

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, FEBRUARY 22, 2022**

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.

Second Road District Foreman Sean Price observed the entire meeting. C.B. Lackey, Road Office Manager Lindsay Norris, Appraiser Danielle Kiefer, Inevergy Grain Belt Transmission Line Representatives Jason Brown, Director of Land and Community Affairs and Andrew Schulte, Attorney were present for a portion of the meeting.

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

Commissioner Hall made a motion to approve County Commission minutes of February 14, 2022 regular meeting as written. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve abated taxes in the amount of \$410.94 to the 2021 Doniphan County tax roll. Commissioner Hall seconded. Motion carried 3-0.

Fee report was presented to the County Commission for their review on behalf of the Sheriff.

Currently the Jerry K. Dubach Doniphan County Law Enforcement Center houses 6 local inmates.

Chairman Grable extended a thank you on behalf of the Board of County Commissioners to Noxious Weed Director Jim Norris and Dennis McKittrick for coming in before hours to clear and treat icy sidewalks at the courthouse prior to opening. Grable also thanked County Clerk Peggy Franken for notifying employees to be cautious of icy conditions.

Second Road District Foreman Sean Price and Commissioner Grable discussed with the County Commission purchase of 2019-2020 belly dump rock trailer from Whetrock at a cost of \$48,000.00. Both stated the shorter trailer with an adjustable dump would be beneficial for hauling rock on roads difficult for the larger belly dump trailer to maneuver. Commissioner Collins voiced concern with shortage of employees and having enough manpower to operate equipment. Commissioner Hall said he would like to view prior to taking action.

Discussion continued on replacement of the Fiat-Allis and Caterpillar bull dozers with one machine to be used countywide by one operator assigned to the equipment. No action was taken.

Commissioner Grable told Second Road District Foreman Sean Price tube recently installed on Treece Road in Section 17 Township 2 Range 22E has settled; rock needs to be added to build the roadway back up.

Road Office Manager Lindsay Norris presented the Commission a complete list of tires needed for each Road District. Chairman Grable and Road Office Manager Norris will prepare bid specifications to submit to County vendors.

Lindsay Norris, Road Office Manager, also presented the County Commission a listing of roads proposed for 2022 chip seal. The listing indicated 10.3 miles in the First Road District, 9.3 miles in the Second Road District and 8.5 miles in the Third Road District. The Board of County Commissioners were in consensus to submit the list of proposed chip seal roads to Vance Brothers to secure a bid by road for contracting of chip seal.

Vance Brothers quoted the County Commission a price of \$2.14 per gallon for oil, including delivery, should the County perform chip seal projects instead of contracting the work out. Commissioner Grable asked Road Office Manager Lindsay Norris to obtain the price of chat to determine the County's overall cost.

The Board of County Commissioners agreed to take quick action once a cost per road for contracting of chip seal is known from Vance Brothers in order to notify taxing entities and not-for-profits whom the County has chip sealed roads and parking lots for in the past.

Information on road maintenance, along with a map of Atchison/Doniphan County line roads, was presented to the County Commission by Road Office Manager Lindsay Norris. Currently Atchison and Doniphan counties share maintenance along 334<sup>th</sup> Road from Willow Road to Castleton Road in Sections 31-32-33 Township 4 Range 20E, with each County maintaining a 1.5 mile stretch. Atchison County will maintain a portion (less than 1 mile) of Friendship and 334<sup>th</sup> Roads located within Atchison County in Section 34, Township 4 Range 20E. Doniphan County is currently maintaining .40 miles of 314<sup>th</sup> Road located in Section 32 Township 5 Range 21E. A Road Maintenance Agreement is being drafted and will be presented to County Attorney Charles D. Baskins and the Board of County Commissioners prior to finalization.

Commissioner Grable made a motion to approve invoice to Ellis McGuire for Fiat-Allis dozer repair in the amount of \$1,559.98 and to Midway Ford for repair of gasket on 2018 Western Star rock truck #5 in the amount of \$532.50. Commissioner Hall seconded. Motion carried 3-0.

Commissioner Hall made a motion to approve purchase of printer for Appraiser's office from Brown Manschreck in the amount of \$900.00. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Grable made a motion to approve attendance of Appraiser Danielle Kiefer to Appraisal continuing education classes at a cost of \$525.00. Commissioner Collins seconded. Motion carried 3-0.

County Clerk Peggy Franken presented the County Commissioners with a price quote from Navrat's to replace the broken desk top on the Commission desk at a cost of \$490.93. The Board of County Commissioners were in agreement to try to fix instead of replace at present time.

Clerk Franken told the County Commissioners she contacted Bev Taylor with Waste Management, doing business as Deffenbaugh Disposal Inc., regarding the condition of the Doniphan County Transfer Station building located at the landfill. Ms. Taylor told Clerk Franken tin is on order for the south side of the building, with Seaman Schuske retained to repair as soon as materials arrive. Bids were received for shoring of the west wall, however bids came in higher than anticipated. Waste Management is considering other options for repair and seeking additional bids.

County Clerk Peggy Franken also informed the County Commission she contacted Amy Kramer, Financial Economist with the Kansas Department of Revenue, regarding additional sales tax for funding of Emergency Medical Services (ambulance service). Ms. Kramer provided documentation pertaining to K.S.A. 12-187(b)(5) which allows counties to impose up to an additional 1.0% sales tax in 0.25% increments for the provisions of health care services, including emergency medical services. This being a dedicated sales tax, the entirety of the collections would be distributed directly to the county as provided in K.S.A. 12-192 (d)(2).

*K.S.A. 12-187(b)(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.*

*K.S.A. 12-192(d)(2) Except as otherwise provided in K.S.A. 12-187 (b)(5), and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187 (b)(5), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.*

County Clerk Peggy Franken said the Board of County Commissioners would need to take action prior to June 1, 2022 in order for the dedicated sales tax referendum pursuant to K.S.A. 12-187(b)(5) to be placed on the August 2, 2022 primary election ballot. The Board of County Commissioners took the matter under consideration.

At 9:24 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing legal matters in regard to non-elect personnel with counsel, with the meeting to be called back to order in the office of the Doniphan County Commission at 9:39 A.M. Commissioner Collins seconded. Motion carried 3-0. County Attorney and County Clerk remained.

C.B. Lackey asked the County Commission projected costs to fund a countywide ambulance service. A cost analysis performed by Fitch and Associates estimated the cost between \$1.5M and \$2M. Mr. Lackey also asked if donations could be made for establishment and funding of countywide ambulance service. The Board of County Commissioners agreed donations would be well received and appreciated.

The Board of County Commissioners met with Sheriff Chad Clary to discuss social media campaign asking for donations from the public to acquire a one and half year-old Dutch Sheppard narcotics and tracking K9. Sheriff Clary said Doniphan County previously had a K9 unit, however when the handler left the department the dog was retired. A new deputy, Nicholas Hilderbrand, has been hired who is certified and trained in K9 handling. Deputy Hilderbrand has expressed an interest in bringing back a K9 unit to the Doniphan County Sheriff's Office. Clary said if Deputy Hilderbrand leaves employment with the Doniphan County Sheriff's Department, the Sheriff's Department will ask around to neighboring counties to see if they have an interest in the dog. Commissioner Hall asked about additional expenses a K9 will add, saying all expenses will be paid from the Sheriff's budget. Sheriff Clary said he has contacted representatives of KCAMP, the County's liability risk insurance carrier, who stated there would be no change in the County's premium or insurance policy. When acquired the Sheriff would need to notify KCAMP, same as if adding an additional officer. Sheriff Clary said all veterinary bills and dog food will be donated, so the County will have no costs associated with those two items. Commissioner Hall voiced concern with how funds are being raised through an on-line GoFundMe account, questioning if all the funds (\$8,000) aren't raised or if funds in addition to are raised, what would happen to the additional money. Sheriff Clary said if not enough funds are raised to purchase the dog, the Sheriff's Vehicle Inspection Fee fund will pay the remaining balance. County Clerk Peggy Franken said accounts will need to be set up under the Sheriff's line item in the General Fund to track all transactions. Commissioner Grable asked Sheriff Clary who made the social media posts. Sheriff Chad Clary said Deputy Jared Ratzlaff made the original posts. Commissioner Grable took issue with the wording saying the County Commission approved the 2022 Sheriff's budget as presented by Sheriff Chad Clary, no cuts were made. Sheriff Clary apologized for the wording and said the posts would be amended to reflect "...the Sheriff's Department did not include in their 2022 budgeted expenses". Clary said the dog will not be used for patrol, only for narcotics and tracking purposes.

At 10:02 A.M. the Board of County Commissioners recessed for a break until 10:12 A.M. calling the meeting back to order in the office of the Doniphan County Commission.

Jason Brown, Director of Land and Community Affairs and Attorney Andrew Schulte, with Invenergy Grain Belt Transmission Line, met with the Board of County Commissioners, County Attorney Charles D. Baskins, Road Office Manager Lindsay Norris and Second Road District Foreman Sean Price to discuss Road Use and Contribution (Payment in Lieu of Tax) agreements for construction of high voltage DC transmission line. Mr. Brown said the Road Use Agreement is a template agreement subject to negotiation. He will provide Road Office

Manager Norris with an electronic copy of the haul route map. Road Foremen and Commissioners will view the haul routes to determine if alternate routes need to be used or there are any concerns with roads and bridges prior to the commencement of the project in 2023, with the line to be in service in 2025. County Attorney Charles Baskins asked if Grain Belt was willing to help build up any roads or bridges on the haul route prior to construction. Mr. Brown said they will look at alternate routes, if not possible they will work with the County on building up. Mr. Brown said Grain Belt is responsible for keeping roads open and passable. He suggested the County appoint a liaison to work with Mr. Brown when route adjustments or road issues arise. Pursuant to the proposed Road Use Agreement Grain Belt will address required repairs within 10 days, or longer as may be required due to weather or other factors beyond control of Grain Belt. Repairs not made within 10 days will be performed by Doniphan County, with written notification to Grain Belt including the description of the damage, required repair and County's estimated cost based on current Federal Emergency Management Agency (FEMA) rates. Within 30 days Grain Belt shall either pay the bill or request a hearing with the Board of County Commissioners. Grain Belt shall maintain a surety bond in the amount of \$100,000 per occurrence to be available to reimburse the County for road repairs not remedied by Grain Belt per the Road Use Agreement. Mr. Brown said no batch plants will be set up for construction phase, with local contractors to be utilized.

Jason Brown, Director of Local and Community Affairs with Invenergy Grain Belt Transmission Line, also presented and discussed with the Board of County Commissioners and County Attorney Charles D. Baskins a Contribution Agreement, otherwise known as, Payment in Lieu of Tax Agreement (PILOT). The high voltage DC transmission line is exempt from property taxation for a period of 10 years pursuant to K.S.A. 79-259. In lieu of tax payment, before installing transmission facilities on easement property in Doniphan County, Grain Belt shall make a one-time contribution to the County in the amount of \$163,500, the greater of \$7,500 per linear mile. Mr. Brown stated unlike the Road Use Agreement the Contribution Agreement is non-negotiable.

County Attorney Baskins asked how close the high voltage transmission line will be to the nearest residence and for an electronic fields study. Invenergy Attorney Andrew Schulte will provide Doniphan County with the requested information. The Board of County Commissioners took no action on Invenergy Grain Belt Transmission Line Road Use or Contribution Agreements pending further review.

Commissioner Collins made a motion to fill vacant Independence Township Trustee position by appointment of Brian "Chubby" Waggoner. Commissioner Hall seconded. Motion carried 3-0.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 11:39 A.M. Commissioner Grable seconded. Motion carried 3-0.

DATED THIS 22nd DAY OF FEBRUARY 2022.

Attest: \_\_\_\_\_  
Peggy Franken, County Clerk

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Wayne Grable, Chairman