

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, Robert Johnson, II, Allen County Counselor, Bryan J Murphy, Allen County Sheriff, Terry Call, Allen County EMS Financial Director, Mitchell Garner, Allen County Public Works Director, and Paul Zirjacks, citizen, was present to observe the meeting.

Chairman King led the flag salute.

Mitchell Garner, Allen County Public Works Director, reported the lights in the building at the landfill where they part the equipment have all been converted to LED.

Mitch discussed dust control starting next week and into July. They are so far behind because they thought it was going to rain all weekend and it didn't rain. He reported the reclaimers down. They are waiting on parts, and then will be using on 4400 Road at Elsmore.

Mitch commented that Kansas Association of Counties (KAC) would not be offering Road Scholar training for the guys that he will not doing anything till after June 30 because COVID-19. Foley is offering training on graders for \$1,000 a day for two days; there will be one hour in the classroom, and the rest of two days are outside with Allen County machines on Allen County roads. They will show them how to properly grade the roads and fix the ditches with the blades. They can have up to six people so five blades and then the supervisor. Mitch discussed conditions of the graders; there is one that is falling apart.

Mitch reported they have taken some dirt over to Moran's ambulance site.

Terry Call, Allen County EMS Financial Director, reported on the new Ambulance stations. They are still working off the punch list in Humboldt; not completely done there. He explained in detail a few items they hope to have finished up this week. He discussed cabinets for both stations would be less than 700 for the laundry room cabinets; and then one for out in the bay, a locking cabinet for the supplies. They were in about 280 range, so it'd be two of those. Terry looked up pricing to see what the pricing is, like about \$700 for the cabinets probably around \$3,500. Chief Thyer had indicated there was a mini fridge, TV, standard microwave, things like that they can move over. Most of the other stuff is appliances and most stations, they will go to county.

Terry visited with the commission on boat rescue training. The Kansas Wildlife and Parks will not the training this year. K-State might be offering training they can schedule for some time into July. The fire chief, and his crew are going to pay for all the actual training. Discussion followed on needed equipment for the training.

Sherrie discussed an email from Phil Drescher, Bukaty Companies consultant, that reported Allen County's wellness provider, Interactive Heath, has gone bankrupt and so they're not doing our wellness program anymore. Phil wondered if Allen County wanted him to research other wellness vendors, or if we wanted to take a break for a little while. Sherrie will check with Phil to see if any employees are utilizing the coaching portion of the wellness.

Sherrie requested the commission update the Service to the Elderly Policy and Procedures. She explained Allen County was audited about a month ago and the only thing they wanted us to add some part about the bicycles, we don't transport bicycles. The wheelchair lifts, about whether or not a person could be secure if they were still allowed to ride or not. What we put in the policy was if their wheelchair cannot be secured that they are able to transport themselves from the wheelchair to a seat. It was also updated a little bit since Donald is driving. He wanted a full lunch hour and that in there as well. Commissioners asked if this would take care of the

audit issues. Yes, this would get us in compliance with the audit and everything else was good on the audit. Commissioner Daniels made a motion accepted the updates to the Service to the Elderly Policy and Procedures. Commissioner Symes seconded; motion passed 3-0-0.

Sherrie gave a short update on election items.

Chairman King commented on a highway patrol he had seen on West Virginia Road and discussion followed with Sheriff Murphy about drivers taking a short cut through Lone Elm into Anderson County.

Daniel Creitz, 31st Judicial Judge, and Dina Morrison, 31st Judicial Chief Court Clerk, discussed courts 2021 budget request; it is lower than 2020 budget. Dina stated Casa has asked for a 10% increase, and they were going to try with a 5% increase. Last year she asked for the transcripts to be bumped up because we don't have a resident court stenographer. She found that court wasn't using any more than they were when we had one, so she took that back out.

Judge Creitz discussed court staff working from home; we've had the sense we've had to do the things we needed to do for us. That money still spent for equipment, because we have stopped working at home. Several coworkers rotated. Dina stated most of the technology was in place for now, they had no technology in place in the district but the judges and clerks were the only ones able to work from home. So, between the state and the county they were able to obtain the county's equipment they needed. They have a really good system set up between our services in our district; they can rotate staff and everyone's able to work from home.

Judge Creitz's stated they are doing Zoom 2 right now but starting next week see for real. They left decisions to the 31 Chief Judges in the state; except for they have to still maintain physical distance. He has opened all 5 courts in the 31st Judicial District. He discussed the size of the courtrooms. Paul Zirjacks asked Judge Creitz about jury trials. Judge Creitz said it will be a while for those trials.

Lisse Regehr, Thrive Executive Director and Jonathan Goering, Thrive Economic Development Manager, joined the commission meeting. Lisse introduced the new economic development manager; wanted him to meet commissioners.

Lisse wanted to visit with the commission about the CDBG-CV grant and the processes since Thrive now the administrator. She presented a contract between Thrive and Allen County for the counselor and commission to review. One of the things she wanted to point out is Thrive changed the amount in the contract. Originally the contract for administration was higher but since the county didn't get more than \$132,000 Thrive lowered the price for administrating the grant. Counselor Johnson will review for week's commission meeting.

Lisse discussed some information on the CDBG-CV Grant; first is businesses, business owners and employees will need to submit an employee certification form to verify low to moderate income qualifications. 51% of employees must be low to moderate income in order for a business to qualify for funding, and the amount to report on the form is for the entire household income, not just an individual. This information that comes in to the administrators will be kept confidential, it's not available to the public, but it is a federal requirement. It's not something Thrive is asking for, it's not something the state was asking for, the federal requirements because these are federal dollars that the form was created by the feds and what we would like to do is, it needs to be available on the county's website. Lisse wanted to go over things that Thrive has learned the past week because things continue to change both on the federal level and what the state is learning from the feds. She wanted to go over that with everybody to make sure that the public is up to date as possible. Businesses must provide a list of their employees and whether they are full or part time status with their grant application when that application is due to include the number of surveys, as distributed and how much they received back. Further information was learned last week, and Thrive continues to learn more as the feds are still making changes and more last week as well. She said anyone who followed the Payment Protection Program (PPP), or

Economic Injury Disaster Loan (EIDL), know that under the CARE Act, they are still trying to figure some of this out and so inflammation is changing constantly. That's the same with the CDBG, this is new. And the way that they're doing it and Thrive still learning information. The State of Kansas Commerce Department will be putting out further information at the end of this week Thrive was asked, as the administrator to put in Sherrie's email yesterday to submit any questions they have that still need to be answer because all of the communities are asking a lot of questions because there's a lot of confusion about the process and who's available to apply for funds. The end of this week they will get more information so everything shared is predicated to change. What Thrive learned last week: businesses that received the Economic Injury Disaster Loan (EIDL) funds or any funding from USDA, As of March, 1st are ineligible for this grant. If they received EIDL funding, they cannot apply for this grant because the feds consider it a duplicate under the cares act and a second group was also taken out. Farmers are no longer eligible to receive CDBG grant funding because funding was made available under USDA, earlier farmers were included and then last week that changed. All the businesses that have been in operations by March 1st, is eligible. If they received PPP funding, as long as that same activity that was funded by the PPP is not being submitted as an invoice for this grant. Every business has to submit invoices for what they want covered, and if they received the PPP funding and if you're currently paying your payroll out of PPP, you can't put in an invoice for any of that payroll currently, you could put in an invoice for the payroll from March or April if you weren't using PPP to fund it then, or additional employees that weren't covered. Businesses can submit invoices for payroll after March 1st that was not covered by PDP and so everything starts March 1st to present day. Invoices must be submitted with their grant application to be eligible expenses for reimbursement include rent, utilities, equipment salaries inventories and other related expenses due to COVID-19 loan repayments remodels and construction are not eligible, future purchases, not eligible, it has to be things that happened between March 1st and when they submit their application. This is a one-time opportunity for business for funding so all the invoices, up to the maximum amount of the grant award need to be submitted. \$7,500 for small business which is six to 50 employees or \$3,000 for micro businesses which are one to five employees. Lisse wanted to remind everyone as well that the amounts distributed could be less than the max amount allowed per category depending on the need and the county and the amount of businesses applying so you guys have left that open in case. If so many people apply that commissioners decide to push that down a little bit to better distribute the funding to businesses. Lisse and commissioners also talked last week about re-doing the percentage with the communities; 55% from Iola, 30% from Humboldt and 15% from the other parts of the county and taking out the farmers. It's a guideline only.

Lisse discussed the current proposed timeline based on the information Thrive received from Commerce this week and continuing information from the feds by Friday. They would like to have the LMI (Low to Moderate Income) survey online on the county website by June 26th for businesses to print off. The Fed need proof that these employees are low to moderate income; then we would like to put out the full application. The proposed timeline (predicated on information coming out from the Commerce Department and Feds): July 6th – July 24th to receive grant applications and to present applications to commissioners on July 28th. Discussion followed on changing the date due back to Thrive so businesses could have money on hand earlier than later. Commissioners decided to have July 6th to July 17 with commissioners reviewing on July 21st.

Paul Zirjacks asked if Allen County had the money on hand. Lisse stated no, it is a drawdown, the money will never come to Thrive. The money will go straight to the county. What happens is the county will put in an invoice that states where all the funding is going and how that works and Thrive will create that for Sherrie, but the county always is in control of that money. The business has to have already incurred the expense that they're seeking reimbursement for, so the money actually would come from Topeka then.

Cindy Lane, Area Agency on Aging Director, discussed an overview of services AAA provides in Allen County. Meals are not the only thing they do, they also provide legal services, Medicare counseling, attendant care and other services to help people stay in the community. AAA

provides 63 Allen County citizens with frozen meals; they deliver 7 days at a time. Cindy requested \$15,726 for matching funds from Allen County. Commissioners will take her request under consideration.

Cindy reported she will be taking Farmers Market vouchers that AAA always provides for the elderly community. The vouchers are for \$30 to spend on fruits, vegetables, herbs and honey at Allen County's Farmers Market. They will be giving out in Allen County \$1,470. Cindy said the City of Lola will be doing a press release to notify seniors.

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, Lisse Regehr, Thrive Executive Director, Sherrie L. Riebel, Allen County Clerk and Robert Johnson, II, Allen County Counselor. The time is now 9:35 p.m. Commissioners reconvened at 9:45 p.m. No action was taken.

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, Lisse Regehr, Thrive Executive Director, Sherrie L. Riebel, Allen County Clerk and Robert Johnson, II, Allen County Counselor. The time is now 9:46 p.m. Commissioners reconvened at 9:56 p.m. No action was taken.

Commissioners reviewed Resolution 202009:

**RESOLUTION 202009
RESOLUTIONS FOR MEETING OF
COUNTY COMMISSION OF ALLEN COUNTY
ON JUNE 23, 2020**

WHEREAS, the County Commission (the "**Commission**") of Allen County Kansas (the "**County**") and the Board of Trustees of Allen County Regional Hospital (the "**ACRH Board**" and "**ACRH**" respectively) entered into a Lease Agreement, dated October 23, 2019 (the "**Lease**"), with St. Luke's Hospital of Allen County, Inc. d/b/a St. Luke's Allen County Regional Hospital ("**SLACRH**"), a Kansas charitable non-stock corporation formed by St. Luke's Health System, Inc. ("**SLHS**") for purposes of the Lease and operation of the hospital and other facilities using the assets so leased.

WHEREAS, the term of the Lease commences July 1, 2020 (the "**Lease Commencement Date**"), subject to the parties' successful closing of the contemplated Lease transaction prior to that date (the "**Closing**" and "**Closing Date**" respectively).

WHEREAS, in order to complete the Closing of the Lease transaction, the County and the ACRH Board must approve the updated schedules to the Lease (the "**Updated Schedules**") and agree to execute certain agreements ancillary to the Lease (collectively, the "**Ancillary Agreements**").

WHEREAS, counsel has presented to the Commission the Updated Schedules and the principal terms and conditions of the Ancillary Agreements and, following discussion of the same, the Commission has determined that they are in the best interest of County and now desire to authorize and approve them and the actions necessary for signing of the Ancillary Documents and for otherwise Closing the Lease transaction.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

RESOLVED, that the Commission hereby approves the Updated Schedules to the Lease as presented by counsel at this meeting of the Commission, including without limitation, Schedule III.F(6) setting forth the methodology the mutually agreed accounting firm will use following Closing to calculate the liquidity of SLACRH upon the Lease Commencement Date (the "**Statement of Liquidity**").

RESOLVED FURTHER, that the Commission hereby approves the following Ancillary Agreements on the terms and conditions presented by counsel at this meeting of the Commission:

- (1) The Services Agreement between Midwest Division-ACH, LLC or its affiliate ("**HCA**") and ACRH for HCA's furnishing of the services of Larry Peterson to ACRH for a short transition period anticipated to be one month to help the ACRH Board (a) wind up ACRH's operation of the hospital and related businesses and (b) transition from the board of an operating hospital and related businesses to the board of a landlord administering the Lease;

(2) The Transition Services Agreement between SLACRH and ACRH for: (a) SLACRH's furnishing of billing and collection services for ACRH's former home health and hospice lines of business; (b) SLACRH's provision of space and /or support services as needed by Larry Peterson in performing the services described in (1) above; (c) the parties' mutually agreed arrangement regarding email forwarding during a short transition period post-Closing; (d) specifying the parties' mutual agreement regarding certain matters such as (i) the handling and allocation of risk associated with various loans and grants that ACRH received in connection with COVID-19 and (ii) certain potential liabilities relating to pre-Closing operations that were identified in the course of the due diligence review completed by SLACRH prior to Closing; and (e) otherwise addressing certain other matters needing clarification or specific agreement for handling.

(3) The Medical Records Custody Agreement between SLACRH and ACRH establishing the terms for SLACRH's acceptance and custody of ACRH's medical records from pre-Closing operations.

(4) The Supplemental Tax Compliance Agreement among the County, ACRH, the Allen County Kansas Public Building Commission, and Security Bank of Kansas City to amend and supplement each Original Tax Agreement in connection with the Lease (and incorporated sublease) transaction to set forth certain representations, facts, expectations, terms, and conditions in order to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes and to account for a "remedial action" taken with respect to the Bonds.

RESOLVED FURTHER, that the Commission hereby authorizes, empowers and directs the Chairman of the Commission to: (a) approve the specific forms of the Updated Schedules and Ancillary Agreement; (b) make or approve any changes the Chairman determines, in his discretion, necessary or advisable, to the terms and conditions of the Updated Schedules and Ancillary Agreements just approved by the Commission and to execute and deliver the Updated Schedules and Ancillary Agreements on behalf of the County; and (c) approve, execute and deliver, on behalf of the County, any and all other agreements, certificates, exhibits, documents and instruments, and to take any and all other actions, which the Chairman determines, in his discretion, are necessary or advisable in connection with Closing of the Lease.

RESOLVED FURTHER, that the Commission hereby authorizes, empowers and directs the County Clerk to certify to third parties, the authenticity and continued validity of these resolutions of the Commission.

APPROVED BY THE GOVERNING BODY OF THE COUNTY OF ALLEN, KANSAS, this 23rd day of June, 2020.

Commissioner Daniels moved to adopt Resolution 202009. Commissioner Symes seconded; motion passed 3-0-0.

Commissioners approved the following documents:

- a) Clerks Vouchers – \$70,198.49
- b) Payroll – Process Service for May
- c) Abatements: RE Value 1205, \$254.86, Year 2019
TR Value 363, \$50.06, Year 2019

With no further business to come before the board, Commissioner Symes moved to adjourned, Commissioner Daniels seconded, and motion passed 3-0-0. Meeting was adjourned at 10:00 a.m. until June 30, 2020 at 8:30 a.m. in the Assembly Room of the courthouse.

William H. King, Chairperson

Jerry Daniels, Commissioner

Sherrie L. Riebel, Allen County Clerk

Bruce Symes, Commissioner