

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, MAY 1, 2023

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 and County Clerk Peggy Franken present. County Attorney Charles D. Baskins was present for a portion of the meeting.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. Second Road District Foreman Sean Price, Road Office Manager Lindsay Norris, Zoning Administrator Julie Meng, Attorney Joel Euler, Northeast Kansas Environmental Services Office Manager Martha Smith, Waste Management Area Manager of Disposal Operations Mike Hey and John Connelly, Waste Management Manager of Operations for Doniphan County Transfer Station, were present for a portion of the meeting.

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

Commissioner Collins made a motion to approve County Commission minutes of April 24, 2023 regular meeting as written. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Collins made a motion to approve manual warrants for the period of April 28, 2023 as presented. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve abated taxes to the 2022 Doniphan County tax roll in the amount of \$1,543.12. Commissioner Hall seconded the motion. Motion carried 3-0.

Fee report for the month of April 2023 was presented to the County Commission for their review on behalf of the County Clerk.

The Jerry K. Dubach Doniphan County Law Enforcement Center currently houses 7 local inmates.

Road Foremen Representative Sean Price told the County Commission the Road Department is preparing equipment and picking up a roller from Foley Equipment to begin road patch work. He stated in order for patch work to be completed prior to chip seal by Vance Brothers, all three road districts will be working together.

Foreman Price also told the County Commission irrigation pivots along Mineral Point Road and in Burr Oak Township are irrigating water out onto the county road, causing water to stand and damage the county road. Commissioner Grable recommended once patch work is complete, the Road Department work on ditching, create proper drainage and build up Mineral Point Road. County Attorney Charles Baskins will give a future opinion on actions to be taken by the Board of County Commissioners to control damage to county property by irrigation equipment.

Commissioner Grable made a motion to approve the purchase of six truck tires from Neumann Services to replace Road Department inventory in the amount of \$3,002.08. Commissioner Collins seconded the motion. Motion carried 3-0.

Road Office Manager Lindsay Norris informed the County Commission replacement safety decals have been ordered for placement on all county road equipment, including passenger vehicles. As well as safety shirts for employees of the Road Department.

The Board of County Commissioners executed dust control form agreements between Doniphan County, Kansas, and property owners for properties located at 742 Randolph Road, Wathena, Kansas and 2176 200th Road, Wathena, Kansas. A listing of dust control application properties was given to each of the Road Foremen for minimal maintenance.

David Beach, Engineer with Schwab-Eaton, P.A. will meet with Road Office Manager Lindsay Norris on May 2, 2023 to review and make repair recommendation for bridge structures listed as insufficient on the Kansas Department of Transportation bi-annual bridge inspection report and to re-evaluate culvert on Coronado Road, north of Highland, Kansas, in Sections 22-23 Township 2 Range 19E.

Correspondence was received in the Road Office from the Kansas Department of Transportation regarding bridge replacement on Kansas Highway 7 near White Cloud, Kansas. KDOT will create construction access for affected landowner at 2272 Denmark Road, in Section 26 Township 1 Range 19E, as long as there are no objections by the Board of County Commissioners. The County Commission was in agreeance to allow KDOT to create property access to 2272 Denmark Road during replacement of bridge on Kansas Highway 7 in Section 26 Township 1 Range 19E.

Road Office Manager Lindsay Norris told the County Commission she was contacted by representatives of the Doniphan County Sheriff's Department regarding accident on Port William Road. She asked the Road Department to blade and address any issues on Port William Road.

Manager Norris was also in receipt of a voicemail regarding road concerns on Mineral Point Road, near the old town of Doniphan, where irrigation pivots are putting water out onto the county road. Road Foremen Representative Sean Price said he would send a blade down to maintain the road.

Zoning Administrator Julie Meng presented the County Commission with recommendation on behalf of Doniphan County Regional Planning Commission to approve zoning amendment from A-1 Agriculture to A-1 Conditional Use on property owned by Eric & Lorrie Donaldson, located at 1841 190th Road, Wathena, Kansas, to allow sale of new and used utility trailers with the following conditions: 1) the conditional use is granted only to the Donaldson's for the specific use of selling new and used utility trailers. No other use or operators will apply. And 2) if the proposed sale of new and used utility trailers stops operation for a period of 6 months or longer, the conditional use will not be valid. After review of recommendation by the Doniphan County Regional Planning Commission, Commissioner Grable made a motion to amend zoning from A-1 Agriculture to A-1 Conditional Use on property owned by Eric & Lorrie Donaldson, located at 1841 190th Road, Wathena, Kansas, to allow sale of new and used utility trailers with the following conditions: 1) the conditional use is granted only to the Donaldson's for the specific use of selling new and used utility trailers. No other use or operators will apply. And 2) if the proposed sale of new and used utility trailers stops operation for a period of 6 months or longer, the conditional use will not be valid. Commissioner Hall seconded the motion. Motion carried 3-0.

At 9:14 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 9:19 A.M.

Commissioner Grable, on behalf of the Road Office Manager, presented correspondence to Road Foreman Price from Foley Equipment regarding reasons for cracking on skid steer tracks.

At 9:24 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing economic development contract negotiations with the meeting to be called back to order in the office of the Doniphan County Commission at 9:39 A.M. Commissioner Hall seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Attorney Joel Euler remained.

At 9:39 A.M. Commissioner Grable made a motion to extend executive session for the purpose of discussing economic development contract negotiations with the meeting to be called back to order in the office of the Doniphan County Commission at 9:44 A.M. Commissioner Hall seconded the motion. Motion carried 3-0. County Attorney and County Clerk remained.

Commissioner Grable made a motion to enter into agreement with Adrienne (Korson) Neibling, Korson Consulting Services, for economic development project development consulting services at a rate of \$100.00 per hour. Enter into agreement with Attorney Joel Euler on as needed basis for economic development consulting services at a rate of \$125.00 per hour and hire part-time assistant for Economic Development office at a rate of \$15.00 per hour, with the part-time assistant position to be under the direction and supervision of the Doniphan County Clerk. Commissioner Hall seconded the motion. Motion carried 3-0.

At 9:50 A.M. Chairman Grable called public hearing to order for the purpose of vacating County roadways pursuant to K.S.A. 68-102. Present for the hearing Foremen Representative Sean Price and The Kansas Chief Reporter Melanie Davis.

- a. That part of Kennekuk Road beginning on the North line of 180th Spur thence North to the South line of 180th Road
- b. That part of Kennekuk Road lying in the North half of the Southwest Quarter of Section 25 Township 3 Range 20E and the North half of the Southeast Quarter of Section 26 Township 3 Range 20E, beginning 500 feet South of the North line of the Southwest Quarter of Section 25 and the North line of Southeast Quarter Section 26, continuing South to a point 150 feet North of the South line of the North half of the Southwest Quarter of Sections 25 and 26

And also,

Roads and alleys located on the plat of Maynard, within Doniphan County, Kansas, in Section 19 Township 3 Range 21E:

- a. That portion of Patterson Street between the points where it intersects with the south line of lot 6, block 45 and south line of lot 11, block 44 north to south line of Second Street. All running between blocks 44 and 45.
- b. Any alley in block 44 located between the south line of lot 11, block 44 and the south line of lot 6, block 44 north to the south line of Second Street. All running in block 44.
- c. That portion of Zimmerman Street between the points where it intersects with the south line of lot 6, block 44 and south line of lot 11, block 43 north to south line of Second Street. All running between blocks 43 and 44.

The above real estate described has been platted and dedicated and is part of Maynard, also known as Troy Junction; the plat of Maynard being filed in the office of the Register of Deeds of Doniphan County, Kansas, during the month of March 1971.

There being no public comment Chairman Grable closed public hearing for vacation of county roadways, streets and alleys.

Commissioner Collins made a motion to vacate

- a. That part of Kennekuk Road beginning on the North line of 180th Spur thence North to the South line of 180th Road
- b. That part of Kennekuk Road lying in the North half of the Southwest Quarter of Section 25 Township 3 Range 20E and the North half of the Southeast Quarter of Section 26 Township 3 Range 20E, beginning 500 feet South of the North line of the Southwest Quarter of Section 25 and the North line of Southeast Quarter Section 26, continuing South to a point 150 feet North of the South line of the North half of the Southwest Quarter of Sections 25 and 26

Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to vacate roads and alleys located on the plat of Maynard, within Doniphan County, Kansas, in Section 19 Township 3 Range 21E:

- a. That portion of Patterson Street between the points where it intersects with the south line of lot 6, block 45 and south line of lot 11, block 44 north to south line of Second Street. All running between blocks 44 and 45.
- b. Any alley in block 44 located between the south line of lot 11, block 44 and the south line of lot 6, block 44 north to the south line of Second Street. All running in block 44.
- c. That portion of Zimmerman Street between the points where it intersects with the south line of lot 6, block 44 and south line of lot 11, block 43 north to south line of Second Street. All running between blocks 43 and 44.

The above real estate described has been platted and dedicated and is part of Maynard, also known as Troy Junction; the plat of Maynard being filed in the office of the Register of Deeds of Doniphan County, Kansas, during the month of March 1971.

Commissioner Grable seconded the motion. Motion carried 3-0.

County Attorney Charles D. Baskins informed the County Commission his office has filed a tax foreclosure sale on 86 delinquent properties. Upon completion of the first tax foreclosure sale, a second sale will be scheduled on remaining delinquent properties.

Martha Smith, Northeast Kansas Environmental Services, Mike Hey and John Connelly, Waste Management, met with the Board of County Commissioners to discuss termination of extension agreement for operation of Doniphan County Transfer Station between Doniphan County, Kansas and Waste Management, effective October 2024. Mr. Hey said Waste Management would continue offering trash hauling services to county residents and would be interested in entering into a contractual agreement with Doniphan County for continued operations of the recycling program, upon termination of the Transfer Station agreement. Doniphan County would also have the option of retaining possession of the scale and scale house at no cost otherwise Waste Management would remove at their expense. No action was taken pending future discussion.

Martha Smith asked the Board of County Commissioners to erect guardrail on the south side of 175th Road, where recent culvert repair was completed in Section 30 Township 3 Range 21E. Commissioner Grable said the County is waiting for the ground to settle prior to erecting guardrail and asked Foreman Price to drive sign post and flag to warn motorist. Foreman Price told the County Commission it may be necessary to backfill under the road top with a slurry mix to hold the road.

There being no further business before the Board, Commissioner Grable made a motion to adjourn at 10:35 A.M. Commissioner Hall seconded the motion. Motion carried 3-0.

DATED THIS 1ST DAY OF MAY 2023.

Attest: _____
Peggy Franken, County Clerk

Wayne Grable, Chairman