certificates and tax forms, as may be necessary or desirable to carry out and comply with the intent of this Resolution, and to carry out, comply with and perform the duties of the County with respect to the Bonds and the County Documents.

SECTION 6. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Board.

The Resolution was considered and discussed; and on motion of Commissioner Daniels, seconded by Commissioner Williams, the Resolution as a whole was adopted by the following roll call vote:

Aye: 3

Nay: 0

Thereupon, a majority of the members of the Board of County Commissioners having voted in favor of the adoption of the Resolution, it was given Resolution No. 201707 and was signed by the Commissioners and attested by the County Clerk.

Alan explained what savings the bond change will be for Allen County Regional Hospital. Discussion followed.

Alan consider the 911 Advisory board recommendation to make policy changes on Fire Departments.

November 13, 2017

Dear Board of County Commissioners,

The Allen County 911 Advisory Board would like to bring a problem regarding some of the rural fire departments to your attention. We have been talking at great length about an ongoing problem with some of the rural fire departments *not responding to calls, not acknowledging pages, refusing to put fires out across the jurisdictional boundary line, not having enough personnel to respond to a fire*, and the liability surrounding these issues as presented for the 911 Center.

In addition to many of us witnessing these events, the 911 Center has documented incidents were all of these things listed above have occurred on more than one occasion by at least three of the rural fire departments. We are of the opinion that this negligence is creating not only hardship for the 911 Center but also unnecessary liability. The 911 Director's attempts to communicate with the rural dept. about these concerns have failed and the 911 Advisory Board feels a policy change is in order.

After conducting some outreach in the immediate area, it is our recommendation that **immediately following a page for assistance if the fire department doesn't acknowledge the page within 2 minutes that the 911 Center will re-page that department along with the next closest neighboring fire department.** This might result in two different agencies responding to the fire but waiting any longer is unacceptable especially if the fire is threatening life or livestock.

We are of the understanding that the 911 Center can't put this policy in place due to geographical restraints enforced by tax dollars therefore on behalf of the 911 Director and the 911 Center as a whole the 911 Advisory Board would like to ask the BOCC to enforce such a policy that will help ensure the best possible outcome for all Allen County Citizens.

While a common practice known as automatic aid has been identified in many areas we realize that is one giant step for Allen County and feel confident the proposed change above will have the necessary impact.

In addition, we think it is reasonable if a fire department is going to be out of town and not have enough personnel to respond to a fire page that they either a) **find a replacement to be on call for their area** b) **notify dispatch that they are out of service** so that valuable time isn't wasted trying to find someone by phone to acknowledge and respond to the page. In the event a department is out of service the next closest neighboring dept. would be utilized.

This policy change will have far-reaching benefits. It promotes continuing collaboration and demonstrates that the 911 Center is doing everything within reason to garner a quick and efficient fire response. It benefits the citizens who pay for fire service and seems like a good use of local tax dollars.

It is not our intent to bring negative attention to the dedicated men and women that serve in the capacity of fireman. We understand and empathize that the rural fire departments are made up of selfless volunteers that risk their own safety to ensure others. Therefore, we would ask that we handle this discreetly so as not to have any unintentional consequences. If the BOCC approves this request we would like County Counselor Alan Weber to work with the 911 Director to send the fire departments a letter about the policy change so that they know and understand this policy has teeth.

Should this require additional conversation we will gladly send a spokesperson to the meeting but again would like to be respectful of the delicate nature and have no intent to identify the fire departments in public.

Respectfully,



Chief Ryan S. Smith
911 Advisory Board Chairman

Commissioner Williams moved to go into executive session for 10 minutes to discuss Attorney-Client Privilege. Commissioner Daniels seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, and Alan Weber, Allen County Counselor. The time is now 9:03 a.m. Commissioners reconvened at 9:13 a.m. No action was taken.

Commissioner Daniels moved to go into executive session for 10 minutes to discuss Attorney-Client Privilege. Commissioner Williams seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, and Alan Weber, Allen County Counselor. The time is now 9:14 a.m. Commissioners reconvened at 9:24 a.m. No action was taken.

Commissioner Daniels moved to go into executive session for 10 minutes to discuss Attorney-Client Privilege. Commissioner Williams seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, and Alan Weber, Allen County Counselor. The time is now 9:25 a.m. Commissioners reconvened at 9:35 a.m. No action was taken.

Commissioners discussed sick leave payout for employees that have over 720 hours of sick.

Commissioner Williams asked about monies for the Allen County Foundation. Discussion followed. No action was taken.

Larry Walden told commission Joe Hess isn't in charge any longer at the Lola Senior Center, Inc.

Commissioner Williams moved to go into executive session for 30 minutes for the purpose for Homeland Security. Commissioner Daniels seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, Daniel Creitz, 31st Judicial District Court Chief Judge, Dina Morrison, 31st Chief Court Clerk, Roy Smith, Allen County

Undersheriff, Alan Weber, Allen County Counselor and Sherrie L. Riebel, Allen County Clerk. The time is now 9:45 a.m. Commissioners reconvened at 10:15 a.m. No action was taken.

Commissioner Daniels moved to go into executive session for 10 minutes for the purpose for Homeland Security. Commissioner Williams seconded, motion passed 3-0-0. Those in the room will be Chairman Talkington, Commissioner Daniels, Commissioner Williams, Daniel Creitz, 31st Judicial District Court Chief Judge, Dina Morrison, 31st Chief Court Clerk, Roy Smith, Allen County Undersheriff, Alan Weber, Allen County Counselor and Sherrie L. Riebel, Allen County Clerk. The time is now 10:15 a.m. Commissioners reconvened at 10:25 a.m. No action was taken.

Commissioners discussed upcoming meeting stating EDP will be at the next commission meeting and meetings after that they need to discuss ambulance stations.

Bob Johnson, lola Register, stated the commission should think they should consider a mini Works Project Administration (WPA) project for Allen County.

Commissioners approved the following documents:

- a) Clerks Vouchers – \$229,250.27
- b) Payroll Changes
- c) Clerks Journal Entries #70-72
- d) Abatements: RE, Value 54,771, \$8,117.66, Yr 2017

With no further business to come before the board, the meeting was adjourned until November 21, 2017 at 8:30 a.m. in the Commission room of the courthouse.

Jim Talkington, Chairperson

Thomas R. Williams, Commissioner

Sherrie L. Riebel, Allen County Clerk

Jerry Daniels, Commissioner