

**UNOFFICIAL MINUTES  
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, MARCH 11, 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 and Susan Studer observed the entire regular meeting. Troy High School Senior Jacob Mott observed the meeting from 8:30 A.M. until 9:00 A.M. Elwood City Attorney Joel Euler was 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 the purpose of discussing legal matters relative to the Road Department with legal counsel. Motion carried.

Commissioner McKernan made a motion, seconded by Commissioner Geiger, to approve County Commission minutes of the March 4, 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 March 15, 2019 as presented. Motion carried.

Currently the Doniphan County Law Enforcement Center houses 13 local inmates.

First District Road Foreman Sean Price presented the Board of County Commissioners with local bids for the purchase of a tow rope to be used countywide and stored at the First District shop indoors:

- Highland Hardware                      \$720.84 (30' 150,000 test weight)
- Franken Auto Parts                      \$777.95 (40' 150,000 test weight)

Commissioner Collins made a motion to accept the bid of Highland Hardware for the purchase of a 30' 150,000 test weight tow rope in the amount of \$720.84. Commissioner McKernan seconded the motion. Motion carried.

The Board of County Commissioners reviewed the February 2019 departmental budget and expense report as presented by County Clerk Peggy Franken.

Discussion was held in regard to the upcoming sales tax renewal on the November 5, 2019 ballot with an effective date of October 1, 2020. County Clerk Peggy Franken presented the Board of County Commissioners with copies of Resolution 2014-05, a resolution submitting to the qualified electors of Doniphan County the proposition of continuing the one percent (1%) countywide sales tax. Clerk Franken also provided the Commission with the cities' distribution of the County's one percent (1%) sales tax based on population and valuation for the year 2018. Denton \$9,975.12, Elwood \$92,963.89, Highland \$67,706.81, Leona \$3,136.56, Severance \$5,516.09, Troy \$70,582.39, Wathena \$91,616.11 and White Cloud \$10,944.80. County Clerk Peggy Franken explained without the countywide sales tax, cities would need to increase property tax (which can only be done by election under the tax levy limit laws), increase utility costs or reduce services to make up for the loss of revenue. The Board of County Commissioners will hold future meetings with city representatives and hold a public meeting for county residents to discuss the sales tax initiative prior to the November 5, 2019 election.

Commissioners Collins and McKernan expressed a need to use proceeds from sales tax to make capital improvements to the road shops in the First and Third Districts in order to store road equipment out of the elements. The Board agreed to discuss in further detail at a future meeting.

At 9:05 A.M. Commissioner Geiger made a motion, seconded by Commissioner Collins, to recess into executive session for the purpose of discussing and protecting the interest of non-elect personnel within the Aging Department, with the meeting to be called back to order in the office of the County Commission at 9:15 A.M. Motion carried. The Aging Administrator, County Clerk and Elwood City Attorney remained.

The Board of County Commissioners, after review, executed the 2018 Noxious Weed Annual report and the 2019 Noxious Weed Management Plan. Chairman Geiger reminded the County Commission historically the Noxious Weed Department has employed a part-time assistant. The employment of a part-time assistant has been tabled until a determination is made on when or if to hire, by the Director.

At 9:17 A.M. the Board of County Commissioners recessed with the meeting called back to order at 9:22 A.M. in the office of the County Commission.

Road Office Manager Lindsay Norris informed the County Board 182,932 gallons of RS1H plus oil was used during the 2018 chip seal season on 30 miles of roadway. Commissioner Geiger made a motion, seconded by Commissioner Collins, to chip seal 30 miles of roadway in 2019; ten (10) miles in each Road District, with two (2) of those miles in each District oiled using 1HP, a higher grade polymer oil, in order to gauge the effectiveness on heavily traveled hard surfaced roadways. Motion carried.

Lindsay Norris, Road Office Manager, presented the Board with a request from the City of White Cloud, Kansas, to assist with street repair within the city limits. The Board of County Commissioners took no action pending review of streets by First District County Commissioner Collins.

Douglas County will host the 2019 Northeast Kansas County Highway Officials annual meeting.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve the following unauthorized expenditures within the Road Department: Franken Auto Parts \$807.00 (First District), Highland Hardware \$448.56 (First District), Holliday Sand & Gravel \$393.12 (First District), Holliday Sand & Gravel \$602.03 (Third District) and Big State Industrial Supply \$410.47 (amended invoice First District). Motion carried.

The Board was in agreement to bid up to \$1,500.00 to purchase a hot patch box distributor from Purplewave to be used to patch hard surfaced roadways.

Health Department/Home Health Administrator Sheryl Pierce presented the Board of County Commissioners with FY2020 Kansas Department of Health and Environment grant applications for Child Care Licensing Program, Immunization Action Plan, Maternal & Child Health, Public Health Emergency Preparedness and State Formula. Commissioner Collins made a motion to approve the grant application as presented. Commissioner McKernan seconded the motion. Motion carried.

Chairman Geiger asked Health Administrator Sheryl Pierce if Doniphan County Home Health provides services to adjoining counties and if so, how Doniphan County taxpayers are reimbursed for staff time, mileage, employee benefits and administrative services performed by the County Clerk and County Treasurer's offices. Mrs. Pierce said currently minimal services are performed in adjoining counties and no contracts have been entered into between Hiawatha Hospital or Northeast Kansas Health Department and Doniphan County. Services performed in other jurisdictions are an all-inclusive reimbursement through Medicare, deposited directly in the Health Department fund with no allocation to the County Clerk and Treasurer for human resources, payroll, accounts payable and accounts receivable services. County Clerk Peggy Franken asked why the Health Department/Home Health Agency submits the County Clerk and County Treasurer's salaries, along with employee benefits, as part of the Medicare audit annually. Administrator Pierce indicated salaries and benefits are included as Medicare reimbursable payments and deposited directly in the Health Department fund.

Sheryl Pierce, Health Department/Home Health Administrator, presented the Board with an unauthorized expense in the amount of \$350.00 for repair to the generator at the Health Department building and requested the expense be reimbursed to the Health Department from the Capital Improvement fund. County Clerk Peggy Franken said historically generator repair bills have been paid from the Health Department fund, as the Sheriff also pays generator repairs and maintenance out of the Sheriff's budget. The Board agreed to pay the bill from the Health Department and formulate a maintenance plan for all County generators.

Health Department/Home Health Administrator Sheryl Pierce presented the Board with a letter of retirement on behalf of part-time employee Audrey Boos effective June 28, 2019. Mrs. Pierce requested permission to fill the three day per week position with two PRN's on an as needed basis. No action was taken.

At 10:00 A.M. Commissioner Collins made a motion, seconded by Commissioner Geiger, to recess into executive session for the purpose of discussing and protecting the interest of non-elect personnel within the Health Department, with the meeting to be called back to order at 10:02 A.M. in the office of the County Commission. Motion carried. The County Attorney, County Clerk and Health Department/Home Health Administrator remained.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to hire Tonya Ewing as a PRN, on a part-time as needed basis not to exceed 20 hours per work week, for the Health Department/Home Health Agency, at a rate of \$25.00 per hour, effective March 29, 2019. Motion carried.

John E. Smith appeared before the Board of County Commissioners to discuss a motor vehicle accident involving him and his wife and a Doniphan County motor grader operated by Doug Stewart of the Second Road District on Keystone Road, February 27, 2019. Doniphan County's insurance company, KCAMP, has denied payment on the claim pursuant to K.S.A. 8-1531. Mr. Smith disagreed with the ruling due to an accident report not being completed by the Sheriff's Department at the time of the ruling. The County Clerk will follow up with KCAMP on the claim and report back to the Board of County Commissioners and Mr. Smith.

At 10:14 A.M. Commissioner McKernan made a motion, seconded by Commissioner Collins, to enter into executive session for the purpose of discussing legal matters involving the Road Department with legal counsel, with the meeting to be called back to order at 10:24 A.M. in the office of the County Commission. Motion carried. The County Attorney and County Clerk remained.

At 10:24 A.M. Commissioner McKernan made a motion, seconded by Commissioner Collins, to extend the executive session to continue discussion on legal matters involving the Road Department with legal counsel, with the meeting to be called back to order at 10:34 A.M. in the office of the County Commission. Motion carried. The County Attorney and County Clerk remained.

The Kansas Chief Reporter Paul Stewart asked if any action had been taken by the Board of County Commissioners on hiring and re-opening the Elwood Leisure Hour Senior Citizens Center. Chairman Geiger said no action has been taken. Reporter Stewart told the Commission he has been told the Board of County Commissioners are setting a bad example by letting the City of Elwood rule county business in regard to re-opening the Elwood Leisure Hour Senior Citizens Center. Chairman Geiger disagreed stating the County has a duty to work with all municipalities of the County.

Susan Studer, in public comment, said she thought the County should work towards entering into one maintenance contract for all generators owned by Doniphan County.

There being no further business before the Board, Chairman Geiger adjourned the meeting at 10:38 A.M.

DATED THIS 11TH DAY OF MARCH 2019.

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

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Thad G. Geiger, Chairman