

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, NOVEMBER 23, 2020**

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 Thad G. Geiger, Chairman, calling the meeting to order. Third District County Commissioner Jerry McKernan, County Attorney Charles Baskins and County Clerk Peggy Franken were present. First District County Commissioner Timothy D. Collins appeared via telephone.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. Dennis McKittrick, Undersheriff Mark Allen, Noxious Weed Director Jim Norris, Second District Commissioner-elect Wayne Grable, First District Road Foreman Sean Price, Aging Administrator Peggy Wood, Emergency Management Coordinator Julie Meng, Public Health Preparedness Coordinator Kay Smith, Health Department Registered Nurse Ruth Forney, Laura and Steve Gerdes were present for a portion of the meeting. Health Department/Home Health Administrator Sheryl Pierce appeared via telephone.

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

Commissioner McKernan made a motion to approve County Commission minutes of the November 16, 2020 meeting as written. Commissioner Collins seconded. Motion carried 3-0.

Commissioner McKernan made a motion to approve change orders to the 2020 Doniphan County tax roll for abated taxes totaling \$733.26. Commissioner Collins seconded. Motion carried 3-0.

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

Dennis McKittrick, Maintenance Supervisor of the Doniphan County Law Enforcement Center and Undersheriff Mark Allen met with the Board of County Commissioners to discuss proposal from P1 Group for installation of nine discharge air sensors on roof top air units at the Doniphan County Law Enforcement Center. Mr. McKittrick stated the sensors are needed to operate the air units at maximum efficiency. Commissioner Collins made a motion to accept the proposal of P1 Group for installation of nine discharge air sensors on rooftop air units at the Doniphan County Law Enforcement Center in an amount not to exceed \$5,400.00, with the expense to be paid from New Sales Tax fund. Commissioner McKernan seconded. Motion carried 3-0.

Noxious Weed Director Jim Norris informed the County Commission the bucket truck rented from Altec for tree trimming will be returned until January 2021. He requested permission to continue rental of wood chipper to assist with trimming projects at a rate of \$1,750.00 per month from Foley Equipment. Commissioner Collins made a motion to continue rental of chipper to assist with tree trimming projects for a period of 30-days at a rate of \$1,750.00. Commissioner McKernan seconded. Motion carried 3-0.

Director Norris asked the Board of County Commissioners to help draft a plan for tree trimming along county roads that includes designating personnel from each road district to assist, thus creating a more organized effort from the road crew. The Board tabled action until January 2021.

Jim Norris, Noxious Weed Director, told the County Board two Regional Conservation Partnership Program (RCPP) projects have been completed in conjunction with the Doniphan County Conservation District Office: 1) 80' x 18" tube on 170<sup>th</sup> Road east of Friendship Road, north of Bendena, Kansas in Section 33 Township 3 Range 20E and, 2) Road tube replacement on Randolph Road, south of 135<sup>th</sup> Road in Section 13, Township 4 Range 21E. Three RCPP projects remain, two of which are awaiting approval by the Doniphan County Conservation District Office.

First District Road Foreman Sean Price informed the County Commission the chip spreader and oil distributor have been taken to Van Keppel for repair assessment prior to the 2021 chip seal season. Commissioner Collins made a motion to pay Van Keppel \$155.00 per hour to assess equipment, with repair cost estimates to be presented and approved by the Board of County Commissioners prior to work being completed. Commissioner McKernan seconded. Motion carried 3-0.

The Board of County Commissioners were in receipt of a letter of resignation on behalf of Doniphan County Health Department Housekeeper Cara Jenkins. Commissioner Collins made a motion to accept the resignation of Housekeeper Cara Jenkins effective immediately. Commissioner McKernan seconded. Motion carried 3-0.

Emergency Management Coordinator Julie Meng, Public Health Preparedness Coordinator Kay Smith and Health Department Registered Nurse Ruth Forney appeared before the Board of County Commissioners along with Health Department/Home Health Administrator Sheryl Pierce via telephone to discuss implementation of a countywide face mask requirement in all public spaces in order to mitigate the spread of the coronavirus pandemic (COVID-19). Administrator Pierce asked the Board of County Commissioners to follow Kansas Governor Laura Kelly's Executive Order 20-68 ordering all Kansans to wear a face covering in public places and businesses beginning 12:01 A.M. Wednesday, November 25, 2020 until such time as rescinded by the Kansas Governor or the Board of County Commissioners. Public Health Preparedness Coordinator Kay Smith did not have available the number of active COVID-19 cases in Doniphan County as of Monday, November 23, 2020. Health Administrator Pierce said according to news reports there is a 6% effective rate in counties who have imposed a mask mandate versus those who have not.

Emergency Management Coordinator Meng presented the County Commission with County Resolution 2020-11, a Resolution of Doniphan County, Kansas, requiring the wearing of masks or other face coverings, enforcement of quarantine and isolation orders within Doniphan County, Kansas, to help mitigate the spread of the coronavirus pandemic (COVID-19) effective 11:59 P.M. Tuesday, November 24, 2020 until December 7, 2020 at which time the Board of County Commissioners will review. Discussion followed with public and county officials present. Commissioner-elect Wayne Grable stated he didn't like the idea of the County placing a mandate on people. Saying people should have the freedom to choose if they wear a mask or not. First District Road Foreman Sean Price voiced concern with the short timeframe of the mask mandate saying with upcoming holidays the county will not see a change in 2 weeks. Aging Administrator Peggy Wood voiced concern with closing businesses due to COVID-19. It was stated by the Board there is no intent on closing businesses, only issuing a countywide mask requirement.

Commissioner Collins made a motion to adopt County Resolution 2020-11 in lieu of following Kansas Governor Laura Kelly's Executive Order 20-68. Commissioner McKernan seconded. Motion carried 3-0.

**RESOLUTION NO. 2020-11**

**A RESOLUTION OF DONIPHAN COUNTY, KANSAS, REQUIRING THE WEARING OF MASKS OR OTHER FACE COVERINGS, ENFORCEMENT OF QUARANTINE & ISOLATION ORDERS WITHIN DONIPHAN COUNTY, KANSAS.**

**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 Doniphan County, and has resulted in serious illness and death; and

**WHEREAS**, the World Health Organization declared a pandemic on March 11, 2020, and

**WHEREAS**, the Governor of the State of Kansas declared a statewide public health emergency on March 12, 2020 pursuant to K.S.A. 48-924; and

**WHEREAS**, the President of the United States declared on March 13, 2020 the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the Stafford Act); and

**WHEREAS**, the President of the United States declared on March 13, 2020 a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq., and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5); and

**WHEREAS**, the Board of County Commissioners of Doniphan County declared a public health emergency on March 18, 2020; and

**WHEREAS**, local government has a responsibility to secure the health, safety and economic well-being of its residents, and to serve its residents in a manner that benefits the whole community; and

**WHEREAS**, Doniphan County and the State of Kansas are experiencing a significant increase in the numbers of COVID-19 cases, hospitalizations, and deaths in recent weeks; and

**WHEREAS**, such conditions endanger the health, safety and welfare of residents of Doniphan County and pose a serious threat to the Doniphan County economy; and

**WHEREAS**, the Center for Disease Control, the Kansas Department of Health and Environment, and local medical professionals recommend community mitigation measures to slow the spread of disease for the protection of our residents' health and our local economy, including staying home when you are sick, washing hands properly and frequently, properly wearing personal protective equipment such as masks and/or face shields when a distance of at least six (6) feet cannot be maintained between you and people who are not members of your household (social distancing), abiding by isolation and quarantine orders, and making informed choices and calculated risks when considering travel and gatherings.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF DONIPHAN COUNTY, KANSAS:**

**SECTION 1. Definitions**

1. **“Mask or Other Face Covering”** means a covering of the nose and mouth that is secured to the head with ties, straps or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made or can be improvised from household items. A clear plastic full face shield is an acceptable alternative to a mask or other face covering.
2. **“Public Space”** means any indoor or outdoor space or area that is open to the public, and does not include private residential property or private offices or workspaces that are not open to the customers or public visitors.
3. **“Social Distancing”** means maintaining at least six (6) feet of distance between yourself and others outside your household, except for infrequent or incidental moments of closer proximity.
4. **“Isolation Orders”** means official notification from Doniphan County Health Department or KDHE ordering a person who has tested positive for COVID-19 to separate themselves from others for the purpose of limiting the spread of infectious disease.
5. **“Quarantine Orders”** means official notification from Doniphan County Health Department or KDHE ordering a person who is believed to have been exposed to a confirmed case of COVID-19 to separate from others and restrict their movement for the purpose of limiting the spread of infectious disease.

**SECTION 2. Requirements of Persons**

1. All persons in Doniphan County shall cover their mouth and nose with a mask or other face covering when they are in the following situations:
  - A. Inside any indoor public space and social distancing at all times is not possible;
  - b. In line and waiting to enter an indoor public space;
  - c. Obtaining services from the healthcare sector in settings, including but not limited to, pharmacy, medical clinic, physician or dental office, unless directed otherwise by an employee or healthcare provider;
  - d. Riding on public transportation or in ridesharing vehicles;
  - e. While outdoors in public spaces and social distancing at all times is not possible.
2. All persons in Doniphan County shall abide by isolation orders and quarantine orders issued by a medical professional, Doniphan County Health Department or KDHE. (See Section 4 for Exemptions).

**SECTION 3. Requirements of Businesses, Organizations, Non-Profit Associations**

1. All businesses, organizations and non-profit associations in Doniphan County must require all employees, customers, visitors, members or members of the public to wear a mask or other face covering when:

- a. Employees are working in any space visited by customers, members of the public or co-workers, who are present at the time, and social distancing at all times is not possible;
- b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;
- c. Customers, members, visitors or members of the public are in a facility managed by the business or organization; or
- d. Employees are in any room or enclosed area where other people (except individuals who reside together) are present and social distancing cannot be maintained at all times.

#### **SECTION 4. Exemptions**

The following individuals are exempt from wearing masks or other face coverings in the situations described in Sections 2 and 3:

- a. Persons aged five years old or under (children age two years and under should not wear a face covering because of the risk of suffocation);
  - b. Persons with a medical condition, mental health condition or disability that prevents wearing a face covering – this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated or otherwise unable to remove a face covering without assistance;
  - c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
  - d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state or federal regulations or workplace safety guidelines;
  - e. Person driving alone or solely with other members of their household;
  - f. Speakers and presenters to an audience or congregation that can maintain a distance of at least ten (10) feet between the speaker or presenter and others outside their household;
  - g. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
  - h. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a six (6) foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
  - I. Athletes who are engaged in an activity that a professional or recreational association, regulatory entity, medical association or other public health oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
  - j. Persons engaged in strenuous physical activity, whether in a gym or outdoors (including athletes who are engaged in organized sports activities) provided social distancing can be consistently maintained;
  - k. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.
2. Healthcare workers, first responders and others may be subject to modified quarantine orders for the purpose of continuity of essential services. Modified quarantine orders will be determined on an individual basis by the Doniphan County Health Officer

#### **SECTION 5. Signage**

- 1. Public places shall post at all public entrances, signage indicating masks are required for entry.

2. Signage shall be large enough to be easily seen by the entering public.

#### **SECTION 6. Enforcement**

1. As currently permitted pursuant to state law, the county attorney enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.

#### **SECTION 7. Effective**

This order shall be in full force and effect at 11:59 p.m. on November 24, 2020 and shall be reviewed on Monday, December 7, 2020 during the regular meeting of the Doniphan County Board of Commissioners. This order shall remain in full force and effect until rescinded by the Doniphan County Board of Commissioners.

#### **SECTION 8. Severability**

If any portion of this order is found or determined to be invalid, such finding or determination shall only affect the portion of the order that is at issue and shall not affect the validity of the remainder of the order.

**PASSED** and **ADOPTED** by the Governing Body and signed by the Doniphan County Board of Commissioners this 23<sup>rd</sup> day of November, 2020.

Thad G. Geiger, Chairman  
Timothy D. Collins, Member  
Jerry P. McKernan, Member  
ATTEST: Peggy Franken, County Clerk

Commissioner Collins made a motion to purchase CAT ISO controller switch for courthouse generator from CK Power in the amount of \$3,865.00, with payment to be made from New Sales Tax fund. Commissioner McKernan seconded. Motion carried 3-0.

Commissioner McKernan made a motion to enter into an annual maintenance contract with CK Power for maintenance of 100kw courthouse generator in the amount of \$1,140.00 with payment to be made from County General fund. Commissioner Collins seconded. Motion carried 3-0.

Health Department Registered Nurse Ruth Forney read a letter to the Board of County Commissioners on behalf of Health Department Housekeeper Stephanie Juhl.

*"I am disappointed by the way some of the employees at the Health Department were portrayed at the commissioner meeting that was later put into the paper. Assumptions were made about certain employees working only once a month and how they should not receive hazardous pay. The administrator of the health department, Sheryl Pierce stated that there were NOT any employees only working one day a month and the employees that the commissioner was referring to are doing extra jobs that put them in danger of contracting Covid-19. They are entering people's homes and coming into the office where people have been tested to sanitize in hopes that they can help diminish the threat of Covid-19 several times a week. The health department is also gearing up for the worst of Covid-19 and Pierce shared that she will need all her employees to aid in sanitizing numerous times a day and to administer shots. The risk remains the same for ALL employees and it seems as though some are being valued more than others because of the assumptions made about their job.*

*To help you better understand the importance of our jobs, you should talk to some of the citizens within our community. To assume that all we do is go in and clean once a month and*

*leave is outrageous and downright offensive. When we go into these homes, whether it be for cleaning, personal care, or nursing, the risk is still there. We do not know if they will expose us to Covid-19, yet we still take care of them and put them first.*

*We not only carry the risk of contracting Covid-19, but also the risk of giving it to a loved one. If it was your wife, your parents, or someone else from your family, would you feel safe and secure? Would you want someone qualified to take care of your family member with compassion? I treat my patients like family, continuing to work in the public and enter their homes because someone has to. Many of us work other jobs, and have continued to pick up extra hours to work for the health department because we are needed.*

*At the end of the day, the employees at the health department are exhausted but we continue to show up for the community every day. We all deserve to have some recognition and feel like we are of value. The money is not as important as the portrayal of the details our job being stated incorrectly, especially to the public. After the meeting with the commissioners on Monday, it seems clear that you do not know what our job entails.*

*Sincerely,  
Stephanie Juhl”*

Health Department/Home Health Administrator Sheryl Pierce asked the Board of County Commissioners to reconsider one-time hazard pay for all employees of the Doniphan County Health Department. The Board took no action.

Aging Administrator Peggy Wood requested closure of the County’s four Senior Citizens Center Sites to help mitigate the spread of the coronavirus with no disruption to the home delivery meal program beginning November 24, 2020 through January 2, 2021. Commissioner McKernan made a motion to close Doniphan County Senior Citizens Center Sites to in-person services and continue with home delivery meal program beginning November 24, 2020 through January 2, 2021 to help mitigate the spread of the coronavirus. Commissioner Collins seconded. Motion carried 3-0.

Steve and Laura Gerdes were present to discuss Steve Gerdes’ employment status with Doniphan County. The Board of County Commissioners made no comment.

There being no further business before the Board, Chairman Geiger adjourned the meeting at 10:04 A.M.

DATED THIS 23rd DAY OF NOVEMBER 2020.

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

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Thad G. Geiger, Chairman