

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, FEBRUARY 12, 2024

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. Bill Rush, Aging Director Diana Crouse-Johnson, Road Office Manager Lindsay Norris, Noxious Weed Director Jim Norris, Rainbow Communications Representatives Angie Kreider and Julie Bergman, North Central Services (NCS) Superintendent Donnie Coyle and Josh Bartholomaus, Undersheriff Mark Allen and Sheriff's Deputy Jared Ratzlaff 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 minutes of February 5, 2024, regular meeting, as written. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to approve payroll and warrants for the period of February 15, 2024, as presented. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Collins made a motion to approve abated taxes to the 2023 Doniphan County tax roll in the amount of \$73.80. Commissioner Hall seconded the motion. Motion carried 3-0.

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

Due to observance of Presidents' Day holiday, the Board of County Commissioners will hold their next regular meeting February 20, 2024.

At 8:31 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing and protecting the interest of non-elect personnel in the Aging Department, with the meeting to be called back to order in the office of the Doniphan County Commission at 8:41 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. Aging Director and County Clerk remained.

County Clerk Peggy Franken presented the County Commission with January 2024 departmental budget and cash summary report for their review. Commissioner Grable remarked the Sheriff's budget is over budget for the month of January, saying the County Commission cannot allow the Sheriff to continue to be over budget every month. Commissioner Hall asked that a memo be sent to Sheriff Clary reminding him of his agreement with the County Commission, which was held during discussion at the November 13, 2023, meeting, not to purchase any vehicles without first discussing with the County Commission and not until year end after determining budget status.

Commissioner Hall asked if Sheriff Chad Clary presented the County Clerk with the Sheriff's Department 2023 inventory, pursuant to K.S.A. 19-2687, as promised by the Sheriff. Clerk Franken said she has not received the Sheriff's Department inventory for Board review.

County Clerk Peggy Franken told the County Commission GSI, Contractor for the Kansas Department of Health and Environment Brownfields Project on East Poplar Street in Troy, Kansas, would be performing soil and groundwater sampling on property owned by Doniphan County, Kansas, to determine if any contamination exists from a former fueling facility on the site.

Commissioner Collins made a motion, seconded by Commissioner Hall, to send a support letter to the U.S. Department of Transportation in support of the City of White Cloud, Kansas, and Iowa Tribe of Kansas and Nebraska's grant application for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) funds to be used for engineering services for repair of streets, sidewalks and to promote tourism. Motion carried 3-0.

Commissioner Hall informed the County Board he has received several complaints on the amount of trash along U.S. Highway 36 from the Pony Express Bridge to the Doniphan County Transfer Station. The County Commission will speak with representatives of Waste Management on February 20, 2024, when they tour the transfer station building at 10:00 A.M.

Road Office Manager Lindsay Norris continued discussion with the Board of County Commissioners regarding Commercial Driver's License (CDL) requirements for employees of the Road and Bridge Department. She told the Commission that employees obtaining a CDL license must be offered a classroom setting to take the Entry Level Driver Training (ELDT) course. If Doniphan County is not able to provide a classroom setting, the course can be taken through a third-party vendor. Norris will check cost options for third-party vendor ELDT training course and follow up with the Board of County Commissioners. Commissioner Hall recommended paying for ELDT training for current employees of the Road Department, contingent upon an employment agreement between the employees and Doniphan County, Kansas. Commissioner Grable asked that a formal policy be adopted going forward for requirements of obtaining a CDL, as it relates to employment with Doniphan County, Kansas.

The 2023 Caterpillar 926M wheel loader (#209) has a premier warranty until March 20, 2030, or 3500 hours, according to Road Office Manager Lindsay Norris, who presented cost options for the purchase of service agreement through Foley Equipment Company. The Board of County Commissioners took no action.

Price quotes for the purchase of three 2024 ¾ ton pickup trucks, one for each road district, was presented to the County Commission for their review. No action was taken.

Route maps for priority roads to be cleared during inclement weather are being prepared by Road Office Manager Lindsay Norris for each of the County Commissioners and Road Foremen.

Manager Norris told the County Commission the Road Department has received calls on poor road conditions, following inclement weather in January. She reminds the public to be patient as the Road Crews work through the list of issues. The public is encouraged to contact the Road Department if there is a road issue that has not been resolved at 785-985-3535. Commissioner Grable stated some places where road conditions are deteriorated may call for placement of larger rock to build up the base, then will be finished with road rock.

Road Office Manager Lindsay Norris mailed bid letter to contractors for replacement of bridge structures T-538-1 and T-538-2 located on Oxide Road, south of Ottumwa Road approximately 1,800', Section 36 Township 2 Range 23E. Both structures will be replaced with two 84" x 40' metal tubes at each location. On-site contractors' meeting is scheduled for February 20, 2024, at 9:30 A.M. Contractors must be present at the on-site meeting to be eligible to bid on the project. Bids will be due in the office of the Doniphan County Clerk by 5:00 P.M. Friday, March 1, 2024, with bid letting to be held Monday, March 4, 2024, at 9:00 A.M.

Manager Norris also mailed information to contractors regarding 2024 chip seal projects. She asked the County Commission to prepare a master list of roads to be chip sealed during the 2024 season for bid specifications.

Commissioner Grable informed the County Board, Mike Kiefer, Kiefer Excavating, said they plan to start tube replacement project on 140th Road, south of Ottumwa Road, by the end of February 2024, weather permitting.

Commissioner Grable made a motion to approve the following Road Department expenditures:

Murphy Tractor	\$2,447.27 (#175 2017 John Deere motor grader)
Wausau Equipment	\$2,720.84 (1 st & 2 nd District snowplow shims)

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

Commissioner Hall told the County Commission he has reviewed bridges listed on the Kansas Department of Transportation interim bridge inspection report listed as "in need of immediate attention". Of the structures he looked at, the Second and Third Road District employees have repair work completed. Commissioner Grable agreed, except for T-138-1 and T-138-2 located on Oxide Road north of 190th Road, where work is still needed.

Commissioner Hall expressed concerns with the condition of bridge T-625-1 on 225th Road. Commissioner Grable said the creek channel needs to be reestablished and rip rap placed to stabilize the bridge structure. A temporary work agreement will need to be obtained from adjoining landowner prior to any work being completed. Grable will reach out to the landowner to discuss the project.

Commissioner Collins asked Road Office Manager Lindsay Norris the status of repair on bridge T-314-3 on Elgin Road, south of 110th Road. Norris will check on the status.

Commissioner Hall asked that roads in Burr Oak bottoms be bladed and maintained regularly.

Noxious Weed Director Jim Norris presented the County Commission with the 2023 Noxious Weed Eradication Progress Report and 2024 Noxious Weed Management Plan. Commissioner Grable made a motion to approve both the 2023 Noxious Weed Eradication Progress Report and 2024 Noxious Weed Management Plan for submittal to the Kansas Department of Agriculture. Commissioner Hall seconded the motion. Motion carried 3-0.

Discussion was held between Noxious Weed Director Jim Norris and the Board of County Commissioners regarding duties during the remainder of the off-season for the Noxious Weed Department. It was the consensus of the Board of County Commissioners to forego tree and brush removal and continue with Director Norris assisting the Road Department until the commencement of spray season, March 1, 2024.

Angie Kreider and Julie Bergman, Rainbow Communications, met with the Board of County Commissioners to give a status update on the Highway 36 Corridor broadband expansion project, from east city limits of Troy, Kansas, to west city limits of Wathena, Kansas. Mrs. Kreider said the project is approximately 60% complete, with the contractor, NCS, having eight miles of line left to place. Rainbow Communications will then place boxes for residential service. Residents who are interested in signing up for fiber broadband service can go online at www.fiber.rainbowtel.net or call Rainbow Communications 800-892-0163. Service lines to residences plan to be installed by June 2024 with service to begin July 2024.

Commissioner Hall made a motion to pay Rainbow Communications \$738,105.50 for 50% project completion through Doniphan County's American Rescue Plan Funds (ARPA) as part of contractual agreement for U.S. Highway 36 broadband expansion project. Commissioner Grable seconded the motion. Motion carried 3-0.

The Board of County Commissioners held discussion with representatives of North Central Service (NCS) Donnie Coyle, Superintendent and Josh Bartholomaus, to address concerns of road conditions following installation of fiber optic cable for Rainbow Communications broadband expansion project along U.S. Highway 36 and one mile north and south of such. Superintendent Coyle said NCS plans to repair all roadways to pre-existing condition when complete, including asphalt along 190th Road, west of Saratoga Road. He said some cable is being put in along county roadways, close to the wheel track, as directed by Road Foreman Roger Clark. Areas that have been trenched have been filled in, with NCS guaranteeing workmanship for a year following the project. Superintendent Coyle said the company would routinely check the project areas and fix any settlement or areas of concern. He said the line is trenched 42" to 50" below ground level and 6' under road culverts. Commissioner Hall asked Mr. Coyle to repair asphalt shoulder work along 190th Road and try to avoid the shoulders in the future. Commissioner Grable also voiced concern with work being performed at the break of a hill with no warning to motorists. Superintendent Coyle said safety is at the forefront of the job for NCS. He will address work crew safety measures, including warning motorists.

Angie Kreider, Director of Business Development with Rainbow Communications, announced the Kansas Office of Broadband Development's Broadband Acceleration Grant (BAG) 4 is now open for applications until March 11, 2024. The BAG grant is designed to address broadband coverage gaps. Even though FCC maps indicate adequate coverage through wireless service in Doniphan County, some areas are underserved. The BAG grant would help cover those areas. Rainbow Communications and County Clerk Peggy Franken will work together on applying for BAG grant funding. Individuals with little to no broadband coverage are asked to take a speed test on the Doniphan County website at www.dpcountyks.com or contact Rainbow Communications.

Roger Engemann appeared before the Board of County Commissioners to discuss appeals process for value on personal property equipment, following failure to appear at payment under protest hearing with County Appraiser Danielle Kiefer. County Attorney Charles D. Baskins will check the requirements for filing an appeal with the County Appraiser and Board of Tax Appeals.

Commissioner Grable said the County needs to show there is a problem with the value process on tractor trailers if they are going to work to get the law changed on the State level, that being the reason for having Representative John Eplee attend a previous County Commission meeting.

Bill Rush addressed concerns with ongoing investigation involving the Doniphan County Sheriff's Department and Kansas Highway Patrol with the Board of County Commissioners, Undersheriff Mark Allen and Sheriff's Deputy Jared Ratzlaff.

At 10:32 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing confidential legal matters with counsel, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:42 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney and County Clerk remained.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 10:49 A.M. Commissioner Collins seconded the motion. Motion carried 3-0.

DATED THIS 12TH DAY OF FEBRUARY 2024.

Attest: _____
Peggy Franken, County Clerk

Wayne Grable, Chairman