

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, SEPTEMBER 16, 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. Third District County Commissioner Bobby Hall and County Clerk Peggy Franken were present. First District County Commissioner Timothy D. Collins and County Attorney Charles D. Baskins were present for a portion of the meeting.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. Undersheriff Mark Allen, Aging Director Diana Crouse-Johnson, Road Office Manager Lindsay Norris, Northeast Kansas Environmental Services Health Specialist Martha Smith, Miller Trash Service Representatives Mike Miller, Rhonda Miller and Cody Miller, Beth Salmons, Husker Steel Representative Chris Adelman and Grain Belt Express, LLC Representative Jason Brown were present for a portion of the meeting.

Commissioner Grable made a motion to approve the County Commission meeting agenda as amended to include non-elect executive session for road personnel. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to approve minutes of September 9, 2024, regular meeting as written. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to approve payroll and warrants for the period of September 16, 2024, as presented. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve abated taxes to the 2023 Doniphan County tax roll in the amount of \$101.64. Commissioner Hall seconded the motion. Motion carried 3-0.

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

Aging Director Diana Crouse-Johnson requested permission to shop for a four wheel drive vehicle for rural meal delivery for the Meals on Wheels program. The Board of County Commissioners made no objection to looking into options for four wheel drive vehicles.

Director Crouse-Johnson told the County Commission the airbag light on the 2017 Ford Transit shuttle bus has been repaired and the bus put back into rotation.

Undersheriff Mark Allen, Sheriff-Elect, said he and deputy officers worked the roadways over the weekend, assisting with the Sound of Speed Airshow hosted by Rosecrans Memorial Airport and Missouri Air National Guard.

Clerk Franken thanked Undersheriff Allen and Deputy Jared Ratzlaff for their assistance in getting an individual in to and out of the courthouse building to do county business due to the courthouse elevator being under construction.

Peggy Franken, County Clerk, presented the Commission with a formality letter from the Federal Emergency Management Agency (FEMA) notifying some properties that were included in the 2024 flood plain maps have been removed. The properties were originally included in the 1978 Flood Plain and no longer meet the requirements for inclusion.

Road Office Manager Lindsay Norris informed the County Commissioners that Doniphan County's applications seeking grant funding for bridge repair through the Kansas Department of Transportation's Local Bridge Improvement Program for 2025 and Off-System Bridge Program for 2026 were denied. The Road Department will reapply in 2025 for funding.

Lindsay Norris, Road Office Manager, clarified with the Board of County Commissioners concrete material from box culvert replacement on 140<sup>th</sup> Road, west of K-7 Highway approximately 2,900', can be used by contractors as fill. The concrete box is slated to be replaced with two 80' x 48" tubes. The Board of County Commissioners agreed, asking bids to be submitted two ways, using onsite materials and purchasing additional fill material.

Norris told the County Commission she has reached out to NCS, Contractor for Rainbow Communications fiber optic cable installation, about damage caused to Port William Road. Representatives of NCS are investigating their liability due to the waterline being hit. The County Commissioners asked Manager Norris to reach back out to them, giving them a deadline of Monday, September 23, 2024, to respond to the County's request to make repairs or the County will make the emergent repair and bill Rainbow Communications.

Commissioner Collins made a motion to purchase a 46"x 16' road tube for box culvert repair on 150<sup>th</sup> Road, east of Kansas Highway 120, in the amount of \$1,796.00 from Metal Culverts. Commissioner Hall seconded the motion. Motion carried 3-0.

The Board of County Commissioners executed dust control permit for 560 130<sup>th</sup> Road, Denton, Kansas. Residents are reminded to post visible signs notifying of the dust control material and contact the Road Office annually to obtain dust control permits.

Commissioner Collins made a motion to approve request and petition on behalf of Telcom, doing business for Brightspeed, for boring of internet and phone cable to 2184 Dove Creek Road. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Collins made a motion to execute Temporary Work Agreement between Doniphan County, Kansas, and landowners Harness Family Trust and Contractor Baird Excavating, LLC for roadwork on 275<sup>th</sup> Road, west of Elgin Road in the northeast quarter of Section 1 Township 2 Range 19E, for placement of 5' x 150' road tube. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve purchase of fill material for low water crossing on Moonlight Road and 140<sup>th</sup> Road, from Foley Quarry in the amount of \$1,500.00. Commissioner Hall seconded the motion. Motion carried 3-0.

Road Office Manager Lindsay Norris told the County Commission Engemann Drainage District Company, Inc. submitted a final invoice for low water crossing repair on Moonlight and 140<sup>th</sup> Roads. The original estimate was for \$6,250.00 plus \$95.00 per hour for hauling. The final invoice was \$8,700.00. Commissioner Grable said once the contractor started repairing, it was discovered there was a hole under the concrete, Grable approved the purchase of flowable fill to save the existing tube. Commissioner Grable made a motion to approve invoice in the amount of

\$8,700.00 to Engemann Drainage Company, Inc. for low water crossing repair on Moonlight and 140<sup>th</sup> Roads. Commissioner Collins seconded the motion. Motion carried 3-0.

At 8:57 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing and protecting the interest of non-elect personnel in the Road Department with the meeting to be called back to order in the office of the Doniphan County Commission at 9:02 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

At 9:02 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of discussing and protecting the interest of non-elect personnel in the Road Department with the meeting to be called back to order in the office of the Doniphan County Commission at 9:07 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

Northeast Kansas Environmental Services Health Specialist Martha Smith, Miller Trash Service Representatives Mike Miller, Rhonda Miller and Cody Miller met with the Board of County Commissioners to discuss operations of the Doniphan County Transfer Station. No action has been taken on acceptance of bids as presented September 9, 2024.

At 9:42 A.M. the Board of County Commissioners recessed for a break with the meeting called back to order in the office of the Doniphan County Commission at 9:47 A.M.

Beth Salmons appeared before the Board of County Commissioners presenting information on the National Interest Electric Transmission Corridor, particularly the Midwest Plans Transmission Corridor. The 5-mile wide, 780 mile long transmission corridor is proposed by the Department of Energy to transport green energy from Ford County, Kansas, across the State, including through a portion of Doniphan County, Kansas, across the Missouri River into Missouri, Illinois and Indiana to supply power to the east coast. The Department of Energy has extended public comment past the June 24, 2024, deadline on request of Congress. Public comment can be made at [NIETC@hq.doe.gov](mailto:NIETC@hq.doe.gov). Ms. Salmons asked the Board of County Commissioners to consider adoption of a resolution opposing the 5-mile wide eminent domain transmission line. The Board of County Commissioners took no action pending further review.

Chris Adelman, Husker Steel, met with the Board of County Commissioners to discuss repair work to RS110, a double barrel 10' x 10' box culvert on Ash Point Road, north of 150<sup>th</sup> Road, Section 5 Township 4 Range 19E. Husker Steel proposed to repair the structure for a cost of \$162,995.00. Doniphan County would be responsible for 1) removal of utilities necessary to facilitate construction 2) furnish and maintenance of barricades 3) backfill and final grading 4) removal of salvage from job site and 5) concrete. The Board of County Commissioners took no action pending review of the Road Department budget.

At 10:40 A.M. Commissioner Collins left the meeting.

Jason Brown, Director of Local and Community Affairs with Grain Belt Express, LLC, appeared before the Board of County Commissioners to discuss proposed Road Use Agreement between Doniphan County, Kansas, and Grain Belt Express, LLC for construction of high transmission energy line from Dodge City, Kansas (Ford County) across the State of Kansas, through Doniphan County, Kansas, into Missouri, Illinois and Indiana. Mr. Brown told the County Commission 97% of land for the project has been acquired. Production is slated to begin in the fourth quarter 2025. Road Use Agreements are standard across the State of Kansas, except for

unique haul route maps specific to each county. Representatives of Grain Belt Express, LLC will have discussions with and gain approval from the Doniphan County Commission prior to making any changes to the designated haul routes. Resolution to issues will be addressed by the end of business the following business day, unless an issue occurs on a weekend, the issue would be addressed by end of business on Monday. Safety hazards would be addressed immediately. County Attorney Charles D. Baskins, having reviewed the Road Use Agreement, opined there is nothing offensive in the agreement that would negate the Board of County Commissioners from signing. Further saying any recommended changes he had to the original agreement have been made by Grain Belt Express, LLC. County Attorney Baskins suggested all bridges along the proposed haul route be inspected carefully. Mr. Brown will serve as Project Manager for Grain Belt Express, LLC with Doniphan County to appoint a representative to act as Project Manager. Following discussion, Commissioner Grable made a motion to execute Road Use Agreement between Doniphan County, Kansas, and Grain Belt Express, LLC. Commissioner Hall seconded the motion. Motion carried 2-0.

County Clerk Peggy Franken asked Grain Belt Express, LLC Representative Jason Brown the status of a previously discussed Payment in Lieu of Tax agreement. Mr. Brown said the Kansas Corporation Commission requires Grain Belt Express, LLC to enter into a separate agreement with each Kansas County prior to construction for Construction Mitigation Impact payments in the amount of \$7,500.00 per linear mile. Doniphan County has a proposed route of just over 21 miles. The Construction Mitigation Impact payment would be in place of a Payment in Lieu of Tax agreement and is outside the terms of the Road Use Agreement.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 11:43 A.M. Commissioner Grable seconded the motion. Motion carried 2-0.

DATED THIS 16<sup>th</sup> DAY OF SEPTEMBER 2024.

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

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Wayne Grable, Chairman