

**UNOFFICIAL MINUTES**  
**DONIPHAN COUNTY COURTHOUSE, TROY, KANSAS, MAY 30, 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. Road Office Manager Lindsay Norris, Zoning Administrator Julie Meng, Richard Bradley, George Jones III, Aaron Simpson, Erma Jones, Scott Chance, Donna Chance, Rhonda Cluck, Ella Mae Feuerbacher, Janice Cluck, Stephanie Harbeston, Ed Harbeston II, Cliff Miller, Connie Miller, John Cluck, Heather Cluck, Joe Wertin, Robert Miller, Cathi Floyd, Anthony Nelson and Evergy Representatives Jessica Keck, Matt Armfield, Jade Lassiter, Robert Price, Dave Peck and ppB Enviro-Solutions Representative Chris Corey were present for a portion of the meeting.

Commissioner Grable made a motion to approve meeting agenda as amended to include legal executive session. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Hall made a motion to approve County Commission minutes of May 22, 2023 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 May 31, 2023 as presented. Commissioner Collins seconded the motion. Motion carried 3-0.

Commissioner Grable made a motion to approve abated change orders for payment under protest hearings to the 2022 Doniphan County tax roll in the amount of \$3,929.94. Commissioner Hall seconded the motion. Motion carried 3-0.

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

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

Correspondence was received by the Board of County Commissioners from Doniphan County Regional Planning Commission regarding public hearing to be held June 14, 2023 at 7:30 P.M. for consideration of application on behalf of Ryan Grable for zoning change from R-1 Outer Residential to A-1 Agriculture for property located at 1471 200<sup>th</sup> Road Troy, Kansas.

Road Office Manager Lindsay Norris gave the Board of County Commissioners samples of road rock as obtained and brought in by county resident Jonathan Huss. Mr. Huss expressed concern with AB3 rock purchased from Hamm's Quarry placed on Larkinburg Road May 24, 2023 not being the same quality as road rock purchased from Serveas Quarry and hauled on 195<sup>th</sup> Road May 22, 2023. Mr. Huss also was concerned about AB3 rock being graded after put on Larkinburg Road. The County Commissioners explained AB3 rock purchased from Hamm Quarry looks like it contains a lot of dirt, however it is actually lime and sets up like a concrete surface on the roadway. The road was bladed after application on request of adjoining landowners prior to dust control application. Commissioner Grable, for the record, doesn't tell Road Foremen where to get rock. He leaves it up to the Road Foreman to call the quarry to get the rock that is needed and coordinate with the driver to haul.

Lindsay Norris, Road Office Manager, also received a call concerning needed road work on Blackjack Road, being used as an alternate route until bridge replacement can take place on 240<sup>th</sup> Road west of Highland, Kansas. The caller asked Commissioner Collins to address tube on 180<sup>th</sup> Road in Section 23 Township 3 Range 19E where the county road is sloughing off. And debris under bridge T-35-2 on 180<sup>th</sup> Road in Section 21 Township 3 Range 19E was being taken care of on May 26, 2023 by adjoining landowner, according to the caller.

David Beach, Engineer with Schwab-Eaton, PA sent notice to the Board of County Commissioners noting their firm is currently working on survey and repair plan for culvert on Coronado Road, north of Highland, Kansas, city limits in Sections 22-23 Township 2 Range 19E. Mr. Beach also recommended the Board of County Commissioners begin the process for contracting out debris removal around bridge T-35-2 on 180<sup>th</sup> Road in Section 21 Township 3 Range 19E and bridge T-228-2 located on Larkinburg Road in Section 7 Township 4 Range 21E, with debris removal to be completed prior to winter.

Commissioner Grable made a motion to make application to the 2024 Kansas Department of Transportation Local Bridge Improvement Program for replacement of bridge RS380, a rural major collector, located west of Highland, Kansas, on 240<sup>th</sup> Road in Sections 20-29 Township 2 Range 19E. Doniphan County to be responsible for up to 15% matching funds in an amount of \$121,993.40 plus right-of-way acquisition, utility placement and engineering. Commissioner Hall seconded the motion. Motion carried 3-0.

Discussion was held in regard to removal of bridge T-538-2 located on Oxide Road in Sections 35 Township 2 Range 21E replacing with tube based on specification from Doniphan County Conservation District Office. Removal of the bridge structure from the Kansas Department of Transportation bridge inspection list, considered a sacrifice bridge, will result in \$50,000.00 credit towards repair or replacement of future bridges enrolled in the Kansas Department of Transportation Bridge Improvement Program.

Commissioner Collins made a motion to approve Road and Bridge expenses to Foley Equipment for cutting edge blades \$788.48; Jack Horner two barricades and four flashing lights \$584.00 and 106 ton of rock on Tioga Road \$1,653.00. Commissioner Hall seconded the motion. Motion carried 3-0.

Commissioner Collins made a motion to hire Urban Construction at a cost of \$3,000.00 to haul material to build up Blackjack Road, used as alternate route for 240<sup>th</sup> Road west of Highland, Kansas. Commissioner Hall seconded the motion. Motion carried 3-0.

The Board of County Commissioners held discussion on increasing the County Commission spending authority for the purchase of rock. It was decided each Road District would stockpile rock based on approval by the Board of County Commissioners.

Commissioner Grable made a motion to set the County Commission spending limit at \$3,500.00 when contracting with contractors for use of equipment; alternating contractors based on available equipment and existing contractor list previously submitted to the Road Office. Subject to Board approval. Contractors are able to update their equipment list at any time. Commissioner Hall seconded the motion. Motion carried 3-0.

At 9:25 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of consultation with County Attorney on information deemed privileged, with the meeting to be called back to order in the office of the Doniphan County Commission at 9:30 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Road Office Manager remained.

Commissioner Grable made a motion to make a change in the 2023 chip seal road schedule from 3.3 miles on 195<sup>th</sup> Road east of Troy, Kansas, to 3.0 miles on 195<sup>th</sup> Road west of Troy, Kansas, due to bridge replacement project and fixing of soft spot on 195<sup>th</sup> Road east of Troy, Kansas, with 195<sup>th</sup> Road east of Troy, Kansas to be placed on the 2024 chip seal schedule. Commissioner Hall seconded the motion. Motion carried 3-0.

At 9:44 A.M. Commissioner Grable made a motion to recess into executive session for the purpose of consultation with County Attorney on information deemed privileged, with the meeting to be called back to order in the office of the Doniphan County Commission at 9:49 A.M. Commissioner Collins seconded the motion. Motion carried 3-0. County Attorney, County Clerk and Zoning Administrator remained.

At 10:00 A.M. the Board of County Commissioners recessed and reconvened regular session in the District Court Courtroom for the purpose of holding public hearing to consider request in zoning change for applicant Erma Jones/Every from A-1 Agriculture to A-1 Conditional Use to establish and operate an electrical substation on 5 acres of the 18.57 acre tract located at 1027 Sheridan Road, Wathena, Kansas. Present in addition to County Commission, County Attorney and County Clerk were Zoning Administrator Julie Meng, Richard Bradley, George Jones III, Aaron Simpson, Erma Jones, Scott Chance, Donna Chance, Rhonda Cluck, Ella Mae Feuerbacher, Janice Cluck, Stephanie Harbeston, Ed Harbeston II, Cliff Miller, Connie Miller, John Cluck, Heather Cluck, Joe

Wertin, Robert Miller, Cathi Floyd, Anthony Nelson and Evergy Representatives Chris Corey, Jessica Keck, Matt Armfield, Jade Lassiter, Robert Price and Dave Peck. Jessica Keck gave a presentation on the location and need to build a new substation with 115KV power eliminating a single line of failure, as the current substation is an outdated 69KV backed up by existing 34.5KV substation. The proposed substation would be within approximately 600' of the existing substation. Ms. Keck said following the Doniphan County Planning Commission hearing Representatives of Evergy scaled down the size of the substation and moved it further back on the property, closer to 175<sup>th</sup> Road. Speaking in opposition to the change in zoning were Wathena City Mayor and adjoining resident John A. Cluck, adjoining property owners Scott Chance, Robert Miller, Donna Chance, Richard Bradley, Connie Miller and Ed Harbeston II. Answering questions and addressing comments on behalf of Evergy included Jessica Keck, Dave Peck, Jade Lassiter, Matt Armfield and ppB Enviro-Solutions Representative Chris Corey. Commissioner Hall asked if the new substation would expand into St. Joseph, Missouri and the possibility of backfilling power from St. Joseph, Missouri, to the substation that supplies power to Elwood/Wathena area. Dave Peck said the plan is to expand power into St. Joseph, Missouri. Backfilling would require a larger transformer to handle the transfer of power and the current substation does not have enough room at the location to accommodate a larger transformer. Matt Armfield told the County Commission Evergy had a list of five properties to consider, 1027 Sheridan Road being the top location based on proximity to exiting substation and willingness of landowner to sell. Commissioner Grable said the change in site location and size of substation should've been addressed at the Doniphan County Regional Planning Commission hearing held May 10, 2023 prior to the matter coming to the Board of County Commissioners. There being no further public comment, Commissioner Grable closed the public hearing at 11:07 A.M.

Chairman Grable called for a vote on the Doniphan County Regional Planning Commission's recommendation to deny the zoning amendment for property owner Erma Jones/Evergy from A-1 Agriculture to A-1 Conditional Use to establish and operate an electrical substation on 5 acres of the 18.57 acre site located at 1027 Sheridan Road, Wathena, Kansas, due to the characteristics of the existing neighborhood and the detrimental effect on neighboring property. Commissioner Hall made a motion to accept the recommendation of the Doniphan County Regional Planning Commission and deny the zoning amendment for property owner Erma Jones/Evergy from A-1 Agriculture to A-1 Conditional Use to establish and operate an electrical substation on 5 acres of the 18.57 acre site located at 1027 Sheridan Road, Wathena, Kansas, due to the characteristics of the existing neighborhood and the detrimental effect on neighboring property. Commissioner Collins seconded the motion. Commissioner Grable aye. Motion carried 3-0.

At 11:12 A.M. the Board of County Commissioners recessed and reconvened in the office of the Doniphan County Commission.

Julie Meng, acting as Doniphan County ADA Coordinator, informed the County Commission of mechanical issues with the courthouse ADA lift, safety issues will be bypassed to allow the lift to operate without manual hand crank. The Board of County Commissioners were in agreement to contact engineers with Schwab-Eaton, PA. to obtain a cost estimate for design and engineering for ADA accessible ramp into the Doniphan County Courthouse.

Commissioner Grable informed the County Commission of dispute between property owners on Larned Road in the Old Town of Maynard in Section 19 Township 3 Range 21E. County Attorney Charles D. Baskins reminded the County Commission adjoining property owners cannot claim county property including county right-of-way.

There being no further business before the Board, Commissioner Hall made a motion to adjourn at 11:29 A.M. Commissioner Grable seconded the motion. Motion carried 3-0.

DATED THIS 30th DAY OF MAY 2023.

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

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Wayne Grable, Chairman