

**UNOFFICIAL MINUTES  
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, MARCH 6, 2023**

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. Chris Gaither, Larry Rohrer, Road Office Manager Lindsay Norris, Second Road District Foreman Sean Price, Foley Equipment Representative Kevin Bell, Northeast Kansas Environmental Services Office Manager/Solid Waste Coordinator Martha Smith, Pat Tobey, Northeast Kansas Environmental Service Health Specialist and Wathena City Mayor John A. Cluck were present for a portion of the meeting.

Commissioner Hall made a motion to approve meeting agenda as presented. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Collins made a motion to approve County Commission minutes of February 27, 2023 regular meeting as written. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve abated taxes to the 2022 Doniphan County tax roll in the amount of \$318.22. Commissioner Hall seconded the motion. Motion carried 3-0.

Fee reports for the month of February 2023 were presented to the County Commission for their review on behalf of the County Clerk, Register of Deeds and Sheriff.

The Jerry K. Dubach Doniphan County Law Enforcement Center currently houses 6 local inmates.

Chris Gaither and Larry Rohrer met with the County Commissioners to discuss road maintenance in Marion Township. Mr. Rohrer said there were complaints of landowners performing maintenance on County roadways that the pair wanted to address with the Commission. Mr. Gaither said it was him who was using box blade on county road as part of a three step process to knock down ruts, build up the road and finish by pulling rock in from the sides of the road to the middle. He said for the past 15 years he's been assisting the County on roads in Marion Township, to which neighbors thank him for. He asked in the future if there is a complaint the County address with him and wait until the project is complete prior to taking pictures. Commissioner Grable said he received a call about mud being put onto the county roadway so he asked the caller to take pictures and he'd let the Board look at them. He mentioned no names in public meeting only addressed the concern with the other two Commissioners. Mr. Rohrer asked that rock be

hauled earlier in the year, as rock applied to roads in fall is bladed off during the winter months. The Board agreed, but added the County Road Department is short staffed, trying to cover over 600 miles and is currently taking applications. Commissioner Collins remarked the County has enough rock, just not enough manpower to haul it. Commissioner Hall recommended hauling 3” rock to set up a base followed by finish rock. He also recommended adjoining landowners keep road ditches clear of debris to keep water from running out onto the roadway. Commissioner Grable asked Chris Gaither, who serves as Marion Township Trustee, when the Township Board last met to approve spending Township general funds to purchase rock for township roadways. Trustee Gaither said he gave approval in October of 2022 when contacted by Road Foreman Price. Gaither asked if the Board would be interested in part-time labor on evenings and weekends to help the County with road maintenance. Commissioner Collins replied “have them put their application in; we’d be happy to take a look at it”.

Kevin Bell, Foley Equipment Representative, called on the Board of County Commissioners to present specifications for 2023 Caterpillar 926 Wheel Loader with coupler, bucket and forks. The Board of County Commissioners took no action.

Julie Meng, Emergency Management Director, requested permission to purchase two AED (Automated External Defibrillator) machines for the District Court and basement levels of the Courthouse from AED Authority at a cost of \$2,420.00 each plus the purchase of storage cabinets, \$230.00 each and annual monitoring fee of \$585.00. Commissioner Hall made a motion to approve the purchase of two AED machines for the Courthouse for a total cost of \$5,885.00. Commissioner Collins seconded the motion. Motion carried 3-0.

Road Office Manager Lindsay Norris gave the Board of County Commissioners a listing of contractors, along with equipment pricing, who are interested in being placed on a rotating project list to assist Doniphan County with road projects. Contractors who have notified the Road Office are:

- Wade Joyce Dozing/Fencing, Denton, Kansas
- Engemann Drainage Company, Inc., Troy, Kansas
- Kiefer Excavating, Wathena, Kansas
- Urban Construction, Bendena, Kansas

Norris informed the County Commission Midwest Sealing and Construction will submit to the County a price quote to apply crack sealant to hard surfaced roadways upon a listing of roads being provided to them for assessment.

Engineers with Schwab-Eaton, PA have provided Doniphan County with recommendation for repair of bridge structures following 2023 bridge inspections. Two bridges have been listed on the priority list:

- T-35-2 located on 180<sup>th</sup> Road west of Severance, Kansas

- T-228-2 located on Larkinburg Road south of 150<sup>th</sup> Road, Wayne Township

Road Office Manager Lindsay Norris was asked to contact Engineers with Schwab-Eaton, PA for repair specifications.

Herzog Contracting Corporation submitted proposals to apply 3” asphalt overlay on Coronado Road at a costs of \$109.00 per ton, Mesquito Creek Road \$106.00 per ton, Treece Road \$105.00 per ton and Monument Road (south of Wathena, Kansas) \$106.00 per ton. The average cost per ton in 2022 was \$79.00. The Board of County Commissioners took no action on proposals as submitted.

A listing of proposed 2023 chip seals roads by Road District was also presented to the County Commission for their review by Road Office Manager Lindsay Norris. Norris will obtain a cost estimate from Vance Brothers to complete 2023 chip seal projects for Board consideration.

Road Foreman Representative Sean Price told the County Commission 2017 John Deere motor grader (#155) in Third Road District recently had front wheel hub seal and bearings repaired. The opposite side has developed a slow leak. Representatives with Murphy Tractor will be up to assess and repair.

Foreman Price said plank replacement on bridge T-148-1 located on 210<sup>th</sup> and Toulon Roads, Section 10 Township 3 Range 22E, will begin today and be completed this week weather permitting.

Northeast Kansas Environmental Services Office Manager and Solid Waste Coordinator Martha Smith, along with Northeast Kansas Environmental Services Health Specialist Pat Tobey met with the Board of County Commission to give an annual update of the Doniphan County Solid Waste Management Plan and services provided by Northeast Kansas Environmental Services. Discussion was held in regard to reducing the acreage requirement for waste water permits. No action was taken pending future discussion.

Commissioner Hall made a motion to enter into a 2023 agreement with Northeast Kansas Environmental Services to provide solid waste services on a contractual basis at a rate of \$32.00 per hour and \$0.62 per mile. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve submittal of the Doniphan County Solid Waste Management Plan 2023 Annual Report to the Kansas Department of Health and Environment. Commissioner Hall seconded motion. Motion carried 3-0.

The Board of County Commissioners were in receipt of property clean up and defective waste water system notices issued by Northeast Kansas Environmental Services for properties located at 1398 195<sup>th</sup> Road, Troy, Kansas and 1385 and 1396 196<sup>th</sup> Road, Troy, Kansas.

Wathena City Mayor John A. Cluck appeared before the Board of County Commissioners to request Doniphan County increase the 35 mile per hour speed limit on 170<sup>th</sup> Road from Vernon Road to the intersection of Highway K-238 to coincide with City of Wathena increasing speed limits on East St. Joseph Street to Vernon Road.

Following discussion, Commissioner Hall made a motion to increase posted speed limit from 35 miles per hour to 40 miles per hour on 170<sup>th</sup> Road from the intersection with Vernon Road to Highway K-238, effective upon posting of signs. Commissioner Grable seconded the motion. Motion carried 3-0.

At 10:36 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 10:41 A.M.

County Clerk Peggy Franken presented the County Commission with sales tax receipts for the period of December 2022 in the amount of \$99,305.05. In addition, February 2023 Departmental Budget and Cash Summary report was presented for Board review.

The Board of County Commissioners reviewed and discussed invoice for additional electrical work performed at the Doniphan County Health Department by G. E. Grable in an amount of \$1,095.33 over original bid of \$5,400.00. Board of County Commissioners took no action pending discussion with Health Department/Home Health Administrator at the next County Commission meeting.

Commissioner Collins informed the County Commission the steering gear box on 2005 Mac dump truck (#84) located in First Road District needs to be replaced, as the replacement gear box failed. The truck has been taken back to Dave's Diesel for repair and to determine cost responsibility for replacement of the new steering gear box.

Kansas Office of Broadband Development will be hosting a Kansas Broadband Roadshow in Hiawatha, Kansas on March 7, 2023 from 5:30 P.M.-7:00 P.M. at the Fisher Community Center. The public is invited to attend to discuss internet access and availability.

Correspondence was received from Doniphan County Rural Water District No. 3 requesting a portion of Doniphan County's American Rescue Plan Funds (ARPA) to be used toward repair of two water towers. The Board of County Commissioners have designated Doniphan County's American Rescue Plan Funds to broadband expansion. Economic Development Director Leah B. Johnson provided Rural Water District No. 3 with funding grant opportunities for their consideration.

Commissioner Hall made a motion to execute 2023 Crisis Stabilization Pass-Through Agreement between Doniphan County, Kansas and KANZA Mental Health and Guidance Center, Inc. for funding of The Guidance Center crises bed center in the amount of \$14,200.00. Commissioner Grable seconded the motion. Motion carried 3-0.

County Clerk Peggy Franken asked for Board consideration to contributing a portion of Doniphan County's Liquor Tax proceeds to USD 111, USD 114 and USD 429 to help with drug and alcohol awareness assemblies pursuant to K.S.A. 79-41a04(e). The Board of County Commissioners took no action pending program costs being provided by local school districts.

Road Office Manager Lindsay Norris brought to Board attention .10 mile of FAS 513, from old Highway 36 to the Indian Mission Museum, being chip sealed and not included in Doniphan County Resolution 14-11, a Resolution amending in part Resolution 2008-04, relating to hard surfaced roads within Doniphan County. Representatives of First Road District indicate the roadway has been hard surfaced for a number of years. Discussion followed on amending or repealing Resolutions 2008-04 and 14-11. No action was taken.

County Attorney Charles D. Baskins presented the County Commission with a petition for vacation of County roads and alleys located on the plat of Maynard, within Doniphan County, Kansas, in Section 19 Township 3 Range 21E, pursuant to K.S.A. 68-102:

- a. That portion of Patterson Street between the points where it intersects with the south line of lot 6, block 45 and south line of lot 11, block 44 north to south line of Second Street. All running between blocks 44 and 45.
- b. Any alley in block 44 located between the south line of lot 11, block 44 and the south line of lot 6, block 44 north to the south line of Second Street. All running in block 44.
- c. That portion of Zimmerman Street between the points where it intersects with the south line of lot 6, block 44 and south line of lot 11, block 43 north to south line of Second Street. All running between blocks 43 and 44.

The above real estate described has been platted and dedicated and is part of Maynard, also known as Troy, Junction; the plat of Maynard was filed in the office of the Register of Deeds of Doniphan County, Kansas, during the month of March 1971. Commissioner Grable made a motion to proceed with vacation of roads and alleys within the plat of Maynard, pursuant to K.S.A. 68-102 and set for public hearing. Commissioner Hall seconded the motion. Motion carried 3-0.

County Attorney Baskins said a petition for vacation of a portion of Kennekuk Road in Sections 25-26 Township 3 Range 20E will be presented to the County Commission at their March 13, 2023 regular meeting.

At 11:57 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing 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 12:07 P.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney and County Clerk remained.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 12:08 P.M. Commissioner Collins seconded the motion. Motion carried 3-0.

DATED THIS 6TH DAY OF MARCH 2023.

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

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Wayne Grable, Chairman