

The Allen County Board of Commissioners met in regular session at 8:30 a.m. with Chairman Bruce Symes, Commissioner Daniels, Commissioner Lee, and Sherrie Riebel, Allen County Clerk.

Vicki Moss, Iola Register, Robert Johnson II, Allen County Counselor, Terry Call, Allen County EMS Financial Director, Brian Murphy, Allen County Sheriff, Jami Clark, Allen County Appraiser, Jason Trego, Allen County Emergency Management, Bob Franklin and Paul Zirjacks, citizens, was present to observe the meeting.

Jami Clark led the group in the Pledge of Allegiance.

No one present for public comment.

Mitchell Garner, Public Works Director, reported they had 7 trucks out Saturday due to the weather and 1 mechanic. Trucks were out from 7 or 8 a.m. to 4 p.m.; just salting, more weather coming Wednesday and Thursday.

Jason Trego, discussed Allen County is expected to received 0-1" of snow accumulation, with the wind chill expected at negative 5 degrees.

Jason mentioned he is getting bids so he can order PPE to have on hand to keep stocks up; last year most of the PPE went to the schools.

Jason reported they have the Maintenance records from the Generator from CAT. They are waiting on the purchase agreement from Foley.

Jason discussed locations of the storm shelters.

Sherrie presented Resolution 202201 which is an annual resolution:

RESOLUTION NUMBER 202201

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, 2022, 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, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Allen County, Kansas, in regular meeting duly assembled this 4th day of January 2022, 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, 2022.

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 Daniels moved to approve Resolution 202201. Commissioner Lee seconded; motion passed 3-0-0.

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

Sherrie presented Resolution 202202 for review and approval. This is for Rural Opportunity Zone funding for 2022:

Resolution No. 202202

RESOLUTION OF THE BOARD OF ALLEN COUNTY COMMISSIONERS AUTHORIZING PARTICIPATION IN RURAL OPPORTUNITY ZONE STUDENT LOAN REPAYMENT PROGRAM CALENDAR YEAR 2022

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

Section 1. Pursuant to K.S.A. 2021 Supp. 74-50,223, the Board of County Commissioners expressed its intent to participate in the Rural Opportunity Zone (ROZ) student loan repayment program.

Section 2. Allen County has been designated a Rural Opportunity Zone pursuant to K.S.A. 2021 Supp. 74-50,222. As of July 1, 2021, the County population was 12,399 as certified by the Kansas Department of Revenue.

Section 3. Allen County Commissioners hereby obligate Allen County to participate in the ROZ student loan repayment program as provided by K.S.A. 2021 Supp. 74-50,223 for a period of five years, which shall be irrevocable.

Section 4. Allen County agrees to pay in equal shares with the State of Kansas the outstanding student loan balance of any resident individual for five years if the resident individual meets the terms of qualification provided by the State of Kansas in K.S.A. 2021 Supp. 74-50,223, and the appropriate rules and regulations. The number of qualified resident individuals receiving such payments will be subject to the availability of funds.

Section 5. Allen County intends to enter into partnerships with Cities, Employers, and Foundations for the direct sponsorship of Rural Opportunity Zone Applicants. Sponsored Applicants must meet all qualifications of the ROZ program. All sponsorships will be subject to ROZ student loan repayment rules and regulations.

Section 6. The maximum student loan balance for each qualified resident individual to be repaid jointly by Allen County and the State of Kansas shall be \$15,000 over a term of five years.

Section 7. Allen County shall allocate \$0.00 a year for the purpose of matching payments from the State of Kansas to qualified resident individuals. Allen County shall revise its ROZ budget on an annual basis submitting a new Resolution to the State of Kansas by January 30<sup>th</sup> each year. Allen County shall submit their obligation in full to the Department of Commerce before the first day of October each year.

BE IT FURTHER RESOLVED that this resolution shall be published once in the official county newspaper and shall be in effect from and after its date of publication.

Adopted this 4th day of January 2022 by the Board of Allen County Commissioners, Allen County, Kansas.

Sherrie explained in the past Allen County has allocated \$1,500 each year, but changed that last year. Discussion followed. Commissioner Daniels moved to approve Resolution 202202 and leave the allocation at \$0.00. Commissioner Lee seconded; motion passed 3-0-0.

Sherrie presented Resolution 202203 which is only changing the mileage rate not any of the other BLS or ALS charges:

ALLEN COUNTY, KANSAS  
RESOLUTION 202203

A RESOLUTION SETTING THE BASE CHARGES AND MILEAGE LIMITS ON AMBULANCE SERVICE.

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

SECTION 1. BASE CHARGES FOR AMBULANCE SERVICE.

The BLS Non-Emergency rate shall be \$450.00.

The BLS Emergency rate shall be \$575.00.

The ALS Non-Emergency rate shall be \$575.00.

The ALS Emergency rate shall be \$675.00.

The ALS Intervention rate shall be \$735.00.

The BLS and ALS mileage charge shall be set at \$15.00 per mile, incurring when an ambulance is dispatched and only being charged when a patient is being transported.

SECTION 2. EFFECTIVE DATE.

This resolution shall be effective January 1, 2022.

Passed and adopted by the Governing Body of Allen County, Kansas, this 4th day of January 2022.

Mileage was \$13.20 and now increasing mileage to \$15.00. Commissioner Daniels moved to approve Resolution 202203 and leave the allocation at \$0.00. Commissioner Lee seconded; motion passed 3-0-0.

Kenneth Collins, 2<sup>nd</sup> District Kansas Representative joined the meeting.

Sherrie explained the radio tower agreement signed last week needed to have a name correction on it:

Correction on Heartland contract- RADIO TOWER LEASE AGREEMENT

This agreement is made and entered into on the 4th day of January, 2022, by and between Allen County, Kansas herein referred to as Lessor, and Kansas Electric Power Cooperative, Inc., herein referred to as Lessee, pursuant to discussions at the Allen County Commission Meeting held on November 24, 2020. Lessor hereby leases to lessee the use of a portion of the new 160-foot antenna tower to be situated on lessor's property at 410 N. State in the County of Allen, State of Kansas and more particularly described as follows to-wit:

A tract of land in the Southeast Quarter of Section (27), Township (24) South, Range (18) East of the 6<sup>th</sup> P.M., Allen County, Kansas, described as follows: Commencing at the Southeast corner of the Northeast Quarter of said Southeast Quarter; thence North along the East Section line, 99.59 feet; thence West 33.00 feet to the West line of State Street in the City of Iola, said point being the true point of beginning; thence West 226.00 feet thence North 258.96 feet; thence East 226.03 feet to the west line of said State Street; thence South 256.60 feet to the POB

SECTION ONE  
RENTAL AND TERM OF LEASE

This lease will commence upon signing and continue in perpetuity until Lessee relinquishes its interest hereunder or the tower is no longer usable. During the term of this lease, lessee agrees to pay rent to lessor for its antenna placements in the amount of Two Hundred Dollars (\$200.00) per month in advance on or before the 5th day of each calendar month beginning on the 5th day of the first full month after the tower is complete and the antennas have been transferred to it. Payments will be made to lessor at 1 N. Washington, Iola, KS or at such other place as lessor may designate.

SECTION TWO  
USE OF PREMISES

The parties agree that the tower will be used by both parties with Lessee using the tower, as it has in the past, for communication and data gathering related to its business. Lessor currently intends to use the tower to host one antenna to be used for county-wide dispatch communication. The parties acknowledge that the current tower has been found to be of questionable resilience and reliability by contractors who have examined it and that a new tower is needed.

SECTION THREE  
ASSIGNMENT AND SUBLETTING

Lessee shall not assign this lease or sublet or grant any concession or license to use the tower or any part thereof. Any assignment, subletting, concession or license without the prior written consent of lessor shall be void and shall, at Lessor's option, be grounds to terminate this lease.

SECTION FOUR  
ALTERATIONS AND IMPROVEMENTS

Lessee shall not make alterations to the tower without the prior written consent of Lessor. All alterations, changes and improvements shall become the property of Lessor.

SECTION FIVE  
UTILITIES

Lessor's antennas will not draw any electricity from nor be connected to the existing electric meter serving the tower. All of Lessor's power usage will be drawn from the dispatch building adjacent to the tower. The electric power meter at the tower will service Lessee's antennas. Lessee shall be responsible for arranging for and paying for all utility services for its antennas.

SECTION SIX  
INSURANCE AND LIABILITY

Lessee shall have no responsibility to maintain insurance on the tower and Lessor shall have no responsibility to maintain insurance on any antennas or other equipment owned or used by Lessee. Lessee agrees to indemnify and hold Lessor harmless from any and all claims arising out of Lessee's operations at the tower. Lessor agrees to indemnify and hold Lessee harmless from any and all claims arising out of lessor's ownership or operation of the demised premises.

SECTION SEVEN  
MAINTENANCE AND REPAIR

Lessor will keep and maintain the tower in good condition and repair during the term of this lease. If Lessor ceases to use the tower, Lessee may continue to use said tower under the terms of this lease but will be responsible for all maintenance and repairs.

SECTION EIGHT  
RIGHT OF ENTRY

Lessor and Lessee shall have access to the tower at all reasonable times for the purpose of maintaining their equipment thereon.

SECTION NINE  
NOTICES

Any notices required hereunder may be mailed by regular first-class mail or certified mail addressed to the parties as follows:

LESSOR: Allen County, Kansas, 1 North Washington, Iola, KS 66749

LESSEE: Kansas Electric Power Cooperative, Inc.  
600 S.W. Corporate View, Topeka, Kansas 66615

SECTION TEN  
DEFAULT

If any default is made by Lessee or Lessor in the performance of or compliance with any of the terms or condition hereof, then this lease may be terminated at the option of the non-defaulting party. Upon default, the non-defaulting party shall have such remedies at law and equity as may be necessary to protect its interests hereunder. Before this lease is terminated, the defaulting party shall be given 10 days written notice of the nature of any default or breach alleged. Termination of this lease shall not occur if, within 10 days after receipt of said notice, the defaulting party has corrected the default.

SECTION ELEVEN  
BINDING EFFECT

The covenants and conditions herein contained shall apply to the parties hereto and shall bind their heirs, legal representatives and assigns.

IN WITNESS WHEREOF, the parties have executed this lease in Allen County, Kansas the day and year first above written.

Chairman Symes moved to approve the correction on the lease agreement with radio tower. Commissioner Daniels seconded; motion passed 3-0-0.

Sherrie presented the Memorandum of Understanding (MOU) with Thrive Allen County for the use of Thrive's General Transportation van for review:

Memorandum of Understanding  
Between  
Thrive Allen County  
And  
Allen County

This Memorandum of Understanding (MOU) sets forth the terms and understanding between Thrive Allen County (herein referred to as "Thrive") and Allen County regarding the use of a (year) 2001 (make) Cherv. (model) High Cube Van bus (hereinafter to as "vehicle") which belongs to Thrive but will be used by Allen County.

Background

Thrive has agreed to allow Allen County to use the above-described vehicle.

General Agreement

Thrive hereby allows Allen County use of the above listed vehicle. This agreement is subject to the following terms:

Payment: There will be no payment made between Allen County and Thrive.

Condition: The vehicle is being loaned in "as is" condition.

Maintenance, Repairs, Gas and Upkeep: Allen County will be responsible for all routine maintenance, gas costs, and general upkeep of the vehicle while it is being used by Allen County, as well as all damage incurred by any County employee therein, if proven to be the fault of the County employee. All non-routine repairs, including but not limited to engine/motor replacement or repair, transmission replacement or repair, and other extensive repairs, will be the responsibility of Thrive. Allen County Commissioners are committed to negotiating with Thrive regarding assistance in funding non-routine repairs mentioned herein.

Usage Period: Allen County will use the vehicle until the State of Kansas provides them with another one or they no longer need it.

Commissioner Daniels moved to approve the Memorandum of Understanding between Thrive Allen County and Allen County for the use of the van. Commissioner Lee seconded; motion passed 3-0-0. Sherrie will get to Thrive Allen County for their approval and signature.

Sherrie reviewed the 2021 Year-end/2022 New Year Check list for appointments.

Sherrie reported Mona Hull and John Brocker are up for reappointment on the Board of Trustees of Allen County Hospital. Commissioner Daniels stated Mona Hull has requested not to be reappointed but he has visited with Becky Stanley who would like to serve. Commissioner Lee moved to appoint Becky Stanley (January 1, 2022 and ending December 31, 2024) and reappoint John F. Brocker (January 14, 2022 and ending December 31, 2024) to serve on the Board of Trustees of the Allen County Hospital. Commissioner Daniels seconded; motion passed 3-0-0.

Sherrie reported Walt Regehr, Jr. is up for reappointment on the SEK Mental Health Consolidated Board. Commissioner Daniels moved to reappoint Walt Regehr, Jr. (1/1/2022 to 12/31/2024), to the SEK Mental Health Consolidated Board. Commissioner Lee seconded; motion passed 3-0-0.

Sherrie requested commissioners reappoint Mike Walman and John F. Brocker as his alternate to the Regional Planning Revolving Loan Committee. Commissioner Daniels so moved. Commissioner Lee seconded; motion passed 3-0-0.

Sherrie reported currently Chairman Symes serves on the Bowlus Committee. Chairman Symes stated he has other duties if one of the other commissioners would be interested. Commissioner Lee mentioned his wife is already on the

committee. Commissioner Daniels stated he could. Chairman Symes moved to appoint Commissioner Daniels to serve on the Bowlus Committee as the Allen County representative. Commissioner Lee seconded; motion passed 3-0-0.

Currently Commissioner Lee serves on the Allen County Housing Task Force. Commissioner Daniels moved to have Commissioner Lee continue to serve on the Allen County Housing Task Force. Chairman Symes seconded; motion passed 3-0-0.

Chairman Symes currently serves on the Iola Industries Board. Commissioner Daniels moved to have Chairman Symes continue to serve on the Iola Industries Board. Commissioner Lee seconded; motion passed 3-0-0.

Chairman Symes currently serves on the Economic Development Board. Commissioner Daniels moved to have Chairman Symes continue to serve on the Economic Development Board. Commissioner Lee seconded; motion passed 3-0-0.

Commissioner Daniels moved to reappoint LaDonna Krone and William "Bill" Shirley to the Southeast Kansas Area Agency on Aging Board. Commissioner Lee seconded; motion passed 3-0-0.

Commissioner Lee moved to reappoint John F. Brocker to the Executive Committee of the Southeast Kansas Regional Planning Commission. Commissioner Daniels seconded; motion passed 3-0-0.

Sherrie explained to the commission that the City of Moran nominates a person one year, the Allen County Commissioners appoint someone 2nd year and the 3<sup>rd</sup> year the Moran Senior Citizens nominate someone to be appointed to the Moran Senior/Community Center Board. Wayne Chandler was nominated by the Moran Senior Citizens to serve another term on the Moran Senior/Community Center Executive Board. Commissioner Daniels moved to reappoint Wayne Chandler to serve on the Moran Senior/Community Center Executive Board. Commissioner Lee seconded; motion passed 3-0-0.

Sherrie reported the Public Building Commission (PBC) elects different positions each to serve 3-year terms. Loren Korte's (Vice President) term expires 2/2022. Jean Barber (President) term expires 2/2023, Bret Heim (Secretary) term expires 2/2024. Commissioner Lee moved to reappoint Loren Korte on serve on the PBC. Commissioner Daniels seconded; motion passed 3-0-0.

Commissioner Daniels moved to reappoint Chairman Symes to serve as Allen County's representative on the Southeast Kansas Regional Juvenile Detention Board. Commissioner Lee seconded; motion passed 3-0-0.

Commissioners discussed the official Allen County newspaper for 2022. Humboldt Union was the official paper for 2021 but commissioner requested departments to publish in both papers for move county coverage. Commissioner Lee moved to name an Iola Register as the 2022 Official Newspaper. Commissioner Daniels seconded; motion passed 3-0-0.

Chairman Symes moved to appoint Matt Rehder to serve on the Regional Planning Commission in place of Sid Fleming as City of Iola's representative. Commissioner Lee seconded; motion passed 3-0-0.

Commissioners recessed for a while, while waiting on two state legislators to arrive.

Kent Thompson, 9<sup>th</sup> District Kansas Representative and Caryn Tyson, 12<sup>th</sup> District Senator, joined the meeting.

Chairman Symes thanked the legislators for taking the time to come visit Allen County. He asked the legislators to state their plans. Senator Caryn Tyson started off, her 11<sup>th</sup> year. She explained how productive they have been. She serves as the tax chairman.

Representative Kenneth Collins thanked the commission for the invite. He stated he appreciates meeting with everyone. He discussed redistricting for 2022. Representative Collins discussed all the extra monies the State says they have. They should use it to look out for the tax payers in the long run.

Representative Kent Thompson also thanked the commission for the invite. He stated as they get into the session they will know more as they go, just let him know your concerns and issues. This will be his 9<sup>th</sup> House session; he had been appointed to fill Ed Bideau in 2013. He is a life time resident of Allen County so he is very much an Allen Countian. Representative Thompson discussed issues that will come up and asked what the commission asked of them.

Bob Franklin, citizen, asked about the Food Tax and in favor of getting rid of it. Senator Tyson in favor of it as well. She explained she has been fighting this for several years; and excited it will probably pass on at least the State side of items. Discussion followed definition of Food.

Representative Collins stated he is not in favor of a rebate on food.

Representative Thompson stated he asked how will the State pay for it. He stated the State's budget will handle it this year. It is a good policy and it can be handled. It will be \$500,000 some dollars. Chairman Symes asked about the reduction and it being absorbed? He asked if it would be shifting taxes. Representative Thompson stated it is more like a 3-legged stool and so it is not as sturdy as one with all the legs. Discussion followed. This will be the year to get it done.

Paul Zirjack asked about shopping for food items. Senator Tyson stated some want it to be on clothing as well but she doesn't see that happening. She is pushing for sales tax to be off of the coupons. Discussion followed.

Representative Thompson discussed point of sales on items now so it shouldn't be hard to figure it out. Paul stated it should not be an issue. Representative Collins stated it used now for those with IBD Cards; would just be extending it now. Senator Tyson stated there is an expense for businesses to change the software.

Paul asked about no tax on Seniors. Discussion followed. People should not have to pay taxes on their retirement monies. Senator Tysons stated that is why several retire and move from Kansas to a State that is more affordable. She said most wonder do I buy food, medicine or pay my property tax. Senator Tyson stated one the best things is broadband happening in Kansas.

Commissioner Lee asked about coal fire energy plants are going to be closed, where are we at on that. Senator Tyson explained the passage of a bill to shut down coal fire plants. She went on to explain. Discussion followed on what is planned to replace them.

Commissioner Lee asked about the State tax benefits for Veterans. Senator Tyson discussed in 2021 they passed on National Guard, active military that 2 vehicles

will be tax exempt. She discussed what Senator Peck is doing to mirror Oklahoma's retired military. Discussion followed.

Commissioner Daniels stated the State Representatives are welcome at anytime in the commission meetings.

Commissioner Daniels discussed the price spike of the Sherrie gas and utilities last year in the historical cold snap. Cole discussed some of the issues are you can't predict weather, and he explained how the system works. Discussion followed with input from each legislator.

Chairman Symes asked about Medicare expansion and how it will affect St. Luke's Allen County. If approved could mean \$1 million dollars to our community hospital. He asked if there is any new developments. Representative Thompson addressed it; it was voted on the House side but not even voted on at the Senate. He doesn't see much happening in the Senate. Senator Tyson said if it wasn't Obama Care it would or could pass. Discussion followed. Representative Thompson stated in the end all legislators have one vote. Discussion followed with interaction between legislators. Representative Thompson said part of the issues are that rural areas are losing population so redistricting will loose rural representation.

Representative Collins discussed goals for preserving rural representation. Discussion followed. Chairman Symes stated he believes it should be citizens and not rural and urban but representation of all.

Cole mentioned Humboldt would be reviewing their Neighborhood Revitalization Plan (NRP) renewing and will be bringing to Allen County in a few weeks.

Chairman Symes moved to go into executive session for 15 minutes for non-elected, Commissioner Daniels seconded; motion passed 3-0-0. The time is now 10:37 a.m. Those present will be Commissioners, and Robert Johnson II, Allen County Counselor. Commissioners reconvened at 10:52 a.m. No action taken.

Commissioners discussed the Airport Advisory Board, consensus to form a new board. Commissioner Daniels stated he would probably attend the board meetings. Discussion followed. Commissioner Lee stated he would see it recommend items and projects to the commission for final decisions.

Commissioner Lee asked about Country estates Addition to be able to create a safe walking or riding trail to Walmart. Discussion followed.

Commissioners reviewed the following documents:

- a) Annual report from Noxious Weeds Department
- b) Monthly report from Noxious Weeds Department
- c) Inventory from the Services to the Elderly van.

Commissioners approved the following documents:

- a) Clerk's Vouchers – \$
- b) Clerk's Journal Entries – #85
- c) Payroll –
- d) Payroll –
- e) Abatements -

With no further business to come before the board, Commissioner Lee moved to adjourn, Commissioner Daniels seconded; motion passed 3-0-0. Meeting was



adjourned at 11:07 a.m. until Tuesday, January 11, 2022 at 8:30 a.m. in the Assembly's Room of the courthouse.

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Bruce Symes, Chairperson

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Jerry Daniels, Commissioner

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Sherrie L. Riebel, Allen County Clerk

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David E. Lee, Commissioner