

UNOFFICIAL MINUTES
DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, OCTOBER 1, 2018

The Board of County Commissioners met in regular session 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 P. McKernan and County Clerk Peggy Franken were present. County Attorney Charles D. Baskins was present for a portion of the meeting.

Susan Studer observed the entire meeting. The Kansas Chief Reporter Paul Stewart observed a portion of the meeting.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve the meeting agenda as amended to include 10:00 A.M. bid letting for Kansas Department of Transportation Federal Funds Exchange Program project on 165th Road. Motion carried.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve County Commission minutes of the September 24, 2018 regular meeting as written. Motion carried.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to approve warrants for the period of September 28, 2018 as presented. Motion carried.

Fee report for the month of September 2018 was presented to the Board for their review on behalf of the County Clerk.

Currently there are 15 local and 5 out of county inmates housed in the Doniphan County Law Enforcement Center.

Due to the observance of the Columbus Day holiday, the Board of County Commissioners will hold their next regular meeting on Tuesday, October 9, 2018 at 8:30 A.M.

Correspondence was presented from Jackson County Solid Waste regarding Third Quarter 2018 household hazardous waste collections.

Commissioner Geiger presented the County Commission with information from the Kansas Department of Agriculture regarding strategic growth initiative surveys for agriculture related businesses.

Economic Development Director Leah B. Johnson updated the Board of County Commissioners on the Doniphan County Strategic Plan and presented them with a public notice from the Kansas Department of Health and Environment on behalf of J-Six Enterprises, LLC for permit application for existing swine finish facility which consists of nine (9) finishing buildings and an existing two-cell lagoon system. No additional facilities will be constructed. The swine operation will have facilities for 3600 animal units located on a tract in the northwest one-quarter of Section 1, Township 2, Range 18E of Brown County, Kansas, along the Brown-Doniphan County line.

Economic Development Director Johnson will attend the Kansas Economic Development Alliance conference October 24-25, 2018.

Doniphan County Planning and Zoning Administrator Julie Meng presented the Board with a recommendation from the Doniphan County Planning Commission on behalf of SM-C, Inc./Morrill Elevator, Inc. for change in zoning from A-1 Agriculture to A-1 Agriculture with Conditional Use for the location of two (2) 30,000 gallon anhydrous tanks on property located one (1) mile west of Highland on 240th Road, in the north half of the northwest one-quarter of Section 28, Township 2, Range 19E. Commissioner Geiger made a motion, seconded by Commissioner Collins, to accept the recommendation of the Doniphan County Planning Commission and change zoning from A-1 Agriculture to A-1 Agriculture with Conditional Use on behalf of SM-C, Inc./Morrill Elevator, Inc. for the location of two (2) 30,000 gallon anhydrous tanks on property located one (1) mile west of Highland, Kansas on 240th Road in the north half of the northwest one-quarter of Section 28, Township 2, Range 19E. Motion carried.

Doniphan County Planning and Zoning Administrator Julie Meng presented the Board of County Commissioners with an amendment to Article 4 of the Doniphan County Zoning Regulations amending the setback requirements for residential uses in an A-1 Agriculture District. The Doniphan County Planning Commission unanimously recommended the amendment. Commissioner Collins made a motion, seconded by Commissioner McKernan, to accept the recommendation of the Doniphan County Planning Commission and amend Article 4 of the Doniphan County Zoning Regulations pertaining to setback requirements for residential uses in an A-1 Agriculture District. Motion carried.

Commissioner Geiger made a motion, seconded by Commissioner Collins, to execute the annual Emergency Management Planning Grant in the amount of \$14,000.00 to secure operating funds through the Kansas Department of Emergency Management/FEMA for the Doniphan County Emergency Management Office. Motion carried.

Road Office Manager Lindsay Norris presented the Board of County Commissioners with Township Road Improvement fund balances and rock hauled by each Road District through September 28, 2018.

The Board of County Commissioners where in receipt of letter of resignation from Second District Road Employee Travis Owen effective September 28, 2018. Commissioner Geiger advised the position will not be filled at the present time.

Road Secretary Lindsay Norris also presented the Board of County Commissioners with a list of roads, or portions of roadways thereof, to be designated as minimal maintenance and posted as such. Commissioner Geiger made a motion to accept the list of minimal maintenance roads and draft a resolution to formally designate. Commissioner Collins seconded the motion and it carried.

District 1

- **Castleton Rd** West of Highland, from 240th Rd South to US Highway 36
- **205th Rd** South of Highland, from Kansas Highway 120 West to Castleton Rd
- **205th Rd** South of Highland, from Kansas Highway 120 East to Diamond Springs Rd

District 2

- **Keystone Rd** North of Troy, from 225th Rd intersection, 1,700 feet North, start posting at 1581 Keystone Road continuing northeast to 1277 230th Rd
- **Larkinburg Rd** Northwest of Doniphan, from 100th Rd intersection, 1.5 miles North to 403 Larkinburg Rd, posted from residence driveway approximately 1 mile North to end of existing road
- **Monument Rd** Northeast of Doniphan, from intersection with 110th Rd South on Monument Rd approximately 2.4 miles to 243 Monument Rd, at which point gravel begins

District 3

- **200th Rd** North of Wathena, from Saratoga Rd intersection, ¾ mile East on 200th Rd to 2072 200th Rd

John M. Smith, Jr. appeared before the County Commission to discuss concerns with designation of walk-in hunting areas and lack of response by the Doniphan County Sheriff's Department to return telephone calls.

At 9:24 A.M. the Board of County Commissioners recessed until 9:34 A.M with the meeting being called back to order in the office of the Doniphan County Commission.

Commissioner Geiger asked County Attorney Charles Baskins to outline the options for abandoned roads by Doniphan County. Attorney Baskins opined the Board of County Commissioners have three options 1) leave the road open 2) close the road, allowing adjoining landowners to utilize the rights-of-way until such time as the Board of County Commissioners deem it an open road, or 3) vacate the roadway, thereby giving landowners on each side of the roadway possession of the land from the centerline of the roadway.

Commissioner Collins informed the County Board he should have a cost estimate from Engemann Drainage to bore Friendship Road and Spruce Drive, in Bendena, Kansas, in order to replace the drainage tube by the next regular meeting.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to enter into an agreement with Schwab-Eaton, PA for consulting services for improvements and surfacing of 165th Road east of the City of Wathena city limits to Kansas Highway 238, in conjunction with Kansas Department of Transportation Federal Funds Exchange Program project, with net fees of \$4,800.00 not to exceed \$39,525.00. Motion carried.

At 10:00 A.M. bid letting was held for surfacing of 165th Road, east of the City of Wathena city limits to Kansas Highway 238, with funds secured through the Kansas Department of Transportation Federal Funds Exchange Program. One bid was received, opened and read aloud as follows:

- Herzog Contracting Corporation \$215,435.50

The Board of County Commissioners called a recess of the Board at 10:24 A.M. in order to allow Engineer David Beach, Schwab-Eaton, PA time to review the bid as presented for accuracy, with the meeting being called back to order at 10:47 A.M. in the office of the Doniphan County Commission.

Commissioner McKernan made a motion, seconded by Commissioner Collins, to accept the recommendation of Engineer David Beach, Schwab-Eaton, PA and approve the bid of Herzog Contracting Corporation for surfacing of 165th Road from east of City of Wathena city limits to Kansas Highway 238, in the amount of \$215,435.30, with payment to be made with Kansas Department of Transportation Federal Funds Exchange Program monies, completion date of November 30, 2018 and allowing for a Spring 2019 deadline to stripe, weather permitting. Motion carried.

There being no further business before the Board, Chairman Geiger adjourned the meeting at 10:49 A.M.

DATED THIS 1ST DAY OF OCTOBER 2018.

Attest: _____
Peggy Franken, County Clerk

Thad G. Geiger, Chairman