

**UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, JULY 30, 2018**

The Board of County Commissioners met in regular session at 8:30 o'clock 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 P. 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 Paul Stewart and Susan Studer observed the entire meeting.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve the meeting agenda as amended to include status of 315th Road in the City of White Cloud and historic limestone steps. Motion carried.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve county commission minutes of the July 23, 2018 regular meeting as written. Motion carried.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve payroll and warrants for the period of July 31, 2018 as presented. Motion carried.

Currently there are 12 local and 12 out of county inmates housed in the Doniphan County Law Enforcement Center.

John M. Smith, Jr. expressed concerns with actions and discussions of the Board of County Commissioners being portrayed in a different manner in the media. Mr. Smith stated the Doniphan County 4-H Fair was very good and encouraged the public to attend in support of county youth.

County Clerk Peggy Franken informed the County Board she had been contacted by an individual interested in purchasing the historic limestone steps removed from the south side of the courthouse. The Board of County Commission was in agreement not to sell the historic limestone steps but to retain for future use.

Commissioner McKernan made a motion, seconded by Commissioner Geiger, to accept the recommendation of the Shared Leave Policy Review Committee and limit the number of days received from the shared leave bank to thirty (30) days in a 12-month period. Motion carried.

Debra Gillespie, Representative of Kansas Correctional Industries, a subsidiary of the Kansas Department of Corrections, gave the Board of County Commissioners a presentation on services and products offered for sale through inmate programs.

Tyson Rush appeared before the Board of County Commissioners to request an 18" x 45' entrance tube and property easements for construction of a new roadway as an alternate route to 210th and Elgin Roads. Commissioner Collins said he had given permission for the entrance tube, with landowners to pay the additional cost as the County provides an 18" x 30" entrance tube and for the roadway to be built. County Attorney Charles Baskins reiterated laws governing improvement of roadway by means of repair, building, rebuilding,

alteration, construction or reconstruction. The Board of County Commissioners tabled action pending view of the road.

The Board of County Commissioners were in consensus of making application to the Kansas Department of Transportation Off-System Bridge Replacement Program for Fiscal Year 2020 and to submit two structures, which meet the qualifications. Structure One: T-43-1 140th and Castleton Roads southwest of Denton, Kansas. Structure is on mail and bus route, has a sufficiency rating of 28.2, current posting 3 ton and services 10 landowners and 3 homes within a ½ mile radius. Structure Two: T-538-2 Oxide and Ottumwa Road, first bridge south of intersection on Oxide, northeast of Troy, Kansas. Structure is on mail route, has a sufficiency rating of 16.9, current posting of 3 tons and services 4 homes and eight landowners within ½ mile radius.

At 9:49 A.M. Commissioner Geiger made a motion, seconded by Commissioner McKernan, to recess into executive session for the purpose of discussing and protecting the interest of non-elect courthouse personnel with the meeting to be called back to order in the office of the County Commission at 10:09 A.M. Motion carried. The County Attorney, County Clerk, Richard Blanton and Sue Blanton remained.

County Treasurer Lindsay Etherton presented the County Commission lists of delinquent real and personal property taxes. Treasurer Etherton explained once personal property taxes become delinquent no motor vehicle transactions are allowed by the property owner until delinquent taxes are paid. In addition, delinquent personal property taxes are turned over to the Sheriff for collections through tax warrants, with final action taken through the District Court for collections. County Attorney Baskins reviewed legal procedures for collection of delinquent real estate taxes.

Commissioner Collins asked the Road Department and Register of Deeds to research the history of 315th Road leading into the City of White Cloud to determine ownership and maintenance of the .06 mile stretch.

Road Office Manager Lindsay Norris presented the Board with unapproved expenditures in the Road Department for approval as follows:

- Murphy Tractor 2017 John Deere Motor Grader (#175) \$1,090.52. No action taken pending review of warranty.
- Van Keppel \$1,709.25 chip spreader (#37) assessment.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to approve repair assessment on the chip spreader by Van Keppel in the amount of \$1,709.25. Motion carried.

Commissioner Collins made a motion, seconded by Commissioner Geiger, to approve the purchase of six (6) 18" x 30' tubes and three bands for the Second Road District at a cost of \$2,399.40. Motion carried.

Commissioner Collins made a motion, seconded by Commissioner McKernan, to purchase a 4' x 100' tube for 275th Road, which intersects Denmark and Dove Creek Roads, near Iowa Point at a cost of \$4,735.80. Motion carried.

Commissioner Collins informed the County Commission he had an individual in mind to hire for First District Road Foreman. The Board of County Commission agreed Commissioner Collins should follow proper protocol and advertise for the vacant position, with applications to be taken and a decision to hire made by the Board of County Commissioners.

Susan Studer, during public comment, inquired about county employment policy disallowing employment if an employee owes delinquent property tax and not doing business with a business owning delinquent tax. Chairman Geiger stated such policies would need to be looked into for legality before implementation.

Mrs. Studer also stated she felt an abuse of power had taken place by Commissioner Collins in allowing the movement of a road (210th and Elgin) without first getting approval by the full Board of County Commissioners, as one Commissioner has no authority to act on behalf of the County outside the County Commission meeting.

At 10:52 A.M. Commissioner Geiger made a motion to recess into executive session for the purpose of discussing legal matters with counsel concerning roads with the meeting to be called back to order in the office of the County Commission at 11:02 A.M. Commissioner McKernan seconded the motion and it carried. The County Attorney and County Clerk remained.

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

DATED THIS 30TH DAY OF JULY 2018.

Attest: _____
Peggy Franken, County Clerk

Thad G. Geiger, Chairman