

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, APRIL 22, 2019**

The Board of County Commissioners met in regular session at 8:30 A.M. with Second District County Commissioner Thad G. Geiger, Chairman, calling the meeting to order. First District County Commissioner Timothy D. Collins, Third District County Commissioner Jerry P. McKernan and County Clerk Peggy Franken were present. County Attorney Charles D. Baskins was present for a portion of the meeting.

The Kansas Chief Reporter Paul Stewart, Susan Studer and Troy High School Seniors John Boyle and Owen Root observed the entire regular meeting. Paul Smith, Doyle Prawl, Dan Earl, Aging Administrator Peggy Wood, Noxious Weed Director Jim Norris, Custodian Richard Blanton, NEKES Office Manager Martha Smith and Road Office Manager Lindsay Norris were present for a portion of the meeting.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve the meeting agenda as amended to include discussion with Custodian Richard Blanton regarding courtyard steps and retaining wall repair. Motion carried.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve County Commission minutes of the April 15, 2019 regular meeting as written. Motion carried.

Fee report for the period of April 1-15, 2019 was presented to the Board for their review on behalf of the Sheriff.

Currently the Doniphan County Law Enforcement Center houses 10 local inmates.

Doyle Prawl asked the County Commissioners why a county employee, using a county motor grader, was grading roads within the city limits of Severance on Easter Sunday, April 21, 2019 at approximately 2:45 P.M. Mr. Prawl said damage was done to city streets and his potato crop by the grader operator. Dan Earl indicated at least 4” of top soil was removed along a 16” wide path. Mr. Prawl said it was a misuse of taxpayer’s funds, illegal use of county equipment and questioned who would be liable to pay for his loss of crop. Commissioner Collins said he was unaware the county was performing road maintenance in the city of Severance, which lies within the First Road District, but the grader operator and motor grader are both employed and housed within the Second Road District. Commissioner Geiger apologized to Mr. Prawl on behalf of the Board of County Commissioners, saying he had no knowledge of the situation and would investigate who gave authority for county equipment and employees to be maintaining streets within city limits.

Paul Smith brought the Board of County Commissioners several large rock stones placed on 215<sup>th</sup> while rocking the road the previous week. Mr. Smith expressed concerns with the three plus inch rock damaging tires. Commissioner Collins said large rock is being used to fill in soft spots within the First Road District, with the roadway then smoothed out and 1.5” rock applied after the roadway is built up. Commissioner Geiger agreed saying after the harsh winter, several soft spots developed on county roadways and the larger rock has been used to repair soft spots, then the road smoothed out and rocked with smaller road rock. Mr. Smith said he has driven roads throughout the county with maintenance issues being the same in all Road Districts. Large ruts still remain in the road after the road maintainer has gone over the roadway, no drainage ditches and lack of crown in the road, causing rock to be thrown in the grader ditch. Commissioner Geiger offered to drive the roads with Mr. Smith and address any concerns.

Paul Smith also asked about the posted speed limit on Last Chance Road, between Locust Street and 180<sup>th</sup> Spur Road, being 30 miles per hour. Commissioner Geiger said the City of Troy is responsible for posting the speed limit within the city limits. The County Commissioners posted Last Chance Road outside the city limits to 180<sup>th</sup> Spur Road 45 miles per hour out of concern for safety due to additional housing and businesses being built in the area. Commissioner Geiger will check the speed limit postings to insure they comply with previous action taken by the Board of County Commissioners.

Aging Administrator Peggy Wood presented the Board of County Commissioners with a bid from Davies Oil Co. for the purchase of four (4) Cooper brand tires for one of the Doniphan County Transportation vans in the amount of \$438.00 with \$70.00 rebate included. And two (2) Hankook brand tires for another van in the total amount of \$248.00. Administrator Wood stated she advertised for bids in The Kansas Chief, with Davies Oil Co. being the only bidder. Commissioner Collins made a motion, seconded by Commissioner McKernan, to accept the bid of Davies Oil Co. Motion carried.

Noxious Weed Director Jim Norris presented the Board with a quote from Kansasland Tire for the purchase of Goodyear tires in the amount of \$124.70 each, subject to a \$60.00 rebate. Director Norris requested permission to purchase tires from Kansasland Tire, with the Noxious Weed Department to set up a rotation schedule for mount and balance amongst county vendors. Commissioner McKernan made a motion, seconded by Commissioner Collins, to grant authority to Noxious Weed Director Norris to purchase Goodyear tires from Kansasland Tire and set up a rotation schedule with county vendors for mount and balance. Motion carried.

Emergency Management Coordinator/Zoning Administrator Julie Meng discussed a project by FEMA to update 1978 flood maps, which will include elevations.

Administrator Meng reviewed with the County Commissioners the intent of zoning in Doniphan County, which is to promote the health, safety, comfort and general welfare of the County and to preserve and protect property values throughout the zoning district jurisdiction of the County. She presented the Board of County Commissioners with the “Golden Rules” used for consideration of zoning changes. Also discussed was the procedure for requesting a zoning change, the role of the Doniphan County Planning Commission and the role the Board of County Commissioners.

The Board of County Commissioners will take up a request for zoning change, on behalf of Michael H. Foley, to establish a rock quarry and ag lime operation at 434 Monument Road, Wathena, Kansas, on Monday, April 29, 2019 at 9:00 A.M. Zoning Administrator Julie Meng advised the Doniphan County Planning Commission recommended the zoning change be approved by a vote of 3-2. A valid protest petition has been submitted by adjoining landowners to the Board of County Commissioners requesting the zoning change not be approved. Therefore, Mrs. Meng explained, pursuant to KSA 12-757, the Board of County Commissioners must have a unanimous vote to approve the zoning change request to allow the establishment of a rock quarry and ag lime operation at 434 Monument Road, Wathena, Kansas.

Custodian Richard Blanton appeared before the Board of County Commissioners to discuss removal of a maple tree south of the east courthouse parking lot. The Board suggested Mr. Blanton contact a forestry expert, through the Doniphan County Extension office, to determine the state of the tree before removal. If the tree is dead, the Board suggested Mr. Blanton seek bids for removal and trimming of other trees in the courtyard.

Custodian Blanton also presented the Board with a proposal from Henderson Masonry to repair the north lower steps and retaining wall along the courtyard, where the steps have settled and are no longer even. The Board requested Mr. Blanton obtain additional bids.

Road Office Manager Lindsay Norris informed the County Board of additional damage to Monument Road, in Section 5, Township 4, Range 22E, caused by Missouri River high water activity this spring. Bank stabilization material has dropped an additional foot, since the high water event began. The US Army Corp of Engineers has been contacted for an assessment. Doniphan County Road Department has placed safety barriers, flashing lights and cones to warn motorists, until such time as the US Army Corp of Engineers can determine permanent bank stabilization repair.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to approve unauthorized expenditures to Franken Auto Parts \$447.90 (3<sup>rd</sup> Road District) and Midway Ford \$1781.40 (1<sup>st</sup> Road District) for non-warranty repair to Western Star truck. Motion carried.

Commissioner Collins told the County Commission the First Road District will seek bids for the purchase of eight tires for the belly dump trailer from county vendors, obtain a price quote from Kansasland Tire for the purchase of four grader tires and seek bids for the purchase of two motor grader blades.

Commissioner Geiger made a motion, seconded by Commissioner McKernan, to approve repair work to the head gasket on the backhoe in the Second Road District, in an amount not to exceed \$3,200.00. Motion carried.

At 9:41 A.M. Commissioner McKernan made a motion to enter into executive session for the purpose of discussing confidential legal matters with counsel, with the meeting to be called back to order in the office of the County Commission at 9:56 A.M. Commissioner Collins seconded the motion. Motion carried. The County Attorney, County Clerk and Road Office Manager remained.

Commissioner Geiger asked County Attorney Charles Baskins the status of a resolution laying out and designating minimal maintenance roads, in order for the roadways to be posted. County Attorney Baskins said he would have the resolution for Board review and approval at their April 29, 2019 meeting.

Northeast Kansas Environmental Services Office Manager Martha Smith presented the Board of County Commissioners with the Doniphan County Solid Waste Management Plan 2018 annual report for their review and submission to the Kansas Department of Health and Environment. Mrs. Smith informed the County Commission she and County Clerk Peggy Franken are working out a date to hold a tire recycling collection this summer.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to approve advertising to fill a full-time vacancy for a motor grader operator/truck driver/laborer position in the First Road District. Motion carried.

At 10:13 A.M. the Board recessed for a break until 10:18 A.M. with the meeting to be called back to order in the office of the County Commission.

At 10:18 A.M. Commissioner Geiger made a motion, seconded by Commissioner Collins, to recess into executive session for the purpose of discussing confidential legal matters with counsel, with the meeting to be called back to order in the office of the County Commission at 10:28 A.M. Motion carried. The County Attorney and County Clerk remained.

At 10:28 A.M. Commissioner McKernan made a motion, seconded by Commissioner Geiger, to extend the executive session to continue discussion on confidential legal matters with counsel, with the meeting to be called back to order in the office of the County Commission at 10:33 A.M. Motion carried. The County Attorney and County Clerk remained.

There being no further business before the Board, Chairman Geiger adjourned the meeting at 10:35 A.M.

DATED THIS 22ND DAY OF APRIL 2019.

Attest: \_\_\_\_\_  
Peggy Franken, County Clerk

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Thad G. Geiger, Chairman