

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, NOVEMBER 27, 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.

Road Office Manager Lindsay Norris and Sheriff Chad Clary 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 November 20, 2023 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 November 30, 2023 as presented. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve abated tax changes in the amount of \$4,119.48 to the 2023 Doniphan County tax roll. Commissioner Collins seconded the motion. Motion carried 3-0.

The Jerry K. Dubach Doniphan County Law Enforcement Center currently houses 11 local inmates.

The Board of County Commissioners met with Sheriff Chad Clary to discuss the Sheriff's Department now depleted 2023 budget. In accordance with Supreme Court case The Board of County Commissioners of the County of Lincoln, Kansas and Wray Neilander and Jack Jackson (Lincoln County vs Neilander) and Kansas Attorney General Opinion 2003-15 "Where a board of county commissioners has approved a budget including necessary expenses, the sheriff cannot be required to obtain advance approval for purchases within the limits of the approved budget regardless of amount. If an expenditure falls outside of the budget, i.e., over budget, then the sheriff must request advance approval of the board regardless of the amount. The board must approve the expenditure if it is necessary for the sheriff to carry out his or her statutory duties. If the board fails to approve a necessary expenditure, then the sheriff's remedy is to mandamus the board."

Chairman Grable asked Sheriff Clary his plan to pay expenses through the remainder of the year. Sheriff Clary said a 2023 Dodge Durango patrol vehicle has a possible blown motor which is under warranty and being checked out. He said his department "will pinch pennies the best I can. I wasn't planning on vehicle costs and repairs. I sent a memo to everyone telling them no more purchases." Commissioner Grable told the Sheriff he has been

consistently over budget all year. Sheriff Clary said he should've budgeted more for contractual obligations and higher overall costs. Commissioner Grable then asked about the cost to purchase two new patrol cars. Sheriff Clary said he couldn't remember the cost with trade-in value, but he won't be purchasing new vehicles until the end of 2024 to make sure he has enough money in his budget. He purchased two new vehicles in 2023 to replace older vehicles that needed replaced due to down time and sharing of vehicles. Grable asked how many vehicles the sheriff's department has, if all are in working order and how many are being used. Sheriff Clary said the department has one or two spares, one needing a little work but can be used.

Commissioner Hall asked Sheriff Clary what happens with uniforms when an officer leaves the department. The Sheriff said uniforms are put up and used for others if they fit, he saves everything rotating it through the department. Commissioner Grable asked how many new hires the sheriff's department had during the month of November and how many are still working. The Sheriff hired two 911 Dispatchers, one to replace a dispatcher who will be leaving by the end of the year. One deputy was hired to replace an officer who left earlier in the year. One jailer was hired but has already left the department. Commissioner Grable asked why if the Sheriff knew he was out of money he needed to hire a deputy now if he hasn't had one since the summer. Sheriff Clary said he hired a deputy to get them through the Kansas Law Enforcement Center Training Academy and trained before the retirement of an officer in April 2024. Currently the Sheriff's Department has five officers, including himself and Under Sheriff Mark Allen. Sheriff Clary said his department is understaffed compared to other counties. He continued "people are getting burned out because of no shows and having to call in employees on days off." Commissioner Collins asked Sheriff Clary how many employees work for him who also work for other departments, such as city police departments. He said Under Sheriff Mark Allen works part time for the City of Troy and he has a couple of other employees who fill in when the department gets in a pinch.

Commissioner Hall asked Sheriff Clary what can be done to help the sheriff's department make money, suggesting housing out of county inmates. Sheriff Clary said he will submit reimbursement to the State of Kansas for housing expenses related to holding a State inmate, which should average around \$9,000 per quarter. The Sheriff told the County Commission the problem with housing out of county inmates is that current county inmates are taking up cell space due to various issues. If he were to house out of county inmates he would run out of room for inmates that need segregated. Sheriff Clary continued saying most counties are no longer contracting with other agencies for housing inmates. He may be able to contract with Wyandotte County for 5 to 10 inmates. Commissioner Hall suggested the Sheriff consider the overall cost for housing inmates, including employee compensation, and add that to the daily rental fee. Sheriff Clary said the daily rate would need to be \$60.00 to \$75.00 per day.

Commissioner Grable asked Sheriff Clary if he was able to determine who was responsible for pay per view channel charges on the Sheriff's DirecTV invoice dated October 27, 2023 in the amount of \$604.69. Sheriff Clary said Dennis McKittrick, Jail Assistant, did some investigating and corresponding with DirecTV and narrowed down the activity to Pods A and B, where inmates have access to the TV remote control. He said the charges have been disputed due to a verbal agreement with DirecTV not to allow access to pay per view channels. DirecTV has not yet responded with a decision on whether or not the pay per view channel charges will be dropped. Commissioner Grable asked if pay per view channels have

since been cancelled. Sheriff Clary said he will call DirecTV to find out. Commissioner Hall told the Sheriff to request in writing from DirecTV that pay per view channels are shut off and the account no longer has access to them.

Commissioner Hall then asked Sheriff Clary about vet and housing bills for dogs confiscated during a recent case. Sheriff Clary said restitution will be sought through the court system to reimburse the county for any expense related to the case. Commissioner Grable asked how beneficial Doniphan County's K9 Unit was to the County. Sheriff Clary said he is a tool for the department and used quite a bit; not costing the county a whole lot as the food is donated.

Commissioner Grable asked Sheriff Clary a dollar amount to get the sheriff's department through the remainder of the year. Sheriff Clary said he would have utilities, fuel, contractual services and payroll expenses. All inmate medications used to be billed through the contractual agreement with Advanced Correctional Healthcare, however beginning in 2023 he lowered the contractual rate with Advanced Correctional Healthcare making Doniphan County responsible for inmate prescription costs. Commissioner Grable asked the Sheriff the amount of monthly recurring expenses. Sheriff Clary said he doesn't know and overtime is hard to calculate. Commissioner Hall said overtime should be minimal.

Commissioner Hall asked the Sheriff from here on out before a new vehicle is purchased the Sheriff appear before the Board of County Commissioners to discuss, this way the Sheriff and Board of County Commissioners become responsible if the sheriff's department is over budget due to vehicle purchases. Sheriff Clary agreed saying he would do that and not purchase another vehicle without first discussing with the County Commission.

Commissioner Collins reminded Sheriff Clary when he runs over budget it shorts other budgets within the general fund to make up the difference. Commissioner Grable agreed saying it was not fair to other departments to make up the difference in the sheriff's budget and for the County Commissioners to allow it to happen. Commissioner Hall said all purchases must now be pre-approved by the Board of County Commissioners. In the event of an emergency the Board of County Commissioners will call a special meeting to pre-approve emergent expenses. Non-emergent expenses will be presented to the County Commission by the Sheriff during a regular board meeting for pre-approval prior to purchase or expending any funds.

County Clerk Peggy Franken presented the County Commission with an invoice from Yellow Frog Graphics for graphics on 2023 Dodge Durango patrol car in the amount of \$2,210.98. Commissioner Grable made a motion to approve invoice to Yellow Frog Graphics in the amount of \$2,210.98 for the Doniphan County Sheriff's Department. Commissioner Hall seconded the motion. Motion carried 3-0.

County Clerk Peggy Franken presented the County Commission with invoice dated October 27, 2023 from DirecTV in the amount of \$604.69. The Board of County Commissioners denied payment until such time as pay per view channels have been removed and a new statement issued.

At 9:42 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 9:47 A.M.

Road Office Manager Lindsay Norris gave the Board of County Commissioners a status update from Jeff Wagner, Wagner Excavating, for repair of bridge T-228-2 located 3.5 miles east and 1.9 miles south of Bendena, Kansas, on Larkinburg Road, Section 12 Township 4 Range 20E. Mr. Wagner reports adjoining landowner will have cattle moved after Thanksgiving so that he can begin work on the bridge structure.

Lindsay Norris, Road Office Manager, presented the Board of County Commissioners with an agreement for engineering services between Doniphan County, Kansas and Schwab-Eaton, PA for replacement of bridge RS 380 (KDOT RS 2182) located 2.7 miles west and .2 miles south of Highland, Kansas, on 240th Road, Sections 20-29 Township 2 Range 19E. Once the engineering agreement has been entered into, Schwab-Eaton, PA will begin field check work per requirements of the Kansas Department of Transportation 2024 Kansas Local Bridge Improvement Program. No action was taken pending review.

Commissioner Collins made a motion to approve invoice to Murphy Tractor for maintenance and repair on 2017 John Deere motor grader (#184) in the amount of \$5,730.44. Commissioner Hall seconded the motion. Motion carried 3-0.

The Board of County Commissioners discussed and agreed to have the road crew begin performing routine maintenance on road equipment, including motor graders.

Discussion was held between the Board of County Commissioners, County Attorney and Road Office Manager regarding development of standardized project bid form. All road projects will be bid moving forward, eliminating contractors project list.

Commissioner Grable made a motion to approve final payment to Lee Grover Construction for replacement of Jerry K. Dubach Doniphan County Law Enforcement Center hot water heater system in the amount of \$16,457.37 from the New Sales Tax fund, subject to approval by Alan Lankford, Engineer with Lankford | Fendler + Associates. Commissioner Hall seconded the motion. Motion carried 3-0.

Chairman Grable requested Appraiser Danielle Kiefer's presence at the December 4, 2023 County Commission meeting to explain the valuation process for semi-trucks.

There being no further business before the Board, Commissioner Collins made a motion to adjourn at 11:06 A.M. Commissioner Hall seconded the motion. Motion carried 3-0.

DATED THIS 27th DAY OF NOVEMBER 2023.

Attest: _____
Peggy Franken, County Clerk

Wayne Grable, Chairman