

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, AUGUST 15, 2022

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 and County Clerk Peggy Franken present. County Attorney Charles D. Baskins was present for a portion of the meeting.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. C.B. Lackey, Aging Director Diana Crouse-Johnson, Road Office Manager Lindsay Norris, Emergency Management Coordinator/Zoning Administrator Julie Meng, Economic Development Director Leah B. Johnson, TECH's Inc. Representatives Brent Teter, Jay Watkins, Con Olson, Doniphan County EMS Committee Members Micheal Brissett, Ken Stewart and Eric Tracy and Noxious Weed Director Jim Norris via teleconference were present for a portion of the meeting.

Commissioner Hall made a motion to approve County Commission meeting agenda as amended to include update on statewide recount of Constitutional Amendment referendum by County Clerk/Election Officer Peggy Franken and discussion on clearing brush along Elgin Road. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Collins made a motion to approve County Commission minutes of August 8, 2022 regular meeting as written. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Collins made a motion to approve payroll and warrants for the period of August 15, 2022 as presented. Commissioner Hall seconded the motion. Motion carried 3-0.

Currently the Jerry K. Dubach Doniphan County Law Enforcement Center houses 6 local inmates.

Aging Director Diana Crouse-Johnson presented the County Commission with bids for repair of 31' of 4" pvc sewer line at Highland Senior Citizens Center located at 102 N Kirkwood Street, Highland, Kansas. Bid specifications are as follows: replacing 31' of broken 4" sewer line from sewer main to existing sewer cleanout. Restore 27' x 6' asphalt pavement area with 6" concrete and seed disturbed grass areas. Proof of liability insurance coverage required before commencement of project.

Kyle Heinrich	\$12,440.00
M-Con	\$15,000.00

Commissioner Collins made a motion to accept the low bid of Kyle Heinrich for sewer line repair at Highland Senior Citizens Center. Commissioner Hall seconded the motion. Motion carried 3-0.

County Clerk/Election Officer Peggy Franken told the County Commission she was notified by the Kansas Secretary of State's office on Friday, August 12, 2022 at 8:00 P.M. a recount had officially been requested for the constitutional amendment question placed on the August 2, 2022 primary election ballot. The recount procedure must be completed by 5:00 PM

Wednesday, August 17, 2022. Clerk Franken has tentatively compiled a counting board who will convene at 9:00 A.M. Tuesday, August 16, 2022 to manually count each ballot cast. The County Commission, acting as the Board of County Canvassers, would then meet on Wednesday, August 17, 2022 at 8:30 A.M. to canvass the result of the hand recount. However, as of meeting time sufficient bond has not been posted by the person making the recount request. The Kansas Secretary of State's office will notify County Election Officers by 5:00 P.M. on Monday, August 15, 2022 of the recount status. That being said, the Board of County Commissioners may have need to call a special meeting to serve as the Board of County Canvassers on Wednesday, August 17, 2022 at 8:30 A.M. to canvass returns of the statewide constitutional amendment recount.

Commissioner Collins made a motion to accept Smith Plumbing cost estimate in the amount of \$2,000.00 to install gutter guards on Doniphan County annex building, currently housing Doniphan County Extension Office, with payment to be made from County General fund. Commissioner Hall seconded the motion. Motion carried 3-0.

Marshall County, Kansas, will host the Northeast Kansas County Officials meeting September 23, 2022.

The Board of County Commissioners were in receipt of correspondence from Kansas Department of Revenue regarding County Appraiser Danielle Kiefer's statistical performance compliance with 2021 Real Estate Appraisal/Sales Ratio Study pursuant to requirements of K.S.A 79-1489.

Commissioner Grable presented the County Commission with a United States Flag given to the family of Richard "Dick" Stahl, former owner of The Kansas Chief newspaper and community leader, at his funeral service by the Military Honor Guard. The Stahl family gave the flag to Doniphan County to be flown in the courtyard in honor of Mr. Stahl until it is worn and then properly destroyed. Following the County Commission meeting the Board of County Commissioners will hang the flag on the large courtyard flag pole.

The Board of County Commissioners received a thank you note from the SLK (Seekers of Light and Knowledge) thanking the Board of County Commissioners for agreeing to relocate historic records to the Economic Development vault; a climate controlled area in the Doniphan County Courthouse.

Commissioner Grable told the County Commission the 2021 skid steer has been taken to Foley Equipment for front roller leak repair, warranty will be viewed to determine if repairs are covered.

Commissioner Grable asked Road Office Manager Lindsay Norris if she has been in contact with Centurylink regarding unburied cable running along county roadways. Norris said she has reached out to Centurylink, she asked for specific locations so she can relay to Centurylink representatives.

Commissioner Grable also said he was contacted about pedestrians exercising and walking along county roadways in the evening before dark, when it is difficult to see. Out of concern he stressed safety precautions be taken. Road Office Manager Lindsay Norris suggested erecting safety warning signs.

Commissioner Hall made a motion to enter into agreement with Kansas Department of Transportation, Bureau of Local Projects, to exchange 2022 Federal Funds to State Funds at a rate of \$0.90 State Funds per \$1.00 Federal Funds for a total exchange of \$69,782.48. Commissioner Collins seconded the motion. Motion carried 3-0.

A proposal from Chris Adelman, Husker Steel, for repair of box culvert on 175th Road in Section 30 Township 3 Range 22E east of Randolph Road, was presented to the County Commission for their review. The Board of County Commissioners were in agreement to obtain a cost estimate for repair of box culvert on 175th Road and request Mr. Adelman also view concrete box culvert on Coronado Road in Sections 22 and 23 Township 2 Range 19E, making recommendation and giving cost estimate for repair.

Road Office Manager Lindsay Norris presented the County Commission with correspondence from Schwab-Eaton, PA regarding Kansas Department of Transportation Local Bridge Improvement and Off-System Bridge programs.

Commissioner Collins made a motion to approve Road Department expenditures as presented: Berry Tractor \$3,785.47 air ride seat for #81 loader; \$4,501.70 for 116 road signs and solar flashers; Schwab-Eaton, PA bridge repair review \$1,334.50 and \$3,025.00 sign post purchase. Commissioner Hall seconded the motion. Motion carried 3-0.

Zoning Administrator Julie Meng presented the County Commission with recommended approval on behalf of the Doniphan County Regional Planning Commission for change in zoning from A-1 Agriculture to A-1 Conditional Use for Doniphan County Pet Rescue to operate a pet rescue center on property located at 887 Friendship Road, Bendena, Kansas. After review, Commissioner Hall made a motion to accept the recommendation of the Doniphan County Regional Planning Commission and approve zoning change from A-1 Agriculture to A-1 Conditional Use for Doniphan County Pet Rescue for operations of pet rescue center on property located at 887 Friendship Road, Bendena, Kansas. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to participate in the Regional Hazard Mitigation Plan, as presented by Emergency Management Coordinator Julie Meng. Commissioner Collins seconded the motion. Motion carried 3-0.

At 9:28 A.M. the Board of County Commissioners recessed for a break until 9:33 A.M.

TECH's Inc. Representatives Brent Teter, Jay Watkins and Con Olson, along with Doniphan County EMS Committee Members Micheal Brissett, Ken Stewart and Eric Tracy and Emergency Management Coordinator Julie Meng met with the Board of County Commissioners to review and discuss ambulance service contractual agreement between Doniphan County, Kansas and TECH's Inc. doing business as Doniphan County EMS. County Attorney Charles Baskins reviewed the contractual agreement and gave the Board of County Commissioners an overview. Commissioner Hall asked about duplication of services whereas Buchanan County currently services the Elwood, Kansas region. Mr. Teter said there would be no issues, Buchanan County EMS would be dispatched first followed by Doniphan County EMS. Commissioner Grable asked about amending the contractual agreement making a provision for Buchanan County EMS to continue servicing the Elwood area. Jay

Watkins said an amendment is not necessary, Doniphan County EMS would develop a mutual aid agreement with Buchanan County EMS. Brent Teter said ambulances would be located in Highland and Troy. Primary goals of Doniphan County EMS in order to begin countywide EMS service January 1, 2023 are to 1) contact current local personnel, 2) help bridge gap in coverage of Fire District No. 2 from September until December 31, 2022, and 3) work with Fire District No. 2 and the City of Troy, Kansas on busses and buildings.

At 9:45 A.M. Commissioner Hall made a motion to recess into executive session for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts and individual proprietorships, with the meeting to be called back to order in the office of the Doniphan County Commission at 9:50 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk, TECH's Inc. Representatives and Emergency Management Coordinator Julie Meng remained.

Commissioner Grable made a motion to enter into five (5) year contract with TECH's Inc., doing business as Doniphan County EMS, to provide ambulance service with two fully staffed licensed ambulances with ALS (Advance Life Support) on both units to the entire area of Doniphan County, Kansas. Doniphan County EMS shall be allowed to respond to outlying areas when so called upon to do so. One unit will be stationed in Troy and the second unit stationed in Highland. The contract shall take effect commencing at 12:01 A.M. on the 1st day of January 2023 and ending 11:59 P.M. on the 31st day of December 2027. Any extension to the terms of the contract will be negotiated by both parties hereto at least two months before the expiration of this contract and such extension reduced to writing. The County, in recognition of the need to provide responsible ambulance service for the residents of Doniphan County, Kansas, will appropriate funds annually in the amount of \$1,089,713.00, payable in twelve equal monthly installments of \$90,809.41. The monies paid by the County shall constitute complete and full payment by the County for the services specified. The County shall not be responsible for additional charges related to the acquisition or operation of facilities, equipment or personnel. Both parties agree that sixty (60) days prior to the end of each calendar period of this contract the parties may renegotiate a different payment amount under the terms of this contract, which amount may be either increased or decreased depending upon the circumstances then existing. Commissioner Collins seconded the motion. Motion carried 3-0.

The Board of County Commissioners thanked the EMS Committee for their hard work and effort in bringing forth a successful cooperative agreement contract for countywide ambulance service.

Commissioner Hall made a motion to execute a good faith effort letter, letter of support and proclamation in support of Doniphan County's grant application to the Kansas Department of Commerce Office of Broadband Development's Capital Project Fund: Broadband Infrastructure Program for countywide expansion of broadband services. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to execute a letter on behalf of Doniphan County, Kansas, indicating Doniphan County's commitment to provide "in-kind" matching funds in the amount of \$37,500.00 for the Iowa Tribe of Kansas and Nebraska's USDA Rural Placemaking Innovation Challenge grant application. Commissioner Collins seconded the motion. Motion carried 3-0.

At 10:03 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing and protecting the interest of non-elect road personnel, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:08 A.M. Commissioner Hall seconded the motion. Motion carried 3-0. County Clerk and Road Office Manager remained.

Commissioner Collins discussed with the Board of County Commissioners clearing of brush and trees in the right-of-way along Elgin Road in Section 36 Township 4 Range 19E. Noxious Weed Director Jim Norris appeared via teleconference, also present was Road Office Manager Lindsay Norris. The Board of County Commissioners asked Noxious Weed Director Jim Norris the procedure for killing brush and trees in County right-of-way after they have been cut back to prevent re-growth. Director Norris said he is legally authorized to treat noxious weeds present in county right-of-way. The Noxious Weed department sells chemical to kill brush and trees, however he is not authorized to spray county right-of-way just to kill brush and trees without noxious weeds present. Commissioner Hall said he would be in favor of voting to trim back the trees and brush present in the County right-of-way however if the trees grow back out, property owners would need to work together to get the roadway cleared. Once the trees are cut back, Commissioner Hall recommended repairing culverts in order to widen the road and prevent future safety issues. Commissioner Collins made a motion to accept bid of Tip Top Tree Service in the amount of \$8,750.00 to trim trees and brush along Elgin Road in Section 36 Township 4 Range 19E. Commissioner Hall seconded the motion. Commissioner Grable cast a nay vote, saying he was not opposed to trimming of trees; however, he was opposed to not meeting with landowners first on treating trees and brush so there would be no re-growth; preventing future road hazards. Motion carried 2-1.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 10:26 A.M. Commissioner Collins seconded the motion. Motion carried 3-0.

DATED THIS 15th DAY OF AUGUST 2022.

Attest: _____
Peggy Franken, County Clerk

Wayne Grable, Chairman