

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, JUNE 7, 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. Trina Earl with Doniphan County Pet Rescue, Economic Development Director Leah B. Johnson, Road Office Manager Lindsay Norris, Sheriff Chad Clary, Preston Duncan, Emergency Management/Zoning Coordinator Julie Meng, Aging Director Diana Crouse-Johnson, Interim Aging Director Joi Davies, Charles “Ken” Huss, Jeni Huss, Paul Greeley with Selective Site Services, Brian Libel, Mary Winder, Lester Winder, Iamara Cabana, Mindy Masters, Dick Masters, and Gary Davies were present for a portion of the meeting.

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

Commissioner Hall made a motion to approve County Commission meeting minutes of May 24, 2021 as written. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve warrants for the period of May 28, 2021 as presented. Commissioner Hall seconded. Motion carried 3-0.

Fee reports for the month of May 2021 were presented to the Board on behalf of the County Clerk, Register of Deeds and Sheriff for the Board’s review.

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

Trina Earl, Doniphan County Pet Rescue Director, requested chat from Doniphan County to be used in the kennel area of the rescue. Commissioner Hall made a motion to donate and haul a load of chat to Doniphan County Pet Rescue. Commissioner Collins seconded. Motion carried 3-0.

At 8:36 A.M. Commissioner Grable 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 8:46 A.M. Commissioner Collins seconded. Motion carried 3-0. County Clerk and Economic Development Director remained.

Economic Development Director Leah B. Johnson invited the County Commissioners to the Chamber of Commerce annual business appreciation breakfast to be held June 17, 2021 at the Highland Community College Walters Wellness Center.

Sheriff Chad Clary presented the County Commission with a project costs from INA Alert of Ellinwood, Kansas, to install a new camera recording system and replace the door locking system at the Jerry K. Dubach Doniphan County Law Enforcement Center. Sheriff Clary stated the current system is 13 years old and outdated. INA Alert has prepared the project cost 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

The Board of County Commissioners took no action pending review of the proposal as presented.

Sheriff Clary informed the County Commission he is in discussion with Kansas Public Employees Retirement System (KPERs) regarding changing the Sheriff's Department to KP&F (Kansas Police and Fire) retirement system. He will present a proposal to the County Commission once all information is obtained.

Commissioner Hall asked Sheriff Chad Clary for radar patrol along 170th Road in Wathena, Kansas.

Road Office Manager Lindsay Norris presented the County Commission updated rock fund balances as of May 31, 2021.

The Board of County Commissioners executed Dust Control Agreement between landowner and Doniphan County for 2176 200th Road, Wathena, Kansas.

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 190th Road in Section 18 Township 3 Range 21E; Larkinburg Road in Section 24 Township 3 Range 20E; 180th Road in Section 25 Township 3 Range 20E; 180th Road to Kansas Highway 7 Section 26 Township 3 Range 20E. The Board of County Commissioners took no action pending review of roadways and maps.

Road Office Manager Lindsay Norris informed the County Board engineers with Schwab-Eaton, PA are formulating a repair plan for concrete box culvert located on Coronado Road in Sections 22-23 Township 2 Range 19E.

County Appraiser Danielle Kiefer presented the County Commission with letter of retirement on behalf of Brian Maupin, Deputy Appraiser, effective July 20, 2021. The Board of County Commissioners accepted with regret and approved advertising to fill the vacancy.

Commissioner Grable made a motion to adopt Doniphan County Resolution 2021-06, a Resolution of the Board of County Commissioners of Doniphan County, Kansas, appointing Danielle Kiefer as Doniphan County Appraiser pursuant to the provisions of KSA 19-430 and setting the salary of the County Appraiser pursuant to KSA 19-434. Commissioner Hall seconded. Commissioner Collins No. Motion passed 2-1.

Commissioner Hall made a motion to accept proposal from RenoDry USA of Overland Park, Kansas, to mitigate moisture and salt content, also known as Rising Damp, from courthouse walls in the amount of \$9,740.00 with two free follow up services; one and three years after installation to take comparative wall moisture measurements. Payment to be made from New Sales Tax fund as capital improvement to courthouse. Commissioner Collins seconded. Motion carried 3-0.

County Clerk Peggy Franken presented the County Commission with departmental budget and cash summary report as of May 2021 for their review.

At 9:08 A.M. Commissioner Grable made a motion 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 Doniphan County Commission at 9:18 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney and County Clerk remained.

At 9:30 A.M. public hearing was held for consideration of zoning changes (Hearing 1) from R-O Outer Residential to R-O Outer Residential with Conditional Use on property owned by Charles "Ken" Huss for property located at 518 N Centre Street, Troy, Kansas, for location of 245' Verizon Wireless communications tower. And (Hearing 2) Euler Farms LLC from A-1 Agriculture to A-1 Agriculture with Conditional Use for the purpose of erecting 150' Verizon Wireless communications tower on property located at 1141 Tioga Road, Wathena, Kansas. Present in addition to the County Commission, County Clerk, County Attorney and Zoning Coordinator were Charles "Ken" Huss, Jeni Huss, Selective Site Services Representative Paul Greeley, Brian Libel, Mary Winder, Lester Winder, Iamara Cabana, Mindy Masters, Dick Masters, Gary Davies and Joi Davies.

Hearing 1: Zoning Coordinator Julie Meng informed the Board of County Commissioners the Doniphan County Regional Planning Commission held an original hearing on March 10, 2021 and a second hearing for reconsideration on May 12, 2021 recommending conditional use permit be approved for construction of 245' Verizon Wireless tower on property located at 510 N Centre Street, Troy, Kansas, owned by Charles "Ken" Huss. County Clerk Peggy Franken presented the County Commission with a petition in opposition of zoning change filed on behalf of 13 adjoining property owners pursuant to KSA 12-757(f)(1). Paul Greeley, Selective Site Services Representative, speaking in favor of the zoning change stated after studying the site and gaps in service coverage, Verizon proposes to lower the Troy tower from 245' to 190' monopole type structure with no lights. He said there are no health effects caused by telecommunications towers within a distance of up to 200' from the tower site and there are Kansas statutory regulations on telecommunications and cellular towers. Also speaking in favor of the proposed zoning change was property owner Charles "Ken" Huss. Speaking in opposition of the zoning change due to location were adjoining property owners Iamara Cabana, Joi Davies, Mary Winder, Lester Winder, Dick Masters and Mindy Masters. Chairman Grable closed Hearing 1 calling for a vote of the Board of County Commissioners. Commissioner Grable made a motion to accept the recommendation of the Doniphan County Regional Planning Commission and approve change in zoning from R-O Outer Residential to R-O Outer Residential Conditional Use for the purpose of erecting 190' Verizon Wireless telecommunications tower on property owned by Charles "Ken" Huss located at 518 N Centre Street, Troy, Kansas. Commissioners Hall and Collins No. Motion failed 1-2.

Commissioner Hall made a motion to deny zoning change from R-O Outer Residential to R-O Outer Residential Conditional Use for the purpose of erecting 190' Verizon Wireless telecommunications tower on property owned by Charles "Ken" Huss located at 518 N Centre Street, Troy, Kansas. Commissioner Collins seconded. Commissioner Grable No. Motion passed 2-1.

Hearing 2: Zoning Coordinator Julie Meng stated the Doniphan County Regional Planning Commission met May 12, 2021 and recommended change in zoning from A-1 Agriculture to A-1 Conditional Use for the purpose of erecting 150' Verizon Wireless telecommunications tower on property located at 1141 Tioga Road, owned by Euler Farms LLC. County Clerk Peggy Franken presented the County Commission with a petition in opposition of zoning change filed on behalf of 8 adjoining property owners pursuant to KSA 12-757(f)(1). Paul Greeley, Selective Site Services Representative, said Verizon Wireless proposes to erect a 150' monopole telecommunications cellular tower and provide landscaping to block the base of the tower from neighbors. He further stated the benefits of cellular service outweighs negative impact on neighbors and appreciates the Board of County Commissioners consideration on approval of the zoning change as requested. Speaking in opposition of zoning change was Brian Libel, adjoining landowner, based on location. Chairman Grable closed Hearing 2 calling for a vote of the Board of County Commissioners. Commissioner Grable made a motion to accept the recommendation of the Doniphan County Regional Planning Commission and approve change in zoning from A-1 Agriculture to A-1 Conditional Use for the purpose of erecting 150' Verizon Wireless telecommunications tower on property owned by Euler Farms, LLC located at 1141 Tioga Road, Wathena, Kansas. Commissioners Hall and Collins No. Motion failed 1-2.

Commissioner Hall made a motion to deny change in zoning from A-1 Agriculture to A-1 Conditional Use for the purpose of erecting 150' Verizon Wireless telecommunications tower on property owned by Euler Farms, LLC located at 1141 Tioga Road, Wathena, Kansas. Commissioner Collins seconded. Commissioner Grable No. Motion passed 2-1.

Emergency Management Coordinator Julie Meng presented the County Commission with bids for replacement of ADA accessible lift on the south side of the Doniphan County Courthouse as follows:

KC Lift & Elevator	\$16,775.00
Access Elevator & Lifts, LLC	\$18,250.00

Meng recommended the County Commission accept the best bid of Access Elevator & Lifts, LLC based on servicing current lift, material of proposed lift and commercial experience. Commissioner Grable made a motion to accept the best bid of Access Elevator & Lifts, LLC for replacement of ADA accessible lift on south side of courthouse in the amount of \$18,250.00 with payment to be made from New Sales Tax fund as capital improvement to courthouse. Commissioner Collins seconded. Motion carried 3-0.

At 10:55 A.M. the Board of County Commissioners recessed for a break with the meeting being called back to order in the office of the Doniphan County Commission at 11:00 A.M.

Bid letting was held for miscellaneous repairs at Highland Senior Citizens Center. Two bids were presented, opened and read aloud as follows:

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

The Board of County Commissioners took no action pending clarification of bid amounts and further detail on work to be performed.

At 11:09 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 Aging Department, with the meeting to be called back to order in the office of the Doniphan County Commission at 11:14 A.M. Commissioner Collins seconded. Motion carried 3-0. County Attorney, County Clerk and Interim Aging Director remained.

County Clerk Peggy Franken presented the County Commission with 2022 department budget requests along with June 15, 2021 assessed valuation totaling 151,530,949 and Revenue Neutral Rate of 37.759 mills pursuant to Senate Bill 13.

Clerk Franken also announced current unemployment numbers, stating as of April 2021 the State of Kansas unemployment rate was 3.5% with Doniphan County's rate at 2.7%.

At 11:20 A.M. Commissioner Grable made a motion 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 Doniphan County Commission at 11:30 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

At 11:30 A.M. Commissioner Grable made a motion to extend executive session for the purpose of continuing discussion of confidential legal matters with counsel, with the meeting to be called back to order in the office of the Doniphan County Commission at 11:40 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

Commissioner Grable informed the County Commission he will draft bid specifications and set up construction site visit for replacement of road tube located on 140th Road in Sections 10 and 15 Township 4 Range 21E.

There being no further business before the Board, Commissioner Hall made a motion to adjourn the meeting at 11:51 A.M. Commissioner Grable seconded. Motion carried 3-0.

DATED THIS 7TH DAY OF JUNE 2021.

Attest: _____
Peggy Franken, County Clerk

Wayne Grable, Chairman