

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, OCTOBER 15, 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 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. Undersheriff Mark Allen, Road Office Manager Lindsay Norris, Aging Director Diana Crouse-Johnson, ADA Coordinator Julie Meng, Northeast Kansas Environmental Services Health Specialist Martha Smith, Miller Trash Service, Inc. Representatives Mike Miller, Rhonda Miller and Cody Miller were present for a portion of the meeting.

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

Commissioner Hall made a motion to approve minutes of October 7, 2024, regular meeting as written. Commissioner Collins seconded the motion. Motion carried 3-0.

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

Fee report for the period October 1-10, 2024, was presented to the County Commission for their review on behalf of the Sheriff.

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

At 8:31 A.M. Commissioner Hall 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 Grable seconded the motion. Motion carried 3-0. Aging Director and County Clerk remained.

At 8:42 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 Sheriff's Department, with the meeting to be called back to order in the office of the Doniphan County Commission at 8:52 A.M. Commissioner Grable seconded the motion. Motion carried 3-0. Undersheriff and County Clerk remained.

The Board of County Commissioners recessed for a break at 8:52 A.M. with the meeting called back to order in the office of the Doniphan County Commission at 8:57 A.M.

Miller Trash Service, Inc. Representatives Mike Miller, Rhonda Miller and Cody Miller, along with Northeast Kansas Environmental Services Health Specialist Martha Smith met with the Board of County Commissioners to discuss continued operations of the Doniphan County Transfer Station, beginning November 1, 2024. Cody Miller, Representing Miller Trash Service, Inc., presented the County Commission a proposal for operating the Doniphan County Transfer Station with the following terms and responsibilities:

Miller Trash Service Inc.:

- Provide all labor to run and operate the Transfer Station
- Provide computer system necessary to generate scale tickets for customers
- Transfer trash out of Transfer Station or contract with reputable company to transfer trash to a landfill of Miller Trash Service, Inc. choosing
- Keep grass mowed and weeds sprayed
- Sign for Transfer Station yard gate stating hours of operation and contact information
- Responsible for initiating and certification of calibrated scales with KDHE
- Responsible for KDHE tonnage reports and fees

Doniphan County, Kansas:

- Provide property and liability insurance
- Provide backhoe to push and pack trash and refuse into transfer trailers
- Acquire and maintain required permits to operate the transfer station
- Maintenance and upkeep of buildings, weigh scales and graveled areas
- Snow and ice removal from hill between scale house and transfer building
- Expenses related to pumping wastewater from holding tank
- Semi tractor to shuffle transfer trailers around on Transfer Station property
- Payment of utilities for Transfer Station and scale house trailer
- Payment of KDHE permits related to calibration of scales

Trash collection would be limited to Doniphan County residents only, with hours of operation four afternoons per week plus two Saturday mornings per month, subject to change.

Commissioner Hall made a motion to enter into an operating agreement with Miller Trash Service, Inc. for operation of the Doniphan County Transfer Station, based on the above stated terms, effective November 1, 2024. Commissioner Grable seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to limit trash service at the Doniphan County Transfer Station to local Doniphan County residents only beginning November 1, 2024. Commissioner Hall seconded the motion. Motion carried 3-0.

County Attorney Charles D. Baskins will draft a Memorandum of Understanding for Operating Agreement of the Doniphan County Transfer Station between both parties, Miller Trash Service, Inc., and Doniphan County, Kansas.

Commissioner Grable made a motion to execute Kansas Department of Health and Environment Permit Transfer Application for Solid Waste Facility; transferring the current Solid Waste Facility Permit from Deffenbaugh Industries, Inc. to Doniphan County, Kansas. Commissioner Hall seconded the motion. Motion carried 3-0.

Martha Smith, Northeast Kansas Environmental Services Health Specialist, updated the Board of County Commissioners on recent walk through inspection of the Doniphan County Transfer Station with Representatives of Waste Management prior to ending Deffenbaugh Industries, Inc., doing business as Waste Management, contract with Doniphan County, Kansas, on October 31, 2024. Engineers with Schwab-Eaton, PA previously performed an inspection on the facility, making several recommendations for repair. The following was noted from October 7, 2024, walk through with Mrs. Smith and John McConnell, Senior District Manager for Waste Management:

Overhead Doors:

The repairs to the supports around the overhead doors have been done. Seaman & Schuske will be back in the next couple of weeks to finish up that work to prepare those openings for door tracks & to reduce the east door to a 12' opening for residential dumping. After they get that completed, Roll Easy will be in to put in the tracks & doors & make sure the openers work properly. The east door will be operated using a chain & not an opener (it never had an opener on it according to John). The damaged girt between the east & center doors still needs to be fixed, along with the girts on the east side of the wall at the corner.

South Elevation & West Elevation:

All the electrical wiring & conduit need to be repaired properly. The majority of the conduit & wires are still broken, exposed, etc.

PEMB Roof:

The ridge vent in the roof (on the south) that was open is still open. John is going to check on getting it fixed and closed.

Truck Scale:

A new guard rail is in place along the south side of the scales.

Concrete Retaining Walls:

John will have someone put sealant between the retaining wall and the building foundation as suggested by Engineers with Schwab-Eaton, PA.

The Board of County Commissioners will schedule a final walk through inspection with representatives of Waste Management for Monday, October 28, 2024.

Northeast Kansas Environmental Services Health Specialist Martha Smith will contact Waste Management to discuss continued operations of Doniphan County's recycling program beginning November 1, 2024.

Road Office Manager Lindsay Norris told the County Commission Husker Steel and Norfolk Construction will begin work this week on double barrel bridge RS110 located on 150th and Ash Point Roads. Ash Point Road will be closed from 140th Road north to 160th Road during construction. Motorist will need to use an alternate route.

Lindsay Norris, Road Office Manager, presented the County Commission with copies of Temporary Work Agreements between landowners Alan Larson and Delus Ricklefs Farms, LLC and contractor Urban Construction for road work, particularly described as culvert replacement with two 48" x 80' metal culverts, on 140th Road, west of Kansas Highway 7 in the Southeast Quarter of Section 10 Township 4 Range 20E.

Commissioner Grable made a motion to approve request and petition on behalf of Magellan Pipeline for installation of road entrance tube to property located north of 160th Road, west of Blackjack Road, east of K-120 Highway, in order to get equipment in and out for pipeline maintenance. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Hall asked about County policy on making changes to county provided entrance tube, when the landowner changes the lay of the land for drainage purposes. County Attorney Charles D. Baskins advised if the county road tube (structure) is functioning properly, Doniphan County is not responsible for replacing or repairing the road tube. Landowners should make improvements towards the county structure and not divert the flow of water. County Attorney Baskins continued saying if a landowner makes improvements which benefit the county, each situation should be evaluated on a case by case basis for approval. He reminded the County Commission of County policy which states no improvements can be made to a county roadway or structure by landowner or individual without County Commission prior approval.

Road Office Manager Lindsay Norris presented the County Commission with job applicants for Board review. No action was taken.

Commissioner Hall recommended Commissioner Collins seek a cost estimate to have road tube bore on Chalk Bluff Road, Section 22 Township 1 Range 19E, instead of digging up the roadway to replace the culvert.

A work agreement between Doniphan County, Kansas and Road Employee Harley Hartman was presented to the County Commission by County Clerk Peggy Franken. By agreement, Harley Hartman will work in a full-time/part-time position with Doniphan County. Leave time will be prorated based on hours worked; health insurance premiums will be paid based on the same requirements as part-time employees while working in a part-time position. Advance notice must be given to Road Foreman, Road Office Manager and payroll department prior to changing status from full-time to part-time.

County Clerk Peggy Franken told the County Commission proposal from MCon in the amount of \$3,450.00 for Paul Smith, adjoining landowner along Last Chance Road, in Section 19 Township 4 Range 21E, for grading and fill dirt for regrading road bank slope and leveling to allow for maintenance and erosion control, was submitted to the County's liability insurance carrier, KCAMP. Claims Representative Lauren Lewis gave notice "The damage the claimant is claiming is between 6-8 years old. The statute of limitations on liability claims in Kansas is 5 years so the proposal will not be converted to a claim." Ms. Lewis called and informed Mr. Smith of KCAMP's findings. In the event of a lawsuit by Mr. Smith, KCAMP would provide defense counsel for Doniphan County.

ADA Coordinator Julie Meng presented the County Commission with a change order from Otis in the amount of \$3,500.00 for overtime inspection on the courthouse elevator. Final invoice, including change order, in the amount of \$37,375.00 was submitted for payment. Commissioner Grable made a motion to approve change order and final payment for courthouse elevator upgrade to Otis in the amount of \$37,375.00. Commissioner Hall seconded the motion. Motion carried 3-0.

ADA Coordinator Julie Meng informed the County Commission that the courthouse elevator is required to be inspected by the State Fire Marshall annually.

At 10:30 A.M. Commissioner Grable made a motion to recess into executive session for consultation with legal counsel deemed privileged in the attorney-client relationship, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:45 A.M. Commissioner Hall seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

At 10:45 A.M. Commissioner Grable made a motion to recess into executive session for consultation with legal counsel deemed privileged in the attorney-client relationship, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:50 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

At 10:51 A.M. the Board of County Commissioners met with Marvin “Corky” Smith at the Baker House and Doniphan County Historical Society Museum to tour the facilities. The Board of County Commissioners thanked Mr. Smith and members of the Doniphan County Historical Society for their work and many hours spent preserving Doniphan County’s history.

Commissioner Collins left the meeting at 10:53 A.M.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 11:28 A.M. Commissioner Grable seconded the motion. Motion carried 2-0.

DATED THIS 15th DAY OF OCTOBER 2024.

Attest: _____
Peggy Franken, County Clerk

Wayne Grable, Chairman