

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, APRIL 29, 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, County Attorney Charles Baskins and County Clerk Peggy Franken were present.

The Kansas Chief Reporter Paul Stewart, Susan Studer and Troy High School Senior Cale O'Connor observed the entire regular meeting. Paul Smith, Aging Administrator Peggy Wood, Zoning Administrator Julie Meng 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 executive session for non-elect personnel in the Road Department. Motion carried.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to approve County Commission minutes of the April 22, 2019 regular meeting as written. Motion carried.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve payroll and warrants for the period of April 30, 2019 as presented. Motion carried.

Currently the Doniphan County Law Enforcement Center houses 8 local inmates.

Paul Smith met with the Commissioners to discuss recent blading by County maintainers in front of his residence on 215<sup>th</sup> Road. Mr. Smith said the motor grader operator went down the road, but did not shape or create proper drainage. Commissioner Geiger asked Mr. Smith to give him and the Road Office exact road locations and he would view, agreeing if road maintenance is going to be done it should be done correctly.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to recess into executive session at 8:35 A.M. for the purpose of discussing with legal counsel matters relating to attorney-client privilege, with the meeting to be called back to order in the office of the County Commission at 8:45 A.M. Motion carried. The County Attorney, County Clerk and Zoning Administrator remained.

At 8:46 A.M. the Board of County Commissioners recessed and reconvened in the Doniphan County District Court Courtroom at 8:50 A.M.

At 9:00 A.M. public hearing was held for the purpose of considering amendment of zoning from A-1 to A-1 with Conditional Use on behalf of applicant Michael H. Foley to establish a rock quarry and Ag lime operation at 434 Monument Road, Wathena, Kansas. Zoning Administrator Julie Meng informed the Board of County Commissioners the Doniphan County Planning Commission recommended the zoning change be approved on a vote of 3-2 at their April 10, 2019 meeting. Attorney Bill McQuillan, speaking on behalf of applicant Michael H. Foley, presented the Board of County Commissioners information on the location and operations of the quarry, stating the quarry would operate five (5) days per week, Monday- Friday between the hours of 7:00 A.M. – 5:00 P.M. Attorney McQuillan further outlined zoning regulations and Kansas Statute governing change in zoning and operations of a quarry with the Board of County Commissioners. Applicant Michael H. Foley was present to answer any questions the Board of County Commissioners may have. Speaking in support of the zoning change were Mark Scholz and Jonathan Huss. Speaking in opposition of the change in zoning included property owners within 1,000 feet; Jeff Kempin, Irwin Boe, Justin Andra and Ron Erpelding. There being no further comment, Chairman Geiger closed the public hearing at 9:47 A.M.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to recess into executive session at 9:48 A.M. for the purpose of discussing with legal counsel matters relating to attorney-client privilege, with the meeting to be called back to order in the District Court Courtroom at 9:58 A.M. Motion carried. The County Attorney, County Clerk and Zoning Administrator remained.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to extend the executive session at 9:58 A.M. for the purpose of continuing discussion with legal counsel on attorney-client privilege, with the meeting to be called back to order in the District Court Courtroom at 10:08 A.M. Motion carried. The County Attorney, County Clerk and Zoning Administrator remained.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to extend the executive session at 10:08 A.M. for the purpose of continuing discussion with legal counsel on attorney-client privilege, with the meeting to be called back to order in the District Court Courtroom at 10:18 A.M. Motion carried. The County Attorney, County Clerk and Zoning Administrator remained.

County Attorney Charles D. Baskins clarified for the Board of County Commissioners K.S.A. 12-757 (f) (g) pertaining to zoning amendments for mining operations.

Chairman Geiger called for a vote of the Board of County Commissioners for request of zoning amendment on behalf of Michael H. Foley from A-1 to A-1 Conditional Use, for the establishment of a rock quarry and Ag lime operation, with the condition county roadways be maintained by Michael H. Foley 1,000 feet on each side of any entrance, for property located at 434 Monument Road, Wathena, Kansas. Commissioner Collins aye, Commission McKernan aye, Commissioner Geiger nay.

The Board of County Commissioners recessed at 10:25 A.M. and reconvened in the office of the County Commission at 10:30 A.M.

Aging Administrator Peggy Wood presented the Board of County Commissioners with the Doniphan County Public Transportation Participation Plan for their review. Following review, the Board of County Commissioners approved and executed the Doniphan County Public Transportation Participation Plan.

Aging Administrator Wood informed the County Board Elwood Leisure Hour Senior Citizens Center re-opened on April 24, 2019 with five to eight people eating at the Center per day.

Road Office Manager Lindsay Norris presented the Board with bids for the purchase of eight belly dump trailer tires for the First Road District. Bids were received from Consumer Oil & Propane \$335.54 each and Triple L Tire \$335.54 each. Commissioner Collins made a motion, seconded by Commissioner McKernan, to determine who the successful bidder was the last time bids were sought and accept the other vendors bid on a rotational basis. Motion carried.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to purchase two tires for the low boy trailer at the Second Road District from Deluxe Tire in the amount of \$308.00 each, as no local vendors bid. Motion carried.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to approve the following unapproved Road Department expenses: Praxair \$294.86 and Westfall GMC \$449.62. Motion carried.

Road Office Manager Lindsay Norris presented the Board with cost estimates to repair the clutch in the 2012 Freightliner at the Second Road District as follows:

Foley Equipment	\$4,500.00
Red Neck Diesel	\$2,100.00

Commissioner Collins made a motion, seconded by Commissioner McKernan, to accept the bid of Red Neck Diesel for repair of the 2012 Freightliner in the amount of \$2,100.00. Motion carried.

Commissioner Geiger made a motion, seconded by Commissioner McKernan, to purchase ten “gravel ends” road signs at a cost of \$39.50 each. Motion carried.

County Attorney Charles D. Baskins informed the County Commission he does not have a resolution pertaining to designation of minimal maintenance roads for their review due to seeking verification if any of the roadways are considered FAS (Federal Aid Routes). He will have a draft resolution prepared for the Boards review at their May 6, 2019 meeting.

At 10:50 A.M. Commissioner Collins made a motion, seconded by Commissioner McKernan, to enter into executive session for the purpose of discussing and protecting the interest of non-elect personnel in the Road Department, with the meeting to be called back to order at 11:05 A.M. in the office of the County Commission. Motion carried. The County Attorney, County Clerk and Road Office Manager remained.

At 11:05 A.M. Commissioner Collins made a motion, seconded by Commissioner McKernan, to extend the executive session for the purpose of continuing discussion and protecting the interest of non-elect personnel in the Road Department, with the meeting to be called back to order at 11:25 A.M. in the office of the County Commission. Motion carried. The County Attorney, County Clerk and Road Office Manager remained.

Commissioner Geiger notified the Board of County Commissioners of the termination of employment of Second District Road Employee Douglas Stewart effective April 26, 2019.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to accept the bid of Henderson Masonry to tear out and replace lower concrete steps, sides, railing, and approximately 8' of stone retaining wall on both sides of steps on the north side of the courtyard at a cost of \$16,850.00, with Doniphan County to provide a dump truck to haul off debris. Said cost to be paid from the New Sales Tax fund. Motion carried.

Correspondence was presented to the Board from Northeast Kansas Environmental Services regarding notice of property cleanup at 1224 Randolph Road, Wathena, Kansas.

Observer Susan Studer stated she wished the Board of County Commissioners would have sought bids to repair a section of the courtyard wall and steps, to determine if the bid amount was reasonable. In addition, Mrs. Studer hoped action taken by the Board of County Commissioners approving a zoning request for a rock quarry, with homes located in close proximity, doesn't send a negative message to potential home builders, as the loss of 5-7 new homes has a big impact on the County.

There being no further business before the Board, Chairman Geiger adjourned the meeting at 11:32 A.M.

DATED THIS 29TH DAY OF APRIL 2019.

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

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Thad G. Geiger, Chairman