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 1100th 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. One 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.
Dan compared blasting vibrations to thunder vibrations.

Sean Geffert expressed his concerns; safety of the vehicles pulling out on 1100th Street. He drives a grain truck and it is hard to slow down over the hill especially when someone pulls out onto 1100th 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 1100th 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 SEKAN. 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 1250th 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 Iola 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 trivial 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.

![NCIC 2018 Statistics](image)
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.
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 9th 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, Iola, 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                  William H. King, Commissioner

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Sherrie L. Riebel, Allen County Clerk       Bruce Symes, Commissioner