

**UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, SEPTEMBER 14, 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. First District County Commissioner Timothy D. Collins, Third District County Commissioner Jerry McKernan and County Clerk Peggy Franken were present. County Attorney Charles D. Baskins was present for a portion of the meeting.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. John M. Smith, Jr., Deputy Treasurer Nicole Diveley, First District Road Foreman Sean Price, Road Office Manager Lindsay Norris, Zoning Administrator Julie Meng, Chris Sevedge with SBA , Jackson Gnaedinger with Collective Solutions, Rhonda Fernandez and Noel Leach with PIC Benefit Services, Health Department/Home Health Administrator Sheryl Pierce and Bill Foster were present for a portion of the meeting.

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 the County Commission minutes of the August 31, 2020 meeting as written. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve payroll and warrants for the September 15, 2020 period as presented. Commissioner McKernan seconded. Motion carried 3-0.

Fee reports for the month of August 2020 were presented on behalf of the County Clerk, Register of Deeds and Sheriff for the Board's review.

Currently the Doniphan County Law Enforcement Center houses 6 local inmates.

John M. Smith, Jr. asked if he would need to be put on the agenda to receive a copy of the County Commission minutes. Chairman Geiger informed Mr. Smith County Commission minutes are made part of the permanent record and are open to the public. Jr. Smith voiced liability concerns with road conditions on both 250th and Heartland Roads, stating a tube on Heartland Road risks being washed out due to water running over the tube during heavy rain.

Deputy Treasurer Nicole Diveley announced the resignation of Denise Ernzen effective September 22, 2020. Ms. Diveley requested permission to place employment advertisement to hire two employees, one to fill the vacancy and another to get the office to full staff. Commissioner McKernan made a motion to approve the advertisement and hiring of two staff members for the County Treasurer's office. Commissioner Collins seconded. Motion carried 3-0.

Deputy Treasurer Diveley advised the County Commission she is obtaining bids to replace the office printer and MOVRS printers, used for motor vehicle transactions and no longer supported by the Kansas Department of Revenue.

Nicole Diveley, Deputy Treasurer, informed the County Commission of overtime accrual during the next few months due to tax collections and driver's license training which is scheduled for October 6-7, 2020.

County Clerk Peggy Franken presented the Board of County Commissioners with August 2020 departmental budget and cash summary. Clerk Franken voiced concerns with cash balance and budget authority of the Elderly fund through the remainder of the year.

The Board of County Commissioners were in receipt of sales tax collections in the amount of \$50,819.40. County Clerk Peggy Franken reminded the Board of County Commissioners of their commitment to Elwood Gladden Drainage District in the amount of \$200,000.00 per year for a 5-year period beginning with calendar year 2021 to assist with repairs to the levee structure.

County Clerk Franken presented the Board of County Commissioner's with requirements of the Families First Coronavirus Response Act: Employee Paid Leave Rights (FFCRA) as amended by the Department of Labor August 27, 2020. The County Clerk stated the Commissioners had previously been asked how to address compensation for employees who chose remote learning instead of sending their children to school due to the COVID-19 pandemic. According to updated regulations employees are not eligible to take paid leave under the FFCRA because school is not closed due to COVID-19 related reasons, it is open for children to attend. The Board of County Commissioners were in agreement not to deviate from the Department of Labor Families First Coronavirus Response Act: Employee Paid Leave Rights as amended August 27, 2020.

County Clerk Peggy Franken also presented the Board of County Commissioners with a copy of a Presidential Memorandum issued by United States President Donald J. Trump on August 8, 2020 allowing the deferral of withholding, deposit and payment of the employee's share of social security tax beginning September 1, 2020 through December 31, 2020. Clerk Franken recommended the Board of County Commissioners opt out of the Presidential Memorandum, as the employee's share of social security tax is deferred, not exempted, employees will repay social security tax withholdings beginning January 1, 2021 through April 30, 2021. In addition, Doniphan County would be responsible for repayment of social security tax withholdings on employees who resign or terminate employment during the deferral period. Commissioner Collins made a motion to opt out of Presidential Memorandum dated August 8, 2020 and continue to withhold and make payment of employee's share of social security tax. Commissioner McKernan seconded. Motion carried 3-0.

At 8:54 A.M. Commissioner Collins made a motion to recess into executive session for the purpose of discussing and protecting the interest of non-elect personnel in the Road Department with the meeting to be called back to order in the office of the Doniphan County Commission at 9:04 A.M. Commissioner McKernan seconded. Motion carried 3-0. The County Clerk and First District Road Foreman remained.

Road Office Manager Lindsay Norris gave the Board of County Commissioners a product price list for Foley Quarry.

A listing of tubes needed to complete projects in the First and Second Road Districts was presented to the Board of County Commissioners by Road Office Manager Lindsay Norris at a cost of \$65,116.10 plus bands. First District Road Foreman Sean Price stated two additional 6' x 86' tubes will be needed for Elgin Road at a cost of \$9,481.50 each. Commissioner Collins made a motion to approve the slate of tubes, including two 6' x 86' tubes for Elgin Road, at a total cost of \$84,079.10. Commissioner McKernan seconded. Motion carried 3-0.

Road Office Manager Lindsay Norris informed the County Commission the rock fund within Road and Bridge general has a current cash balance of \$157,000.00. She recommended Road Foreman view Township Road Improvement fund balances and formulate a plan for rocking county roadways.

Commissioner McKernan made a motion to exchange Doniphan County Federal Funds, under the Federal-Aid Fund Exchange Master Agreement, in the amount of \$76,433.89 to State Funds at a rate of \$0.90 per \$1.00 of Federal Funds. Total State Funds to be received \$75,755.89. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve payment to Schwab-Eaton, PA for engineering services on Peck Road (GeoTech boring) in the amount of \$3,163.00. And \$6,694.49 for engineering design services on bridge structure RS160 located on 180th Road, which has been approved for repair under the Kansas Department of Transportation Short Span Bridge Replacement program. Commissioner McKernan seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve 500 hour service maintenance on 2020 John Deere Motor Grader #200, located in the First Road District, in the amount of \$1,647.78. Commissioner McKernan seconded. Motion carried 3-0.

Commissioner Geiger stated David Beach, Engineer with Schwab-Eaton, PA viewed Treece Road, near the intersection of 240th Road, in Section 28 Township 2 Range 22E determining the roadway could be opened to one lane traffic. It was recommended one-lane traffic signs be installed warning motorists and a drainage ditch be cut on the bluff side of the road to divert water. In addition, Engineer Beach viewed 245th Road, in Section 23 Township 2 Range 21E, where the bluff is sloughing off. Mr. Beach recommended cleaning out the ditch, installation of footings and building up the area to reinforce the bluff.

Commissioner Geiger suggest the Board of County Commissioners engage Engineers with Schwab-Eaton, PA to design a work plan for bank stabilization of Peck Road, near the intersection of 245th Road, in Section 23 Township 2 Range 21E. Commissioner Geiger said the roadway is a main artery for harvesting crop in the Burr Oak area and is one heavy rain away from losing the entire road.

The Board of County Commissioners discussed contracting road tube installation projects and debris removal from streams, as the County is short staffed and does not have equipment capable of reaching debris. Commissioner Geiger offered to develop bid specifications for the Board of County Commissioners consideration.

County Clerk Peggy Franken presented the Board of County Commission with repair estimate from Midway USA Collision Center in the amount of \$49,766.05 for a 2018 Western Star rock truck damaged in an incident while dumping rock on August 13, 2020. Foreman Price stated the estimate for repair does not include an inspection of the bed. County Clerk Franken informed the County Board of KCAMP's, the County's property insurance carrier, recommendation to make the final payment on the 2018 Western Star trucks. The Board tabled action.

Zoning Administrator Julie Meng, Chris Sevedge, Attorney for SBA, and Jackson Gnaedinger, Representative with Collective Solutions, appeared before the Board of County Commissioners for the purpose of approving zoning change on behalf of Collective Solutions for installation of 340' guyed cell tower located at 630 Castleton Road, Denton, Kansas 66017. Christopher Sevedge, Attorney for SBA, objected to the zoning change stating the current tower located at

433 130th Road, Denton, Kansas, is substantial enough to handle 5G and FirstNet services. In addition, he stated in his opinion Doniphan County Zoning regulations have not been met by Collective Solutions do to there being no study as outlined in zoning regulations. Jackson Gnaedinger, representing Collective Solutions, said Kansas statutes are applicable to Doniphan County Zoning Codes and Collective Solutions has followed all requirements set forth by Doniphan County Zoning Regulations. Further stating the new tower proposed by Collective Solutions would be able to support up to three carriers in addition to AT&T, the current carrier. Chairman Geiger asked Zoning Administrator Meng of actions taken by the Doniphan County Planning Commission. She stated the Doniphan County Planning Commission ended in a tie vote with the Chairman breaking the tie in favor of Collective Solutions for erection of 340' guyed cell tower at 630 Castleton Road. The Board of County Commissioners tabled action pending County Attorney Charles D. Baskins contacting the Kansas Corporation Commission and Kansas Attorney General's Office to seek definite statutory authority.

Emergency Management Director Julie Meng presented the Board of County Commissioners with bids to replace the courthouse generator. Action tabled until September 21, 2020 Commission meeting.

Norman Meng, Representing the Doniphan County Fair Association, presented the Board of County Commissioners with a flyer for the annual "Thrill on the Hill" truck and tractor pull to be held at the Doniphan County Fairgrounds on September 19, 2020 beginning at 6:00 P.M. He requested use of county motor grader and roller, along with operator, to assist with the annual fundraising event. The Board of County Commissioners made no objection.

At 10:11 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 10:16 A.M.

Rhonda Fernandez and Noel Leach, Professional Insurance Consultants, presented the Board of County Commissioners with bids for county employee health insurance beginning January 1, 2021. After review of rates from Blue Cross/Blue Shield of Kansas and the State Employee Health Plan administered by the State of Kansas, Mrs. Fernandez recommended the County remain with the State Employee Health Plan based on the County currently being a high risk group and State Employee Health Plan medical premiums staying the same for single and employee/child coverage and decreasing by 2.5% for employee/spouse and family tiers for coverage year 2021. Commissioner Collins made a motion to accept the recommendation of Professional Insurance Consultants and execute a 3-year contract with the Kansas State Employee Health Care Commission for county employee health benefits beginning January 1, 2021. Commissioner McKernan seconded. Motion carried 3-0.

Professional Insurance Consultants Rhonda Fernandez and Noel Leach will hold health insurance open enrollment seminars for county employees on September 30, 2020. They will also hold a public Medicare informational meeting in November of 2020.

At 10:46 A.M. Commissioner Collins made a motion to recess into executive session for the purpose of discussing and protecting the interest of non-elect personnel in the Health Department with the meeting to be called back to order in the office of the Doniphan County Commission at 10:56 A.M. Commissioner McKernan seconded. Motion carried 3-0. The County Attorney, County Clerk and Health Department/Home Health Administrator remained.

Sheryl Pierce, Health Department/Home Health Administrator, announced Cecelia Snead's termination of employment effective September 10, 2020.

The Board of County Commissioners were in agreement to place an employment advertisement for Home Health Aid/Housekeeper/Office Custodian for the Doniphan County Health Department.

Commissioner McKernan made a motion to execute the FFY 2021 WIC Local Agency Contract between Doniphan County and the Kansas Department of Health and Environment. Commissioner Collins seconded. Motion carried 3-0.

Health Department/Home Health Administrator Sheryl Pierce informed the Board of County Commissioners the Doniphan County Health Department's application for public health funds through State of Kansas Coronavirus SPARK funds was denied. She will work with County Clerk Peggy Franken for public health purchases through Doniphan County's CARES Act funding.

The Doniphan County Health Department will hold their annual seasonal flu shot drive-thru clinic on October 1, 2020 9:00 A.M. – 6:00 P.M. in the alley located behind the Doniphan County Health Department at 201 Main Street, Troy, Kansas.

Health Administrator Sheryl Pierce informed the Doniphan County Commission Doniphan County has had 93 positive COVID-19 cases, with 5 currently active. Doniphan County has a 14.74% positivity rate of those tested.

Bill Foster appeared before the Board of County Commissioners to determine if bridge decking repair would be completed before fall harvest on bridge T133-1 located on 190th Road, in Section 19 Township 3 Range 20E. Commissioner Collins said bridge contractors do not plan to begin repairs on the structure until November 2020. In the future Commissioner Collins recommended the Board of County Commissioners set a definite start and completion date, with monetary penalty per day if not completed on schedule.

A proposal to access the Second District Road Shop via private property located at 409 S. Main Street, Troy, Kansas, in Section 20 Township 3 Range 21E owned by Robert Williamson, formerly owned by Doniphan County Electric Coop Association, was tabled by the Board of County Commissioners pending review.

There being no further business before the Board, Chairman Geiger adjourned the meeting at 11:03 A.M.

DATED THIS 14TH DAY OF SEPTEMBER 2020.

Attest: _____
Peggy Franken, County Clerk

Thad G. Geiger, Chairman