

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, NOVEMBER 14, 2016

The Board of County Commissioners met in regular session at 10:30 o'clock A.M. with First District County Commissioner Timothy D. Collins, Chairman, calling the meeting to order. Second District County Commissioner Terry W. Horner, and County Clerk Peggy Franken were present. County Attorney Charles D. Baskins and Third District County Commissioner Jerry P. McKernan were present for a portion of the meeting.

The Kansas Chief Reporter Paul Stewart observed the entire meeting. Susan Studer observed a portion of the meeting.

Commissioner Collins made a motion, seconded by Commissioner Horner, to approve the minutes of the November 7, 2016 meeting as written. Motion carried.

Commissioner Horner made a motion, seconded by Commissioner McKernan, to approve added taxes to the Doniphan County tax roll in the amount of \$82.98. Motion carried.

Commissioner Collins made a motion, seconded by Commissioner Horner, to approve payroll and warrants for the period November 15, 2016.

Currently there are 17 local inmates housed in the Doniphan County Law Enforcement Center.

G.E. Pierce complimented the Board of County Commissioners and staff on the upkeep of the Doniphan County Courthouse and courtyard. Mr. Pierce also expressed his view on voting no on any township road improvement fund referendums placed on future ballots due to the lack of proper maintenance of county roadways. In particular, Mr. Pierce discussed the need for roads to be crowned and grader ditches cleaned out, to prevent water from running down the center of the roadway creating erosion. G.E. suggested the Board of County Commissioners explore the feasibility of installing filter fabric to county roadways prior to placing rock as a way to better hold and maintain the roadway.

Commissioner Horner presented the Board with bid specifications for replacement of 2,310 square feet of the east parking lot of the Doniphan County Courthouse with concrete, as prepared by Second District Road Foreman Danny Adkins. Commissioner Horner made a motion, seconded by Commissioner McKernan, to publish the notice of bid two weeks in the official county newspaper, with a project completion date of January 1, 2017, weather permitting. Motion carried.

County Clerk Peggy Franken presented the Board with the October 2016 departmental budget and expense report for their review.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to act as the applicable government agency in applying for grant funds through the Ruth and Roger Wolfe Charitable Trust on behalf of the Troy Park Committee for the purchase of a grill for the park. Motion carried.

The Board of County Commissioners reviewed the 2017 contractual agreement between Doniphan County, Kansas and KANZA Mental Health and Guidance Center. No action was taken by the Board subject to review by Sheriff Chad Clary, upon the advice of County Attorney Charles Baskins that the contractual agreement may bind the Sheriff contractually to a fee that the Sheriff's Department 2017 budget cannot afford based on cuts made by the Board of County Commissioners.

Register of Deeds Susan Shuster asked the Board of County Commissioners if they planned to personally sponsor an employee Christmas Dinner this year. There were no objections.

Commissioner Collins made a motion, seconded by Commissioner Horner, to approve the purchase of Dell computer for the Doniphan County Appraiser's mapping department at a cost not to exceed \$1,217.26. Motion carried.

At 10:55 A.M. Commissioner Horner made a motion, seconded by Commissioner Collins, to enter into executive session for a period of 15-minutes for the purpose of discussing legal matters with counsel. Motion carried. The County Attorney, County Clerk and Road Secretary remained.

The meeting reconvened at 11:10 A.M. with no action taken.

Commissioner Collins made a motion, seconded by Commissioner Horner, to enter into a contract for the sale of real estate between Doniphan County, Kansas and Kathleen A. Twombly and Fred M. Twombly for the purchase of 2 acres (m/l) of land located in the Northeast corner of the Northwest ¼ of Section 28, Township 2, Range 20 at a cost of \$6,500.00 per acre for the relocation of Friendship Road, north of 240th Road. Motion carried.

Commissioner Horner requested an updated survey of the 2 acres (m/l) of land to be purchased for relocation of Friendship Road, located in the Northeast corner of the Northwest ¼ in Section 28, Township 2, Range 20, be filed with the Board of County Commissioners.

Commissioner McKernan left the meeting at 11:30 A.M.

Road Secretary Martha Wiedmer presented the Board of County Commissioners with the year-to-date expenses for the Road and Bridge Department for their review.

Secretary Wiedmer informed the County Board all FEMA projects in the First Commission District are complete, with projects in the Second Commission District to be completed this week. Once projects are complete a final project audit will be performed and monies drawn down from the FEMA fund to the Road and Bridge fund for reimbursement.

Chairman Collins executed acknowledgement of assurances relating to the acquisition of real property (work easements) for repair of 180th Spur Road located in Section 26, Township 3, Range 20E as part of the requirements for obtaining federal funds through the USDA Emergency Watershed Protection Program. Real Property easements were obtained from adjoining landowners Wayne A. and Cindy K. Rush and Robert and Beatrice Seidl described herein as follows:

TEMPORARY WORK AREA EASEMENT
Wayne A and Cindy K. Rush

The undersigned, Wayne A. and Cindy K. Rush, husband and wife, title holders to land located in Section 26, Township 3, Range 20E, Doniphan County, Kansas and further described in Exhibit A attached hereto does hereby grant, bargain, sell, convey and confirm unto Doniphan County, Kansas (hereinafter called the County) and its agents, contractors, and assigns, a temporary easement and right-of-way for access in, on, over and across a strip of land 100 feet wide and 250 feet in length along the South East side of the property described in Exhibit A, running adjacent to Doniphan County Road also known as 180th Spur Road/Old Hwy 7, for a period not to exceed 30 days from the date of this document, for use by the County, its representatives, agents, and contractors as a temporary work area, including the right to borrow and/or deposit fill, spoil and waste material thereon; to move, store and remove equipment and supplies; to erect and remove temporary structures on the land; and to perform any other work necessary and incident to the repair and rehabilitation of 180 Spur also known as Old Hwy 7 Road, specifically including the instillation of Rip Rap on the South East side of 180th Spur Road.; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however to existing easements for public roads and highways, public utilities, railroads, and pipelines.

And also;

TEMPORARY WORK AREA EASEMENT
Robert Seidl

The undersigned, Robert Seidl, title holder to land located in Section 26, Township 3, Range 20E, Doniphan County, Kansas and further described in Exhibit A attached hereto does hereby grant, bargain, sell, convey and confirm unto Doniphan County, Kansas (hereinafter called the County) and its agents, contractors, and assigns, a temporary easement and right-of-way for access in, on, over and across a strip of land 100 feet wide by 385 feet in length along the South East side of the property described in Exhibit A, running adjacent to Doniphan County Road also known as 180th Spur Road/Old Hwy 7, for a period not to exceed 30 days from the date of this document, for use by the County, its representatives, agents, and contractors as a temporary work area, including the right to borrow and/or deposit fill, spoil and waste material thereon; to move, store and remove equipment and supplies; to erect and remove temporary structures on the land; and to perform any other work necessary and incident to the repair and rehabilitation of 180th Spur also known as Old Hwy 7 Road, specifically including the instillation of Rip Rap on the South East side of 180 Spur Road.; together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way; reserving however, to the owners, their heirs and assigns, all such rights and privileges in the land as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however to existing easements for public roads and highways, public utilities, railroads, and pipelines.

Commissioner Horner requested the EWP project on 180th Spur Road be completed immediately upon federal funds becoming available from the Natural Resources Conservation Services Office in order to get the roadway opened to thru traffic and eliminate the large amount of traffic on 180th Road, a county road currently serving as the detour route.

John M. Smith, Jr. inquired about a law suit filed against Doniphan County, Kansas, by Ted Collins. The Board made no comment citing pending litigation. Mr. Smith asked the Board about progress being made for the relocation of Friendship Road in Section 28, Township 2, Range 20. Commissioner Horner advised the Board of County Commissioners agreed to purchase 2 acres (m/l) at a cost of \$6,500 per acre for relocation of the roadway.

Commissioner Horner asked John M. Smith, Jr. about obstruction of Heartland and 250th Roads by farm machinery, creating a travel hazard and liability risk. Mr. Smith indicated the combine is owned by Tyler Smith and all personal property will be removed from the roadway once the courts determine the ownership of the county road.

There being no further business before the Board, Commissioner Collins made a motion to adjourn at 12:06 P.M. Commissioner Horner seconded the motion.

DATED THIS 14th DAY OF NOVEMBER 2016.

Attest: _____
Peggy Franken, County Clerk

Timothy D. Collins, Chairman