

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, MARCH 23, 2020

The Board of County Commissioners met in regular session via Zoom at 8:30 A.M. with Second District County Commissioner Thad G. Geiger, Chairman, calling the meeting to order. First District County Commissioner Timothy D. Collins, County Attorney Charles D. Baskins and County Clerk Peggy Franken were present. Third District County Commissioner Jerry McKernan appeared by telephone.

Observers included County Attorney Secretary Celeste Etherton, The Kansas Chief Reporter Paul Stewart, Troy City Mayor Sarah Boeh-Cerra, Economic Development Director Leah B. Johnson and Noxious Weed Director Jim Norris. Those appearing before the Board of County Commissioners included Appraiser Danielle Kiefer, Road Office Manager Lindsay Norris, Register of Deeds Susan Shuster, Emergency Management Director Julie Meng and Health Department/Home Health Administrator Sheryl Pierce.

Commissioner McKernan made a motion to approve the meeting agenda as presented. Commissioner Collins seconded. Motion carried.

Commissioner McKernan made a motion to approve County Commission minutes of the March 16, 2020 regular meeting, March 18, 2020 and March 20, 2020 special meetings as written. Commissioner Collins seconded. Motion carried.

Commissioner Geiger made a motion to approve abated tax change orders to the 2019 Doniphan County tax roll in the amount of \$130.56. Commissioner Collins seconded. Motion carried.

Currently the Doniphan County Law Enforcement Center houses 1 Wyandotte County and 7 local inmates.

Fee report for the period of March 1-15, 2020 was presented to the Board for their review on behalf of the Sheriff's Department.

Commissioner McKernan reported Third Road District is continuing to haul chat in preparation of 2020 chip seal season.

Commissioner Collins, on behalf of the First Road District, said repairs were made on 115th Road and on Black Jack Road to make the roads passable. Once weather clears roads will be bladed and rocked. The Road Crew is performing maintenance on 2015 John Deere motor graders that are being traded for 2020 John Deere motor graders per buy back agreement with Murphy Tractor.

Commissioner Collins said he will also be obtaining a cost estimate for the Board's consideration for tile and riser work on Willow Road, south of 160th Road. Collins reported water is pooling in the area causing damage to the county road.

Commissioner Geiger reported on behalf of the Second Road District repair work to the bed of the lift boom truck. Road Foreman Nick Popple will meet with Ron Erpelding on Monument Road, south of Geary City, to view drainage issue where 30' tube may be needed.

Register of Deeds Susan Shuster informed the County Commission, after reviewing inventory and meeting with Department Administrators, laptop computers are needed in the Aging, Appraiser and County Treasurer offices for essential personnel to be able telework from home if needed. The cost for each laptop is \$629.00 plus programming. Commissioner McKernan made a motion to purchase three laptop computers at a cost not to exceed \$1,900.00. Commissioner Collins seconded. Motion carried.

Road Office Manager Lindsay Norris told the County Board all non-essential services have been placed on hold by the State of Kansas, therefore motor grader training school has been postponed.

Manager Norris presented the Board of County Commissioners with a list of proposed roads, by district, to be chip sealed during the 2020 season for their review.

Lindsay Norris, Road Office Manager, informed the Board of computer issues covered under warranty to be repaired by Dell.

Appraiser Danielle Kiefer reported decrease in agricultural land appraised values due to reclassification caused by Missouri River flooding in the amount of \$6,323,330 or a decline of tax dollars in the amount of \$208,000.00. Kiefer reported affected land would be subject to annual appraisal and values reclassified based on ability to plant.

Discussion was held in regard to formulating a plan to create a safe work environment for employees affected by the Coronavirus (COVID-19) epidemic. County Clerk Peggy Franken will draft a policy for the Board of County Commissioners consideration.

At 9:07 A.M. the Board of County Commissioners recessed until 9:30 A.M. in order to set up another Zoom session for public attendance.

At 9:30 A.M. Chairman Geiger called the meeting back to order.

Commissioner Geiger made a motion to authorize Department Administrators to make special provisions for employees with immune compromised systems to be able to work from home with pay or allow for social distancing for essential employees required to be at work during the Coronavirus epidemic (COVID-19). Commissioner Collins seconded. Motion carried.

Doniphan County Health Officer Dr. Bradley Gaul, M.D. signed and released an Emergency Health Order to mitigate the spread of the Coronavirus epidemic (COVID-19) pursuant to the authority provided in K.S.A. 65-119 and K.S.A. 65-129b. The Order will go into effect 12:01 A.M. on March 26, 2020 and remain in effect until 11:59 P.M. April 6, 2020 unless extended, rescinded, superseded or amended in writing. The Order directs all residents to remain at their place of residence except to conduct essential activities (as defined in the Order). All businesses and operations in Doniphan County, Kansas, except essential businesses as defined in the Order, are required to cease all activities. Commissioner McKernan made a motion for the Board of County Commissioners, acting as the Doniphan County Board of Health, to ratify the Emergency Order. Commissioner Collins seconded. Motion carried.

**EMERGENCY ORDER OF LOCAL HEALTH
OFFICER**

Emergency Public Health Order issued on this 26th day of March 2020 to mitigate the spread of the Coronavirus (COVID-19) epidemic in Doniphan County, Kansas, pursuant to the authority provided in K.S.A. 65-119 and K.S.A. 65-129b and other applicable laws or regulations.

WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119 and K.S.A. 65-129b to immediately exercise and maintain a supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS, the Local Health Officer is authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to K.S.A. 65-129b; and

WHEREAS on the 18th day of March 2020, the Board of County Commissioners of Doniphan County, Kansas found that a disaster had occurred, or the threat thereof was imminent within Doniphan County, Kansas as a result of the Corona Virus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States.

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, has been confirmed in Kansas, resulting in serious illness and at least two deaths to date in Kansas; and

WHEREAS, such conditions endanger health, safety and welfare of persons and property within the border of Doniphan County, Kansas; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Doniphan County Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace.

NOW, THEREFORE, BE IT ORDERED by the Local Health Officer, pursuant to the above authorities, that:

Section One: Stay at Home

Individuals may leave their residence only to perform an Essential Activity. To the extent possible, caregivers should keep their children at their residence unless childcare is necessary for the caregiver to perform an Essential Activity. People at high risk of severe illness from COVID-19 are urged to stay in their residence except as necessary to seek medical care.

Individuals who are sick may leave their residence only as necessary to seek or receive medical care in accordance with guidance from public health officials. All individuals shall exercise Social Distancing Requirements at all times.

Section Two: Non-essential business and operations must cease.

All businesses and operations in Doniphan County, except Essential Businesses as defined below, are required to cease all activities. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home).

Section Three: Definitions and Exemptions.

- a. For purposes of this Order, Social Distancing Requirements means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.
- b. For purposes of this Order individuals may leave their residence only to perform any of the following “Essential Activities” as described below. People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence except as necessary to seek medical care.
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional;
 - ii. To obtain necessary services or supplies for themselves and their family or household members, to obtain supplies they need to work from home, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences;
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running. Use of parks and other public areas are permitted. However, use of playground equipment is

prohibited;

- iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order; and
 - v. To care for a family member or pet in another household.
 - vi. To work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include activities at fitness and exercise gyms and similar facilities.
 - vii. To provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and webpage based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- c. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For the purposes of this Order, **covered businesses** include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- e. For the purposes of this Order, “**Essential Businesses**” means:
- i. Healthcare Operations, Essential Infrastructure and Essential Government Functions;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets,

food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, liquor stores, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Human and animal food processing facility workers;
- v. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair, and related facilities;
- viii. Banks and related financial institutions;
- ix. Hardware stores;
- x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- xi. Businesses providing mailing and shipping services, including post office boxes;
- xii. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions related to distance learning, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
- xiii. Laundromats, dry cleaners, and laundry service providers;
- xiv. Restaurants and other facilities that prepare and serve food, but only for drive thru, delivery or carry out and not for consumption on the premises. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xv. Businesses that supply products needed for people to work from home;
- xvi. Businesses that supply other essential businesses with the support or supplies necessary to operate;

- xvii. Businesses that ship or deliver groceries, food, goods or services directly to residences;
- xviii. Taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xix. Home-based care for seniors, adults, or children;
- xx. Residential facilities and shelters for seniors, adults, and children;
- xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- xxii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 1. Childcare must be carried out in stable groups of 10 or fewer (“stable” means that the same 10 or fewer children are in the same group each day);
 - 2. Children shall not change from one group to another;
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other; and
 - 4. Childcare providers shall remain solely with one group of children.
- xxiii. Manufacturing of essential products

f. For the purposes of this Order, weddings, wakes, or funerals are not exempt.

g. For purposes of this Order, **Social Distancing Requirements** includes maintaining at least six- foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

Essential Businesses must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:

- i. Designate six-foot distances. Designating with signage, tape, or by other means six- foot spacing for employees and customers in line to maintain appropriate distance;
- ii. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers;
- iii. Separate operating hours for vulnerable populations. Implementing

separate operating hours for elderly and vulnerable customers; and

iv. Online and remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.

h. For purposes of this Order, “**School Operations**” means any institution of elementary or secondary education, including but not limited to public, chartered, private, or parochial institutions. School Operations does not include a requirement that school buildings be closed if needed to house individuals, distribute food, provide medical care, distance learning or any other services deemed necessary to protect the life and property and other critical resources.

Section Four. That due to unique characteristics and risks associated with transmission dynamics, the likely spread of the disease based on factors of social distancing, the clinical severity of COVID-19, the lack of vaccine or antivirals as treatment options, the crowd density, the inability to ensure social distancing and to prevent close contact among groups, all groups of more than ten (10) persons and School Operations are prohibited from taking place in Doniphan County, Kansas, during the duration of this Order, unless it can be demonstrated to the satisfaction of the Local Health Officer that sufficient mitigation plans for infectious diseases are in place.

Section Five. Violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.

Section Six. This Order will continue to be in effect until 11:59p.m. April 6, 2020 unless extended, rescinded, superseded, or amended in writing. This Order may be supplemented or modified as required for the effective and efficient management and control of the Coronavirus epidemic in the County by further order or direction of the Doniphan County Board of Health or by the Doniphan County Local Health Officer.

Section Seven. Pursuant to K.S.A. 65-129b, and other legal authority, any Sheriff, sheriff deputy, police officer, or other law enforcement officer of the State of any political subdivision within Doniphan County is hereby ordered to assist in the execution of this Order.

IT IS SO ORDERED THIS 23rd DAY OF MARCH, 2020.

Dr. Bradley Gaul
Doniphan County Health Officer
Doniphan County, Kansas

Thad G. Geiger, Chairman
Timothy D. Collins, Member
Jerry P. McKernan, Member

There being no further business before the Board, Chairman Geiger adjourned the meeting at 9:38 A.M.

DATED THIS 23RD DAY OF MARCH 2020.

Attest: _____
Peggy Franken, County Clerk

Thad G. Geiger, Chairman

