

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, JANUARY 31, 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 present for a portion of the meeting.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. Second Road District Foreman Sean Price, Road Office Manager Lindsay Norris, Economic Development Director Leah B. Johnson, Rainbow Communications Representative Angie Kreider and ADA Coordinator/Zoning Administrator Julie Meng 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 January 24, 2022 regular meeting as written. Commissioner Collins seconded. Motion carried 3-0.

Commissioner Collins made a motion to approve payroll and warrants for the period of January 31, 2022 as presented. Commissioner Hall seconded. Motion carried 3-0.

Fee report for the month of January 2022 was presented for Board review on behalf of the County Clerk.

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

County Clerk Peggy Franken told the County Commission she was asked by the EMS/Ambulance Committee to do a mill levy tax rate comparison for funding of countywide ambulance service, based on a total tax for operations in the amount of \$1,500,000. Clerk Franken said a comparison of 160 acre tracts from the nine county townships averaged \$4.00 per acre for ambulance service based on a mill levy rate of 9.873, taking into consideration the existing tax already being paid for the service. Home values, within the eight incorporated cities, appraised between \$75,000 and \$250,000 varied by an average of \$3.00 to \$24.00 per month.

Commissioner Hall made a motion to approve purchase of oak countertop for County Clerk's office from Gronniger Woodworks in the amount of \$1,200.00. Commissioner Collins seconded. Motion carried 3-0.

Second Road District Foreman Sean Price informed the County Commission the 2012 Freightliner has been hauled to Redneck Diesel with antifreeze leak.

Road Office Manager Lindsay Norris presented the County Commission with December 31, 2021 end of the year Road Improvement Fund balances and Road and Bridge Department expenses.

A listing of RS and Off-System bridges needing immediate attention, along with a map of each location, was presented to the County Commission by Road Office Manager Lindsay Norris. All of the structures in need of attention are located within the First and Second Road Districts. Commissioner Hall recommended repairing bridges that take minimal amount of time and cost in order to get them fixed before the next inspection.

Vance Brothers gave the Commission an estimate to chip seal county roads, which would include all phases of chip sealing a roadway with exception of patch, at an estimated cost of \$30,000.00 per mile. Road Office Manager Norris told the County Commission if the Commissioners and Road Foremen prepare a list of roads for chip seal during the 2022 season, Vance Brothers will view and give a more precise cost for each. Norris will also compile a cost comparison of Doniphan County versus contractor performing the work for the Boards consideration.

Norris has given a recall notice on Western Star dump trucks to each of the Road Foremen.

Commissioner Collins made a motion to approve expenditures in the amount of \$598.13 to Force America for truck number #194 at Third Road District and \$1,071.02 to Murphy Tractor for motor grader parts for Third Road District. Commission Hall seconded. Motion carried 3-0.

The Board of County Commissioners were in receipt of correspondence from the Department of Army U.S. Army Corps of Engineers dated October 14, 2021 addressed to the Honorable Tim Rhodd, Chairman of the Iowa Tribe of Kansas, regarding proposed work for the placement of rock for bank protection purposes which will involve the placement of fill material along and within approximately 125 linear feet of Squaw (Nolands) Creek. The project is located adjacent to Doniphan County Road 325, within Section 7 Township 1 Range 18E. The Iowa Tribe of Kansas made application with the U.S. Army Corp of Engineers for a nationwide permit (NWP) 13 bank stabilization activity which was approved. The U.S. Army Corp of Engineers in approving the permit for bank stabilization set a March 18, 2022 project commencement date, with a 12-month completion date. The Board of County Commissioners asked County Clerk Peggy Franken to set up a meeting with Chairman Tim Rhodd to discuss the project in further detail.

At 9:00 A.M. bid letting was held for culvert replacement located on 140<sup>th</sup> Road, ½ mile east of Ottumwa Road in part of Sections 10, 11 and 15 Township 4 Range 21E. Bid specifications call for Contractor responsible for labor and equipment needed for culvert replacement, tree and brush removal, removal of existing crossroad culvert, installation of new crossroad culvert according to county provided specifications and proof of liability insurance. Doniphan County to furnish and maintain road closed barricades, disposal of scrap and debris, purchase of all materials needed to complete project and hauling of rock and other materials. Chairman Grable opened sealed bids and read aloud as follows:

Urban Construction Inc	\$47,396.00
Engemann Drainage Company Inc	\$45,450.00
Kiefer Excavating	\$24,480.00

The Board of County Commissioners took bid amounts under consideration with no action taken.

Commissioner Grable asked County Attorney Charles D. Baskins' legal opinion for closing and/or vacating a public roadway. County Attorney Baskins advised a public hearing must be held, with publication of said hearing in the official county newspaper and notification given to adjoining landowners in order to afford them the opportunity to appear and voice opposition to or in support of road closure/vacation prior to the Board of County Commissioners taking formal action. Road closure would close the road until such time as the Board of County Commissioners decide to re-open. Road vacation would permanently close the road, which would transfer the property to adjoining landowners.

The Board of County Commissioners discussed tax foreclosure sale proceedings with County Attorney Charles Baskins. Commissioner Hall asked Attorney Baskins if outside counsel can be retained to help with tax foreclosure sale in the event the County Attorney's schedule does not allow. County Attorney Baskins will research law and advise the Board of County Commissioners.

Angie Kreider, Rainbow Communications and Economic Development Director Leah B. Johnson met with the County Commission to discuss Rainbow Communications making grant application with the Kansas Department of Commerce Broadband Acceleration Grant (BAG) for internet fiber build from K-7 Highway and Highway 20 junction south into Atchison County. Mrs. Kreider said if awarded the 50/50% matching grant funds would be paid for by Rainbow Communications to run drops to residential accounts. Doniphan County is awaiting word from the National Telecommunications and Information Administration to determine if Broadband Infrastructure Program grant funds through the Iowa Tribe of Kansas and Nebraska will be awarded in an amount of \$10,000,000 which would allow for fiber optic build along US Highway 36 including two mile radius north and south. In addition, the Kansas Department of Commerce will be releasing grant funds for Broadband Expansion Equity Access and Deployment (BEAD) grant, a 25% matching funds grant opportunity. Rainbow Communications will act as consultant and assist Doniphan County in applying for BEAD grant funding. The Board of County Commissioners made no objection to submitting a letter of support to the Kansas Department of Commerce on behalf of Rainbow Communications in making application for Broadband Acceleration Grant funds.

Economic Development Director Leah B. Johnson presented the Commission with information on the Kansas Corporation Commission Lifeline and Affordable Connectivity Program to help low income families and individuals stay connected so they can access healthcare, find jobs, attend classes, stay in touch with family and call for help in an emergency with phone services and broadband internet.

ADA Coordinator Julie Meng informed the Board of Commissioners representative of Access Elevator & Lifts has made repairs to the ADA accessible lift at the courthouse, however an issue with the upper door still exists. The lift is operational and representatives of the company will work to repair the door. She said a leaf vacuum has been purchased to help keep debris out from under and around the lift. Brycen Wiedmer with Lee Grover Construction is drafting options and drawing up plans for installation of ADA accessible ramp for independent individual access into the courthouse building, for the Commissioners consideration.

Commissioner Hall made a motion to install electrical outlet outside the lower level south entrance of the courthouse building. Commissioner Grable seconded. Motion carried 3-0.

Commissioner Grable asked Zoning Administrator Julie Meng if application has been made by Verizon for installation of cellular tower in Doniphan County. Administrator Meng said to date no new application for zoning change request has been submitted on behalf of Verizon.

At 10:01 A.M. Commissioner Hall made a motion to recess into executive session for the purpose of discussing confidential legal matters pertaining to roads with counsel, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:11 A.M. Commissioner Collins seconded. Motion carried 3-0. County Attorney and County Clerk remained.

At 10:11 A.M. Commissioner Collins made a motion to recess into executive session for the purpose of continuing discussion of confidential legal matters pertaining to roads with counsel, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:21 A.M. Commissioner Hall seconded. Motion carried 3-0. County Attorney and County Clerk remained.

There being no further business before the Board, Commissioner Grable made a motion to adjourn at 10:28 A.M. Commissioner Hall seconded. Motion carried 3-0.

DATED THIS 31st DAY OF JANUARY 2022.

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

\_\_\_\_\_  
Wayne Grable, Chairman