

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, JUNE 14, 2021**

The Board of County Commissioners met in regular session in the office of the Doniphan County Commission, Troy, Kansas, at 8:30 A.M. with Second District County Commissioner Wayne Grable, Chairman, calling the meeting to order. First District County Commissioner Timothy D. Collins, Third District County Commissioner Bobby Hall, County Clerk Peggy Franken and County Attorney Charles D. Baskins present.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. Bryan Ptomey, Sheriff Chad Clary, Undersheriff Mark Allen, Road Office Manager Lindsay Norris, Center Township Trustee Michael Grable, Mercury Broadband Representatives Austin Adolphson and Matthew Sams, Economic Development Director Leah B. Johnson, Rainbow Communications Representative Angie Kreider, County Emergency Management/Zoning Coordinator Julie Meng, Aging Director Diana Crouse-Johnson and Doniphan County Conservation District Representatives Chris Griffin, Craig Johnson, Michelle Foos, Joan Nimtze and Tim Hegarty were present for a portion of the meeting.

Commissioner Hall made a motion to approve County Commission meeting agenda as amended to include executive sessions for legal matters with counsel and non-elect personnel. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Hall made a motion to approve County Commission meeting minutes of June 7, 2021 as written. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve payroll and warrants for the period of June 15, 2021 as presented. Commissioner Hall seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve abated taxes to the 2020 Doniphan County tax roll in the amount of \$253.37. Commissioner Hall seconded. Motion carried 3-0.

Currently the Jerry K. Dubach Doniphan County Law Enforcement Center houses 7 local inmates.

Bryan Ptomey met with the Board of County Commissioners to voice opposition to Doniphan County using its resources, including personnel, to assist with property cleanup on private property within the corporate city limits of Severance, Kansas, stating he felt it would set a precedence for future cleanup projects in other municipalities and on private property.

Undersheriff Mark Allen apprised the Board of County Commissioners on the purchase of Red Box recording server version v.5c from Northland Business Systems at a cost of \$14,585.00, with payment to be made from 911 Dispatch Capital Outlay fund. The new system will record all telephone calls and radio communications at the Jerry K. Dubach Doniphan County Law Enforcement Center.

Sheriff Chad Clary and Undersheriff Mark Allen were present to answer questions regarding project costs from INA Alert of Ellinwood, Kansas, to install new camera recording system and replace door locking system in the Jerry K. Dubach Doniphan County Law Enforcement Center. Sheriff Clary said the current system is 13 years old and outdated. INA Alert has prepared project costs based on State contract pricing as follows:

- LightCatcher Day/Night camera and recording device system  
\$56,499.34
- Linux based intelligent controller door locking system  
\$29,045.04
- Miscellaneous analytics, multisensory adaptor, software, hardware, licensing and programming \$11,618.76

Commissioner Hall made a motion to upgrade camera recording system and door locking system in the Jerry K. Dubach Doniphan County Law Enforcement Center by INA Alert for a total cost of \$97,163.14 with the expense to be paid from the New Sales Tax fund.

Commissioner Collins seconded. Motion carried 3-0.

Road Office Manager Lindsay Norris presented the County Commission with Road and Bridge expenses through May 2021 for their review, along with rock reports.

A final invoice was presented from Herzog Contracting Corporation for 2” asphalt overlay on 1.60 miles of 170<sup>th</sup> Road, including striping and shoulder rock in the amount of \$206,368.00, with payment to be made from Road and Bridge Chip Seal budgeted line item.

Lindsay Norris, Road Office Manager, told the County Commission according to the Manual on Uniform Traffic Control Devices (MUTCD), issued by the Federal Highway Administration, construction workers in highway/road construction are required to wear high-visibility safety apparel that meets the Performance Class 2 or 3 requirement of the American National Standard for High-Visibility Safety Apparel and Headwear. Subsequently, Occupational Safety and Health (OSHA) also requires the wearing of Class 2 or 3 high-visibility safety apparel. Norris said she has ordered safety shirts for employees of the Road Department, however larger sizes had to be re-ordered and should be in within a couple of days. Commissioner Hall said he was called by an employee of the Road Department who told him he was not wearing the safety shirt. Commissioner Hall said if employees do not wear the required shirts, they will be sent home. Commissioner Grable asked about wearing high-visibility safety vests. It was agreed Class 2 or 3 high-visibility safety vests or shirts are required to be worn by employees of the Road Department at all times while outside of vehicles and equipment, otherwise the employee will be sent home.

Request and Petition was presented to the County Commission on behalf of Rainbow Communications for buried fiber optic telecommunications cable to be bore in County rights-of-way along 190<sup>th</sup> Road in Section 18 Township 3 Range 21E; Larkinburg Road in Section 24 Township 3 Range 20E; 180<sup>th</sup> Road in Section 25 Township 3 Range 20E; 180<sup>th</sup> Road to Kansas Highway 7 Section 26 Township 3 Range 20E. Commissioner Grable made a motion to approve Request and Petition for buried fiber optic telecommunications cable on behalf of Rainbow Communications as presented. Commissioner Collins seconded. Motion carried 3-0.

Chris Griffin, District Manager for Natural Resources Conservation Services Office, along with District Conservationist Michelle Foos and Board Members Craig Johnson, Joan Nimitz and Tim Hegarty met with the Board of County Commissioners to give an overview of services provided by the NRCS Office and submit 2022 budget request in the amount of \$35,000.00. Currently Doniphan County appropriates \$33,000.00 to the Natural Resources Conservation Services Office. Commissioner Grable explained the procedure for exceeding Doniphan County's Revenue Neutral Rate according to Senate Bill 13 as it relates to the 2022 budget. The Board of County Commissioners took no action pending preparation of the 2022 Doniphan County budget.

At 9:28 A.M. the Board of County Commissioners recessed for a break with the meeting being called back to order at 9:30 A.M. in the office of the Doniphan County Commission.

At 9:31 A.M. Commissioner Grable made a motion to recess 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 in the office of the Doniphan County Commission at 9:41 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney, County Clerk and Center Township Trustee remained.

Austin Adolphson and Matthew Sams, Representatives of Mercury Broadband, said high speed internet service provided by their company is now available in Doniphan County. Mercury Broadband leases tower space on two sites in Troy, Kansas and one in Highland, Kansas to provide wireless broadband service, according to Mr. Adolphson. Economic Development Director Leah B. Johnson asked about the likelihood of the Company expanding service in Doniphan County. Mr. Sams said he could not speak to expansion until they establish a customer base and evaluate opportunities for servicing the underserved population of Doniphan County. Mercury Broadband's home office is in Fort Wayne, Indiana with offices located in Topeka, Kansas and Kansas City, Missouri. Persons interested in Mercury Broadband service are encouraged to apply at [www.MercuryBroadband.com](http://www.MercuryBroadband.com) to have a site survey performed to determine coverage options.

County Clerk Peggy Franken informed the County Commission of Sales Tax receipts in the amount of \$34,309.39.

Clerk Franken also gave the County Commission guidelines issued by the Department of Treasury, as of June 8, 2021, for allowable uses of American Rescue Plan Funds. Doniphan County received their first allocation of funds in the amount of \$738,105.50; with a second distribution to be made May 2022 in the amount of \$738,105.50. Recipients are required to submit an interim report, quarterly project and expenditure reports and annual recovery plan performance reports to the Department of Treasury. Designation of funds must be done by December 31, 2024 with project completion date of December 31, 2026.

County Clerk Peggy Franken told the County Commission RenoDry USA will begin work to mitigate rising damp from the courthouse on June 15, 2021. Commissioner Grable made a motion to authorize Doniphan County Clerk Peggy Franken to execute agreement between Doniphan County, Kansas and RenoDry USA on behalf of the Board of County Commissioners. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Grable made a motion to execute agreement between Doniphan County, Kansas, and Access Elevator & Lifts, Inc. for purchase and installation of Garaventa Opal Vertical Platform Lift GVLOP-42 at a cost of \$18,250.00 and authorize down payment in the amount of \$12,775.00, with payment to be made from New Sales Tax fund. Commissioner Hall seconded. Motion carried 3-0.

Emergency Management Coordinator Julie Meng informed the County Commission the State of Kansas Disaster Declaration relating to COVID-19 will expire June 15, 2021. She recommended the Board of County Commissioners take no action on rescinding Doniphan County's Emergency Disaster Declaration at this time in order to protect Emergency Services and Health Department personnel from tort liability claims.

Aging Director Diana Johnson reviewed bids for miscellaneous repairs at Highland Senior Citizens Center with the Board of County Commissioners.

Little Man Construction	\$4,170.93
	\$6,370.93 (replacement of guttering with new)
	\$ -100.00 (less if furniture moved by County)
Travis Meyers Overhead Door, LLC	\$4,196.98 (no guttering work to be completed)

Commissioner Collins made a motion to accept the bid of Little Man Construction in the amount of \$4,170.93 with guttering to be relocated outside of roof line. Board to re-evaluate if new guttering needed. Commissioner Hall seconded. Motion carried 3-0.

At 10:05 A.M. Commissioner Collins made a motion to recess into executive session for the purpose of discussing confidential data related to trade secrets, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:20 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney, County Clerk, Economic Development Director and Rainbow Communications Representative remained.

At 10:20 A.M. Commissioner Collins made a motion to extend executive session for the purpose of continuing discussion of confidential data related to trade secrets, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:35 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney, County Clerk, Economic Development Director and Rainbow Communications Representative remained.

At 10:43 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing confidential data related to economic development which is sensitive in nature, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:53 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney, County Clerk and Economic Development Director remained.

Commissioner Grable informed the County Commission the 2005 Mack dump truck (#84) is having mechanical issues and will be taken in for diagnostic testing.

Commissioner Grable asked Road Office Manager Lindsay Norris to contact Herzog Contracting Corporation for proposal to apply 2" asphalt overlay on 190<sup>th</sup> Road from Peck Road to Saratoga Road in the unincorporated area of Blair, Kansas. Said proposal shall include shoulder work, recommendation on ditching north side of 190<sup>th</sup> road and completion timeline.

At 11:09 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing legal matters of attorney-client privilege with legal counsel, with the meeting to be called back to order in the office of the Doniphan County Commission at 11:39 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

At 11:39 A.M. Commissioner Collins made a motion to recess into executive session for the purpose of discussing legal matters of attorney-client privilege with legal counsel, with the meeting to be called back to order in the office of the Doniphan County Commission at 11:44 A.M. Commissioner Grable seconded. Motion carried 3-0. County Attorney and County Clerk remained.

There being no further business before the Board, Commissioner Grable made a motion to adjourn the meeting at 11:47 A.M. Commissioner Hall seconded. Motion carried 3-0.

DATED THIS 14TH DAY OF JUNE 2021.

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

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Wayne Grable, Chairman