

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

Nick Reynolds, Humboldt Union, Trevor Hoag, Iola Register, Bryan J. Murphy, Allen County Sheriff, Robert Johnson II, Allen County Counselor, Mitch Garner, Public Works Director, Lieutenant Colonel Justin Rutledge, 891st Engineer Battalion, Michelle Meiwes, Candidate for Commissioner District #2, Robert & Juanell Garrett and Paul Zirjacks, citizens, was present to observe the meeting.

Chairman King led the group in the Pledge of Allegiance.

Commissioners approved the minutes of the regular meetings on August 4, 2020.

Lynn Grant, candidate for State Representative, 2nd district, joined the meeting.

Mitch reported on recent storm damage and the cleanup. He mentioned Nevada Rd – 1800 St. Discussion followed on chip and seal and that they got the reclaimer back.

Sheriff Murphy joined the meeting.

Jami Clark, Allen County Appraiser, discussed valuation and Enbridge money. Chairman King stated it was thought to be a windfall and it did help but it is tax payer money like everyone else. He asked Jami about the fact we expect assessed valuation to be less next year, so that means the revenues will be decreased. Jami stated she hasn't done the study for real estate, but oil and gas is now half of 2019, lost \$1,000,000 in oil. This data is given to the counties by the state of Kansas. We use last year's production to value this year's oil. Discussion followed. The commissioners stated their intent is to not raise the mill levy.

Cole Herder, Humboldt City Administrator joined the meeting. David Gant, citizen, also came into the meeting.

Terry Call reported that the crew that thought they had been exposed to Covid, got test results back that they were negative. He reported on the flooring issues at both new ambulance stations; Humboldt and Moran. He said now there is just a lot of minor things they are still dealing with, but nothing that won't be able to be remedied.

Commissioner Daniels moved to go into executive session for 10 minutes to discuss Attorney-Client Privilege. Commissioner Symes seconded; motion passed 3-0-0. Those in the room will be Chairman King, Commissioner Symes, Commissioner Daniels, and Robert Johnson, II, Allen County Counselor. The time is now 8:43 a.m. Commissioners reconvened at 8:53 a.m. No action was taken.

Angela Murphy, 911 Director, joined the meeting.

Lisse Regehr, Thrive President & CEO, Jonathan Goering, Thrive Economic Development Manager and Jessica Thompson, Director of Development all joined the meeting.

Counselor Johnson reported on the Mid States Materials LLC, Bettis Asphalt Construction Inc and D&D Propane request for a conditional use permit to operate a quarry. The zoning board recommended denying this request and the commissioner upheld this recommendation and denied the conditional use permit. Mid States, Bettis and D&D Propane appealed that decision to the district court. The judge ruled in favor of Mid States, Bettis and D&D Propane. Allen County's attorney for this is Steve Pigg, as he represents EMC, the company that deals with any of the county's negligence and/or

liability claims. Allen County appealed the court's decision initially, however based on the recommendation of EMC's attorneys, the county's attorneys because EMC is our insurance company, the likelihood of a successful appeal is slim. So, the recommendation is that the commission grant the conditional use permit, with the agreement from Mid States, Bettis and D&D Propane, to all the original safeguards and protections for the old highway and all the residents in that area, as well as all the restrictions and operations of this quarry.

Conditional Use Permit
Allen County

RESTRICTIONS AND CONDITIONS OF USE

- 1) Setbacks.
100 foot setback along north, east, west and south perimeters.
- 2) Operations.
Quarry hours of operation shall be restricted to:
 - A. Sale and removal of rock: 6 a.m. – 6 p.m., Monday- Friday; 7 a.m. – 3:00 p.m. Saturday
 - B. Production and extraction: 6 a.m. – 10 p.m., Monday – Thursday; 6 a.m. – 6:00 p.m., Friday and Saturday.
 - C. Blasting: 1 p.m. – 5 p.m., Monday – Friday.
 - D. In the event of an emergency or other situation that requires quarrying, or sell of product after these hours, written notification may be made to the Planning and Zoning Director outlining the event and planned schedule of operations.
- 3) Security Gate.
A security gate shall be placed/maintained at the entrance to the quarrying site across the main haul road.
- 4) Left Turns
Trucks operated by Mid-States Materials, LLC and Bettis Asphalt & Construction, Inc. shall only turn to the south on 1100th St out of the quarry.
- 5) Blasting.
 - Blasting shall be set only in sequential delays; no single delay to be over 150 lbs. of explosives.
 - No explosives will be set in the ground overnight unguarded.
- 6) Monitoring Blasting.
All blasting will monitored with a seismograph and will adhere to all state and federal laws and guidelines.
- 7) Other Regulatory Restrictions.
All applicable regulations of Environmental Protection Agency, Kansas Department of Health and Environment, and the Kansas Department of Agriculture, and all other applicable agencies, shall be adhered to and subsequent revisions to these regulations shall apply.
- 8) Reclamation Bond.

Mid-State shall be responsible for reclamation of all quarried land. A performance bond in compliance with the requirements of the Kansas Department of Agriculture shall be secured to cover the reclamation and shall be filed with the Allen County Clerk's Office prior to the commencing of any site preparation activities or any other work being done pursuant to the CUP. This performance bond shall remain in place for the entire life of the permit and shall not be subject to release until the site has been fully reclaimed.
- 9) Insurance.

The operator shall carry liability insurance in the amount of \$1,000,000.00. Certificates of insurance shall be submitted to the Planning and Zoning Department.

Commissioner Symes moved to approve grant the conditional use permit for Mid States Material LLC, Bettis Asphalt & Construction Inc. and D&D Propane, Chairman King seconded, motion passed 3-0-0. Commissioner Daniels welcomed their business to the county and thanked Counselor Johnson for his work on this.

Counselor Johnson discussed the hospital sales tax question passing. He commended those working on this proposal, "the crew did a good job".

Commissioners canvassed the election results of Tuesday, August 4, 2020 Primary. Sherrie discussed Provisionals with the commissioners.

Jessica reported on Thrive's proposal for a transportation service in Allen County. Allen County currently has a service to the elderly van that is classified as a "5310" per KDOT. Jessica stated that Allen County would keep the elderly van, but add "5311" vehicles to accommodate individuals that do not otherwise fit the criteria of riding the elderly van. It would be for anyone that needed an out of county trip as well. She said there have been several task force meetings looking into this proposal and there are two different national grants to help facilitate this project. This would include one coordinator and one driver, as well as the technology for customers to schedule their rides. That the monies for such operation would be: The Federal match would be \$158,123.00; State match would be \$14,251.00 and the local match would be \$52,500.90. She said there would be about \$15,000 in revenue since there would be a cost for riders. Another way for revenue would be if the county become a Medicaid-reimbursable entity. Jessica stated that they need a decision from the commissioner by November due to the deadline on the KDOT transportation grant that would have to be completed. Vehicles are an 80/20 split, while administrative is 70/30 through the KDOT grant. Jessica said really an answer in September would be best, as the grant it due to be done in November. Commissioner Symes asked questions about the need for additional vehicles. Discussion followed.

Cole reported there was good news on the grocery store in Humboldt. Some of the funding had been stalled due to the pandemic, but it seems things are back on track now.

Commissioner Daniels moved to go into executive session for 5 minutes to discuss non-elected personnel. Commissioner Symes seconded; motion passed 3-0-0. Those in the room will be Chairman King, Commissioner Symes, Commissioner Daniels, Mitchell Garner, Public Works Director, and Robert Johnson, II, Allen County Counselor. The time is now 9:33 a.m. Commissioners reconvened at 9:38 a.m. No action was taken.

Sherrie then reported final numbers to the commissioners on close race.

Rodney Burns, Auditor, discussed budget cuts with the commissioners.

Lisse talked about SPARKS/CARE. Allen County has received over \$2 million. This money has to be designated, the deadline is Monday, August 17. We cannot spend any of this money until the state has ok'd it. The recommendations came from the steering committee. Lisse recognized all those on the committee. She mentioned that some entities do not need the CARE funding, such as Multi County Health Dept. The spend deadline is December 30th. Susan talked about portable ventilators and gloves. It was discussed to keep the ambulance where it is, just as long as someone gets the funding. Lisse covered each page of the report. Social needs were discussed.

Commissioner Daniels moved to approve the SPARK allocations as presented by Thrive Allen County, per Lisse, Commissioner Symes seconded, motion passed 3-0-0.

Lisse discussed CDBG – CV. There is now \$52,000 left. The deadline is August 21, 2020 for businesses to submit their apps with necessary documents.

Rodney rejoined the meeting. He reported on the numbers and cuts made. Discussion followed. Rodney scheduled to be back at commission meeting in a week.

Commissioners approved the following documents:

- a) Payroll – Part time to full time Edward Foster
- b) Journal Entry - #34 & #35

- c) Support Letter to Southeast Kansas Area Transit Dist. #10.
- d) Clerk's Vouchers – 8/6/2020-\$312,645.49 & 8/10/2020-\$116,284.71

With no further business to come before the board, Commissioner Daniels moved to adjourn, Commissioner Symes seconded, and motion passed 3-0-0. Meeting was adjourned at 10:45 a.m. until Tuesday, August 18, 2020 at 8:30 a.m. in the Assembly Room of the courthouse.

William H. King, Chairperson

Bruce Symes, Commissioner

Sherrie L. Riebel, Allen County Clerk

Jerry Daniels, Commissioner