

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, APRIL 3, 2023**

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.

The Kansas Chief Reporter Melanie Davis observed the entire meeting. Noxious Weed Director Jim Norris, Second Road District Foreman Sean Price, Road Office Manager Lindsay Norris, Health Department/Home Health Administrator Sheryl Pierce, Economic Development Director Leah B. Johnson, Emergency Management Coordinator Julie Meng, Angie Kreider and Julie Bergman, Representatives of Rainbow Communications and John M. Smith, Jr. were present for a portion of the meeting.

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

Commissioner Hall made a motion to approve County Commission minutes of March 27, 2023 regular meeting as written. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve manual warrants for the period of March 31, 2023 as presented. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve abated tax to the 2022 Doniphan County tax roll in the amount of \$459.16 for Board of Tax Appeals exempt status ruling on Doniphan County Pet Rescue real estate tax. Commissioner Hall seconded the motion. Motion carried 3-0.

Fee reports were presented for Board review on behalf of County Clerk and Register of Deeds.

The Jerry K. Dubach Doniphan County Law Enforcement Center currently houses 9 local inmates.

Noxious Weed Director Jim Norris requested permission to purchase 1550 gallon water tank, which will be black in color to reduce sunlight and algae growth, from Bestway Ag in the amount of \$1,385.00. Commissioner Hall made a motion to approve the purchase of 1550 gallon water tank for Noxious Weed Department from Bestway Ag in the amount of \$1,385.00. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to purchase hose for reels on Noxious Weed spray trucks at a cost of \$553.40 from Fairbank Equipment. Commissioner Collins seconded the motion. Motion carried 3-0.

Director Norris told the Commission he sprayed the courtyard for weed control on April 1, 2023 and would begin treating roadsides for noxious weeds in the coming days.

County Clerk Peggy Franken reported January 2023 1% dedicated sales tax collections for EMS in the amount of \$89,024.61. And, Doniphan County's portion of existing sales tax collections for the same month in the amount of \$54,734.46. Outstanding Sales Tax expenses include courthouse east parking lot, wall and handrails; Jerry K. Dubach Doniphan County Law Enforcement Center hot water system replacement and Elwood Gladden Drainage District levy repair payment.

Commissioner Grable made a motion to purchase three trees from Myer's Nursery for the courtyard at a cost of \$700.00 per tree. One tree each to be planted on the northeast side between the courthouse and Doniphan County Extension building and the other on the southeast side by the Tall Oak Indian Monument. Commissioner Hall seconded the motion. Motion carried 3-0.

Road Foremen Representative Sean Price informed the County Commission road crews began work on 195<sup>th</sup> Road, between Kansas Highway 7 and Half Mound Road in Section 15 Township 3 Range 20E, replacing road tubes the week of March 27, 2023. Tube replacement projects will continue, however ditching and building up of the roadway will cease until 2" rock is available from Servaes Quarries, estimated to be the week of April 10, 2023.

Road Office Manager Lindsay Norris, on behalf of county resident, asked when the First Road District will complete culvert repair on Elgin Road in Sections 31 & 36 Township 4 Range 19E. Commissioner Collins said the project would be completed as soon as the County can find someone to flush out the tube in order to extend it.

Chris Adelman, Husker Steel Representative, notified the Doniphan County Road Department culvert repair on 175<sup>th</sup> Road in Section 30 Township 3 Range 21E is complete. Foreman Price said the Road Department did backfill work on March 31, 2023, however the road is not open to thru traffic pending additional backfill work from settling.

Foreman Price told Commissioner Collins he was approached by a property owner asking when culvert repair and ditch cleanout on Dove Creek Road, south of Kansas Highway 20E would take place. Commissioner Grable asked citizens concerned with road conditions in the First Road District to contact Deputy Road Foreman Tom Miller.

Commissioner Grable made a motion to chip seal 4-H fairgrounds road in Troy, Kansas from Boder Street to cattle barn for the Doniphan County Fair Board in 2023. Commissioner Collins seconded the motion. Motion carried 3-0.

Road Office Manager Lindsay Norris told the County Commission warranty on 2013 backhoe in Third Road District is about to expire. Commissioner Hall asked Norris to obtain additional information on extended warranty.

Manager Norris reported approximately 56 stolen or missing 911 road signs along with 12 warning signs at a cost of approximately \$2,800.00 (including shipping). In addition to stolen 911 road signs, several flashing warning lights have been removed from safety signs and road closed barricades as well. Road Office Manager Lindsay Norris reminded the County Commission and public if a road sign is in the way of a road project or getting equipment up and down a county road, they are asked to call the road office to have the sign temporarily taken down instead of being destroyed.

Commissioner Grable made a motion to enter into an agreement between the Boards of County Commissioners of Atchison and Doniphan Counties, Kansas, providing for the allocation of responsibility for the construction, repair and maintenance of roads, bridges, culverts and supporting infrastructure located on or near the county line between said counties. Commissioner Hall seconded the motion. Motion carried 3-0.

The Board of County Commissioners discussed entering into agreements with Herzog Contracting Corporation for 3" asphalt overlay and shoulder rock on 4 miles of Mesquito Creek Road, Second Road District, in the amount of \$1,115,436.00 and 2 miles of Dove Creek and 275<sup>th</sup> Road, First Road District, \$649,544.00. No action was taken pending review of March 2023 Road and Bridge budget status report.

Commissioner Grable asked Second Road District Foreman Sean Price to address ditches on both sides of 215<sup>th</sup> Road near the low water crossing, where ditches are washing out causing narrowing of the roadway.

Health Department/Home Health Administrator Sheryl Pierce requested permission for Doniphan County Safe Kids Coordinator Kay Smith to attend Safe Kids Worldwide Childhood Injury Prevention Convention in National Harbor, MD with Kansas Safe Kids grant funds and Safe Kids Worldwide scholarship to pay registration and \$500.00 toward the total expense, leaving a balance due from the Doniphan County Health Department of \$871.00. Commissioner Grable made a motion to approve Doniphan County Safe Kids Coordinator Kay Smith's attendance to the Safe Kids Worldwide Childhood Injury Prevention Convention. Commissioner Hall seconded the motion. Motion carried 3-0.

Administrator Pierce told the County Commission Bud Sewer Service has scoped the sewer lines at the Doniphan County Health Department building located at 201 S Main Street, Troy, Kansas, and determined all three toilets need to be replaced. She will obtain a cost estimate for Board consideration.

Angie Kreider, Director of Business Development and Julie Bergman, Senior Business Development Specialist with Rainbow Communications appeared before the Board of County Commissioners to announce Rainbow Communications plan to expand their

Fiber broadband network in the cities of Elwood, Highland, Troy and Wathena with fiber network to all residential locations. Rainbow will fully fund the \$12.4 million dollar construction project that will consist of 189.54 miles of fiber, bringing gigabit internet speeds to approximately 4,124 people. Construction is slated to begin by 2025 with the projects completed in each city by 2027.

Mrs. Kreider also updated the Board of County Commissioners on fiber broadband expansion along the US Highway 36 corridor east of the Troy City limits to west Wathena City limits, two miles north and south of US Highway 36. The buildout project will cover 200 homes. Fiber materials have been ordered, project staking began three weeks ago, the County is assisting with GIS mapping and Rainbow Communications is working on education materials for county residents and the process for customer interest/sign-ups for internet service. Doniphan County partnered with Rainbow Communications on the broadband expansion project dedicating \$1,476,211 of America Rescue Plan funds, with a project completion date of December 31, 2026.

Representatives of Rainbow Communications gave an update on grant opportunities through the Kansas State Office of Broadband, including award of \$1,424,945 Kansas Capital Project Funds to the Iowa Tribe for expansion of internet service on Tribal ground, throughout the City of White Cloud and along Kansas Highway 7 to Taylor Seed Farm.

Julie Bergman, Senior Business Development Specialist with Rainbow Communications, spoke to the County Commissioners about inaccuracy of Federal Communications Commission (FCC) broadband maps and the need for residents to challenge the current maps. The maps claim countywide coverage however providers cannot provide service to most rural areas based on the County's terrain. Future funding for broadband expansion is contingent upon accurate FCC broadband maps. Residents are asked to log onto Doniphan County website [www.dpcountyks.com](http://www.dpcountyks.com) search for their residence and challenge the accuracy of the map based on home location, if not adequately covered.

At 9:52 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of holding discussion on confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships, with the meeting to be called back to order in the office of the Doniphan County Commission at 10:02 A.M. Commissioner Hall seconded the motion. Motion carried 3-0. County Attorney, County Clerk, Economic Development Director and Representatives of Rainbow Communications remained.

Economic Development Director Leah B. Johnson gave the Board of County Commissioners an updated job description and employment advertisement for the Economic Development Director's position. Director Johnson also presented the County Commission with a list of ongoing projects, future opportunities and current/suggested projects she has been working on. She told the County Commission she has apprised County Clerk Peggy Franken on all projects, with Clerk Franken to take on grant administration of the Kansas Department of Commerce and Office of Rural Prosperity's

TEFFI:SEED grants for Doniphan County Library District No. 1 and Doniphan Darlings. As well as, broadband expansion grant opportunities through the Kansas Department of Commerce Office of Broadband upon Mrs. Johnson's termination of employment, April 7, 2023.

Commissioner Hall made a motion to approve letters of support on behalf of Doniphan Darlings for grant applications to Childcare Accelerator Grant through the Kansas Children's Cabinet and Trust Fund and Community Resource Capacity Program through Kansas Department of Children and Families. Commissioner Grable seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to advertise for the position of Economic Development Director. Commissioner Grable seconded the motion. Motion carried 3-0.

Emergency Management Coordinator Julie Meng informed the County Commission equipment for 911 Dispatch console upgrade to accommodate 800 MHz radios is \$112.00 higher in cost than reported and approved the previous week. Commissioner Grable made a motion to approve additional equipment cost of \$112.00 to upgrade 911 Dispatch console to accommodate 800 MHz radios, with expense to be paid from the New Sales Tax fund for 911 purposes. Commissioner Hall seconded the motion. Motion carried 3-0.

John M. Smith, Jr. met with the Board of County Commissioners to request rock on Heartland Road in Section 22 Township 2 Range 20E. Mr. Smith asked that rock be hauled on the road, but not bladed nor new grader ditches be cut, leaving the water running down the center of the road. Commissioner Grable asked Mr. Smith to be certain he did not want the roadway graded. Mr. Smith answered "just rock the road but don't blade". Commissioner Collins said Heartland Road is on the list to rock as soon as the First Road District is caught up on projects. Mr. Smith also asked for the Doniphan Electric pole by Sam Smith's property to be relocated closer to the fence, as the pole is currently close to the center of the road.

Chairman Grable asked First District Commissioner Collins to consider placement of 3" asphalt overlay on 1.5 miles of Dove Creek Road to 275<sup>th</sup> Road, instead of the projected 2 miles. Grable said Second and Third Districts combined their total miles of asphalt this year and asked Commissioner Collins to also cut back to evenly disperse county funds and make sure funding is available for both Mesquito Creek Road and Dove Creek Road projects. No action was taken pending further discussion.

There being no further business before the Board, Commissioner Grable made a motion to adjourn at 10:42 A.M. Commissioner Hall seconded the motion. Motion carried 3-0.

DATED THIS 3RD DAY OF APRIL 2023.

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

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Wayne Grable, Chairman