

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, SEPTEMBER 23, 2024

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 were present.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. Undersheriff Mark Allen, Third District Road Foreman Christopher Schultz, Road Employee Harley Hartman, Aging Director Diana Crouse-Johnson, Road Office Manager Lindsay Norris, Todd Miller, Northeast Kansas Environmental Services Health Specialist Martha Smith, Miller Trash Service Representatives Mike Miller, Rhonda Miller and Cody Miller, Bill Rush, Pat Urban, Roger Engemann, Brad Haynes and Doyle Prawl were present for a portion of the meeting.

Commissioner Hall made a motion to approve the County Commission meeting agenda as amended to include discussion on road project in First District. Commissioner Grable seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to approve minutes of September 16, 2024, regular meeting as written. Commissioner Collins seconded the motion. Motion carried 3-0.

Fee report for the period of September 1-15, 2024, was presented to the County Commission for their review on behalf of the Sheriff.

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

Todd Miller, Sparks, Kansas, thanked the County Commission for asphalt surface on 240th Road from Eminence Road west to Highland City limits. He asked the County Commission if the County planned to asphalt the remaining one-half mile of county roadway from K-7 Highway west to Eminence Road. Chairman Grable said the County has plans to finish blacktopping that section of 240th Road in the future; limited funds prevented the County from doing the entire section of road in 2024.

At 8:33 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 Department personnel, with the meeting to be called back to order in the office of the Doniphan County Commission at 8:43 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk, Road Office Manager, Third District Road Foreman Christopher Schultz and Third District Road Employee Harley Hartman remained.

Commissioner Collins made a motion, seconded by Commissioner Hall, to contribute \$150.00 to the Kansas Silver Haired Legislative Committee. Motion carried 3-0.

The Board of County Commissioners were in receipt of August 2024 Road Improvement Fund balances, Road Department expenses, bridge plank, tire and tube inventory reports for their review by Road Office Manager Lindsay Norris.

Lindsay Norris, Road Office Manager, contacted Mike Twombly with BigIron Auctions to discuss selling unused Road Department equipment. Mr. Twombly will take pictures and videos of the equipment based on list compiled by the Road Department and give the County Commission an estimate of sale value for their consideration.

Road Office Manager Lindsay Norris presented the County Commission with email correspondence between Dung Phan, Casualty Claims Adjuster for contractor NCS hired by Rainbow Communications for fiber optic cable install throughout Doniphan County, regarding damage caused to Port William Road, north of 190th Road. The insurance company is looking into who is liable due to the water line being struck, which according to NCS was not located by Doniphan County Rural Water District No. 5. Roger Engemann, Representative for Doniphan County Rural Water District No. 5, was present at the meeting stating on behalf of the Water District the company was unable to locate the line. Once notified it was hit, Rural Water District No.5 fixed the 1" line at no cost to NCS. The cause of the road damage was due to NCS opening a trench along the grader ditch. The Board of County Commissioners will hold a telephone conference with representatives of Rainbow Communications later in the meeting to discuss the County making emergency repairs and submitting an invoice to NCS or Rainbow Communications for reimbursement. County Attorney Charles D. Baskins advised the Road Department to clearly post the roadway to notify motorists of the potentially dangerous road conditions.

The Board of County Commissioners agreed to work with Kansas Department of Transportation Officials on functional classification changes of County roads from major collector routes to minor or local roads to maintain the Functional Classification System under the Federal-Aid Highway Act of 1973. Roads to be reclassified are:

- 104A 100th Road from Doniphan/Atchison County line east to Mineral Point Road major collector to minor collector.
- 104B Mineral Point Road from 100th Road north to 110th Road major collector to minor collector.
- 105A Ash Point Road from Doniphan/Atchison County line (334th Road) north to Kansas Highway 20 major collector to minor collector.
- RS5046 Mesquito Creek Road from 220th Road north to end of road near City of Troy water plant major collector to minor collector/local road.

Commissioner Collins made a motion to accept proposal of Husker Steel to repair RS110, a double barrel 10' x 10' box culvert on Ash Point Road, north of 150th Road, Section 5 Township 4 Range 19E for a cost of \$162,995.00. Doniphan County would be responsible for 1) removal of utilities necessary to facilitate construction 2) furnishing and maintenance of barricades 3) backfill and final grading 4) removal of salvage from job site and 5) concrete. Commissioner Hall seconded the motion. Motion carried 3-0.

The Board of County Commissioners will schedule a meeting between the County Commissioners, Road Department, Contractor Baird Excavating, LLC and Danny and Donna Billups, adjoining landowners, for tube replacement project on 275th Road, west of Elgin Road in the Northeast quarter of Section 1 Township 2 Range 19E, for placement of 5' x 150' road tube.

Road Office Manager Lindsay Norris told the County Board temporary road work agreements have been fully executed between the Board of County Commissioners, Contractor Muse Excavation & Construction, Inc. and landowners Kiley L. Rice, Reanne M. Rice, Laurie D. Rice Finney and Darrin R. Finney for road work on Port William Road, south of 175th Road, in the Southeast quarter of Section 25 Township 3 Range 21E, for placement of 36"x 80' road tube. Landowners request to be kept informed of when the project is to begin and when it is complete.

Commissioner Grable made a motion to approve \$3,024.00 to Keller Construction for cold patch material and \$1,261.51 payment to Redneck Diesel for repair of 2018 Western Star (#11). Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to purchase a computer for the Road Office Manager from Lockit Technologies in the amount of \$944.00. Commissioner Hall seconded the motion. Motion carried 3-0.

Brad Haynes met with the Board of County Commission to request tube replacement on Chalk Bluff Road in Section 22 Township 1 Range 19E. The Board of County Commissioners agreed to view the road prior to taking any action.

Aging Director Diana Crouse-Johnson presented the County Commission price quotes for the purchase of a four wheel drive vehicle for rural meal delivery for the Meals on Wheels program, with trade of 2013 Dodge Grand Caravan.

Reed \$36,000 2023 Jeep Grand Cherokee 32,023 miles

Rolling Hills \$38,000 2023 Toyota 4Runner SR5 31,955 miles

Commissioner Grable made a motion to offer \$38,000.00 for purchase of 2023 Toyota 4Runner SR5 without trade of 2013 Dodge Grand Caravan and purchase if offer accepted. Commissioner Hall seconded the motion. Motion carried 3-0. Payment to be made from Elderly Fund.

At 9:20 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of consultation with legal counsel which is deemed privileged in attorney-client relationship, with the meeting to be called back to order in the office of the Doniphan County Commission at 9:30 A.M. Commissioner Hall seconded the motion. Motion carried 3-0. County Attorney, County Clerk, Northeast Kansas Environmental Services Health Specialist Martha Smith and Undersheriff Mark Allen remained.

Commissioner Grable made a motion to reject any and all bids for operations of the Doniphan County Transfer Station and explore other options. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to appoint two electors, Gale Higdon and Laura Winkel, one person from each of the political parties to observe destruction of ballots from the August 2, 2022, Primary Election, November 8, 2022, General Election and November 7, 2023, General Election pursuant to K.S.A. 25-2708. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve the purchase of fire suppression door for the elevator mechanical room in the courthouse. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to allow employees to attend health insurance open enrollment meetings on October 1, 2024, from 10:00 A.M. until 12:00 P.M. and close offices on a need to basis depending on employees who will be attending. Commissioner Hall seconded the motion. Motion carried 3-0.

Bill Rush told the County Commission he installed a twenty-two inch roadway tube for a landowner on 175th and Monument Roads, since then he has been waiting for the Board of County Commissioners to say the work was okay. Chairman Grable told Mr. Rush the Board was unaware a roadway tube had been installed.

Bill Rush also discussed with the County Commission and County Attorney Charles D. Baskins property tax foreclosures. County Attorney Baskins said the County, with the assistance of Attorney Joel R. Euler, is working to collect delinquent property taxes, beginning at the east of the county working their way west. Mr. Rush said he has been contacted by the City of Severance to clean up property. Chairman Grable said a contractual agreement between the City of Severance and Mr. Rush would have no affect on the Board of County Commissioners.

Finally, Mr. Rush told the Commission he has entered into an agreement with Doniphan County Pet Rescue to demolish the old school building located at 887 Friendship Road, Bendena, Kansas. He asked the County Board if they planned to donate towards the cost of the demolition. Chairman Grable said the County Commission was not approached by members of the Doniphan County Pet Rescue regarding donating to demolition of the structure prior to entering a contract. Commissioner Collins reminded the Commission the building was declared exempt and removed from the property tax roll by the State Board of Tax Appeals, therefore no tax dollars are being collected.

At 9:54 A.M. the Board recessed for a break with the meeting called back to order in the office of the Doniphan County Commission at 9:59 A.M.

At 10:00 A.M. bid letting was held for concrete box culvert replacement on 140th Road, west of K-7 Highway approximately 2,900' with two 80' x 48" tubes. Present were Roger Engemann, Pat Urban, Brad Haynes and Road Office Manager Lindsay Norris. Scope of the project is as follows:

Location: 140th Rd, west of Hwy 7 approx. 2,900 feet

Project Description: Remove existing box culvert and install new crossroad culverts on 140th Rd. Installation will consist of two 48" x 80' metal culverts and will need to be assembled on site. County ROW on 140th Rd is 40'.

Contractor will be responsible for the following:

- Viewing the project site prior to submitting bid
- Labor and equipment needed for project
- Provide dirt and rip rap if needed
- Removal of existing concrete box culvert
- Tree and brush removal may be required
- Assemble and install new metal tubes
- Pack dirt around lower half of tubes
- Construct 20 ft wide roadway, if possible
- Proof of liability insurance is required

Doniphan County will be responsible for the following:

- Furnish and maintain Road Closed barricades
- Provide metal culverts needed for this project
- Work with the Contractor and Landowner(s) to coordinate construction access to the project site

- Haul off box culvert debris
- Bid totals will need to be broken down as follows:
- Clearing
 - Hauling
 - Materials
 - Material Placement

Please use Project Bid form included if submitting bid.

Anything above and beyond bid accepted must be brought before the Doniphan County Board of Commissioners for approval before additional work begins.

Bids were opened and read aloud as follows:

Urban Construction	\$27,650.00
Engemann Drainage Co. Inc	\$29,500.00
Mike Kiefer	\$11,480.00

Commissioner Collins made a motion to accept the best bid of Urban Construction based on complete detailed bid, with work to begin following fall harvest. Commissioner Hall made a motion to accept the low bid of Mike Kiefer. Commissioner Grable waited to cast a vote until after holding a telephone call with Mike Kiefer on details of bid.

At 10:14 A.M. Commissioner Hall made a motion to recess into executive session for the purpose of consultation with legal counsel which is deemed privileged in attorney-client relationship, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:24 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

At 10:24 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of consultation with legal counsel which is deemed privileged in attorney-client relationship, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:29 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

The Board of County Commissioner held a telephone conference call with Mike Kiefer regarding submitted bid for concrete box culvert replacement on 140th Road, west of K-7 Highway approximately 2,900' with two 80' x 48" tubes. Following discussion, the Board of County Commissioners revisited bids as opened and read aloud:

Urban Construction	\$27,650.00
Engemann Drainage Co. Inc	\$29,500.00
Mike Kiefer	\$11,480.00

Commissioner Collins made a motion to accept the best bid of Urban Construction based on complete detailed bid, with work to begin following fall harvest. Commissioner Grable seconded the motion. Commissioner Hall voted to accept the low bid of Kiefer Construction. Motion carried 2-1.

Commissioner Hall recommended the County hire an engineer to oversee road projects and be present on the job site while work is being performed.

The Board of County Commissioners held a telephone conference with Angie Kreider, Director of Business Development for Rainbow Communications, regarding road repair needed on Port William Road, north of 190th Road, where Rainbow Communications contractor NCS damaged the road while installing fiber optic cable. Mrs. Kreider said she is gathering information and speaking with their contractor, she will follow up with Chairman Grable later in the day. Commissioner Grable made a motion to accept the previous bid of Kiefer Excavating to make

emergency repairs to Port William Road over fiber optic cable in the amount of \$27,060.00, contingent upon outcome of discussion with Rainbow Communications on who will be liable for reimbursement to Doniphan County for repair, NCS or Rainbow Communications. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable asked the Road Department to haul two loads of rock on 220th Road between 1618 and 1631 220th Road.

At 11:26 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing confidential data relating to financial affairs or trade secrets of corporations, trusts and individual proprietorships, with the meeting to be called back to order in the office of the Doniphan County Commission at 11:41 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney and County Clerk remained.

At 11:41 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of consultation with legal counsel which is deemed privileged in attorney-client relationship, with the meeting to be called back to order in the office of the County Commission at 11:51 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney and County Clerk remained.

Discussion was held regarding hiring of a Road Director to oversee the Road Department. No action was taken.

Commissioner Grable made a motion to transfer \$200,000.00 from New Sales Tax to County General fund pursuant to K.S.A. 12-189 for property tax relief. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to make economic development incentive payment to Elanco AH in the amount of \$200,000.00 from County General fund. Commissioner Collins seconded the motion. Motion carried 3-0.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 12:04 P.M. Commissioner Collins seconded the motion. Motion carried 3-0.

DATED THIS 23RD DAY OF SEPTEMBER 2024.

Attest: _____
Peggy Franken, County Clerk

Wayne Grable, Chairman