

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

Robert Johnson, Iola Register, Nick Reynolds, The Humboldt Union, Roy Smith, Allen County Undersheriff, Robert Johnson, II, Allen County Counselor, 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, citizens, was present to observe the meeting.

Sherrie led the flag salute.

Commissioners approved the minutes of the regular meeting on September 18, 2018.

Commissioner King moved to go into executive session for 10 minutes to discuss Attorney-Client Privilege. Commissioner Brocker seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Brocker, Commissioner King, Alan Weber, Allen County Counselor, and Robert Johnson, II, County Counselor. The time is now 8:32 a.m. Commissioners reconvened at 8:42 a.m. No action was taken.

Alan discussed Resolution 201811 which is on a refund policy. He explained the county currently has a refund policy for the Register of Deeds office, but other offices are needing to have something similar so it would be best to be county wide.

RESOLUTION NO.201811
ALLEN COUNTY, KANSAS

A RESOLUTION SETTING A REFUND POLICY FOR THE OVERPAYMENT OF FEES PAID TO COUNTY OFFICES.

WHEREAS, pursuant to KSA 19-101 the Board of county commissioners (the Board) is authorized to do all acts in relation to the necessary exercise of its administrative powers and to exercise powers of home roll granted by KSA 19-1401a; and

WHEREAS, pursuant to KSA 19-101a, the Board may perform all powers of local legislation and administration it deems appropriate; and

WHEREAS, the various county offices collect fees in connection with the administration of county business and pay those funds over to the County treasurer for deposit into the general fund and other specific funds of the county; and

WHEREAS, the statutes of the state of Kansas do not specifically address the handling of the overpayment of any such fees and the cost of processing refunds can exceed the amount of overpayment;

NOW THEREFORE, be it resolved by the Board of County Commissioners as follows:

- A. Any overpayment of fees collected by the county which exceeds \$5.00 shall be refunded to the person paying the fee.
- B. No refund shall be required if the overpayment is determined to be equal to or less than \$5.00 unless the person paying the fee requests that the refund be provided. Any request for refund must be submitted in writing to the Allen County Treasurer no later than thirty days following the date the original payment was made.
- C. This resolution shall take effect upon publication.

RESOLVED THIS ___ DAY OF NOVEMBER, 2018.

Commissioner King moved to adopt Resolution 2018. Commissioner Brocker seconded, motion passed 3-0-0.

Alan discussed the 4th road agreement with the Wind Farm. Commissioners reviewed a map of the area in discussion. Mitch and Alan discussed

FOURTH AMENDMENT TO ROAD USE AGREEMENT

THIS FOURTH AMENDMENT TO ROAD USE AGREEMENT (this "Amendment") is made and entered into as of, 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, further amended by that certain Second Amendment to Road Use Agreement dated June 26, 2018, and further amended by that certain Third Amendment to Road Use Agreement dated August 14, 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.
Amendment No. 4 to RUA (JG 11.1.2018).doc 2
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.
Amendment No. 4 to RUA (JG 11.1.2018).doc 3

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

Commissioner King made a motion to accept the amendment. Commissioner Brocker seconded, motion passed 3-0-0.

Mitch discussed a request from Loren Lance for rock in an alley in the unincorporated City of Mildred. Discussion followed on whether it is for his business use only or if it is still public area. Commissioners discussed the alley might not be vacated, so counselors will review and let him know.

Mitch reported Boren Roofing is working on hangar roof and footing is being poured for the other. They are working on fixing potholes and graveling. Dump trucks are down.

Commissioners asked how the wind mill project is going. Mitch stated there have been a few kinks but they are being worked out. Discussion followed.

Mr. Garrett asked if the wind farm routes could be published so that the public knows they are going to get large equipment. Discussion followed.

Alan stated Sheriff Bryan Murphy had visited with him concerning the proposed tower. They might need to put out a review of the area before the RFP is sent out for the tower. Discussion followed on blasting and other items.

Chairman Daniels asked about whether there is anything more on the ambulance station in Humboldt.

Ron Moore, citizen, asked about a culvert and filling it in, there are some places on the black top that needs attention as well. Some road signs need corrected.

Terry Call, Zoning Administrator explained about a conditional request for a shooting range. He explained the meeting and results. Terry stated the Zoning Boards recommendation is to turn down the conditional use request. There were 3 board members for it with conditions and 4 board members against it. Commissioner King moved to follow the Zoning Boards recommendation to deny it. Commissioner Brocker seconded, motion passed 3-0-0.

Commissioner King moved to go into executive session for 15 minutes to discuss appointments to the hospital board which are non-elected personnel for the privacy of the individual. Commissioner Brocker seconded, motion passed 3-0-0. Those in the room will be Chairman Daniels, Commissioner Brocker, Commissioner King, Alan Weber, Allen County Counselor, Robert Johnson, II, County Counselor and Sherrie L. Riebel, Allen County Clerk. The time is now 9:06 a.m. Commissioners reconvened at 9:21 a.m. No action was taken.

Commissioners approved the following documents:

- a) Clerk's Vouchers – 11/2/18-\$215,599.34 & 11/6/18-\$14,764.51
- b) Journal Vouchers – #56 & 57
- c) Payroll Changes – Payment of Vehicles and Election
- d) Abatements: RE Value 22,593, \$3,186.38, Yr 2018
PP Value 2,296, \$410.16, Yr 2018
TR Value 88, \$12.00, Yr 2018

With no further business to come before the board, Chairman Daniels moved to adjourn, Commissioner Brocker seconded, and motion passed 3-0-0. Meeting was adjourned at 9:23 a.m. until November 13, 2018 at 8:30 a.m. in the Commission room of the courthouse.

Jerry Daniels, Chairperson

John F. Brocker, Commissioner

Sherrie L. Riebel, Allen County Clerk

William H. King, Commissioner