

**RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS**

April 22, 2024

Commission met in regular session at 12:30 p.m. in Commission chambers at the Marion County Courthouse with Chr. David Mueller, Comm. Jonah Gehring, Comm. Kent Becker, and Comm. Dave Crofoot present. Comm. Randy Dallke arrived at 12:42 p.m. Present for portions of the meeting were Co. Clerk Ashley Herpich, Co. Admin Tina Spencer, Deputy Co Clerk Michelle Looper, county staff, members of the public, and members of the press.

PUBLIC FORUM: There were no public comments.

KANSAS LEGAL SERVICES: Managing Attorney Ty Wheeler joined the session. Wheeler requested appropriation of \$5,000.00 for 2025. Wheeler provided information about their needs for the funds and how the services benefited the county in 2024. Potential approval will be at a later date during the budget process.

ADMINISTRATIVE: Gehring moved to approve the minutes of April 15th. Becker seconded and motion carried 5-0.

- Gehring moved to approve the final payment application #5 for the 1240 Commercial building remodel to Nelson Fowles LLC in the amount of \$69,407.15. Crofoot seconded and motion carried 5-0.
- Gehring moved to approve an early check in the amount of \$69,407.15. Dallke seconded and motion carried 5-0. (Checks # 56434)
- The ARPA report was reviewed for signature. Reporting occurs annually by April 30th. Becker motioned to approve the ARPA report. Gehring seconded and motion carried 5-0.
- A draft agreement for the C.M.A.R. for Cody Nelson of Nelson Fowles, LLC was reviewed. Updates to the agreement were discussed. Crofoot motioned to approve the C.M.A.R. contract agreement with the updates. Dallke seconded and motion carried 5-0.
- Meeting reminder of the Regional Commission Meeting in Junction City at 5:30 p.m.
- Administrative report was reviewed. Mueller appreciates the format of the administrative report and how informative it is for the public and the Board. Spencer will post the report on the website.

PLANNING & ZONING: Dir. Sharon Omstead presented the Planning Commission's recommendation for case PC-24-01 regarding a conditional use permit application for Agricultural Equipment Sales business on certain property located at 1441 Hwy 56, Hillsboro. The recommendation was to approve the CUP with the condition that if lighting is installed, it be directed away from the highway. After discussion, Mueller moved to adopt Resolution 2024-7 granting a conditional use permit to operate an Agricultural Equipment Sales business on certain property located at 1441 Hwy 56, Hillsboro (with conditions). Dallke seconded and motion carried 5-0.

COMMISSION COMMENTS: Mueller gave an update on the Kansas County Commissioners Conference.

- Dallke mentioned his term on the Harvey County CDDO is ending in June. The board holds monthly meetings. Spencer will gather more information on the position.

AMBULANCE: Dir. Chuck Kenney joined the session. A list of policies was reviewed and discussed. In the future when policies are updated or added, it can be approved by resolution with the whole set of policies. Mueller moved to approve the policies as presented and supersedes the previous policies with a resolution to follow next week. Becker seconded and motion carried 5-0.

- Kenney is requesting an early sale of the second backup ambulance (Florence) due to the high cost to recertify. After some discussion, Gehring moved to approve the early sale of the Florence ambulance on Purple Wave. Crofoot seconded and motion carried 5-0.

PARK & LAKE: Dir. Isaac Hett presented the Marion County Park and Lake Agreement for Dock Ownership for approval. After some discussion, Crofoot moved to approve the document, presented with text changes, and to continue to work on other updates as discussed. Gehring seconded and motion carried 5-0.

- Hett updated the board on the electrical project.
- The survey has been completed on the Dam. The State will review the information.

COUNTY COUNSELOR: Co. Counselor Brad Jantz presented an attorney/client privileged communication memo and updated the Board regarding ongoing attorney/client matters.

COMMISSION COMMENTS: Dallke would like the board to give direction to Planning & Zoning.

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April 22, 2024, continued

COMMISSION COMMENTS: Dallke received a complaint about the transfer station. A contractor was upset with our process after being denied bringing trash due to the citywide clean up. A solution was figured out for the contractor to bring in trash. Dallke mentioned the county may need to look at a C&D landfill.

- Becker gave an update on the Marion County Patriots for Liberty meeting. Angel Cushing spoke at the meeting discussing the 30/30 project and how it affects private landowner rights. Three counties have passed a resolution opposing the 30/30 project. Consensus of the board is to have Angel Cushing attend a commission meeting.
- Mueller thanked Spencer and the Clerk's office for helping with facilitating the active shooter training and employee appreciation luncheon.

Mueller moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 2:52 p.m.

David Mueller, Chairman

ATTEST: _____
Ashley Herpich, County Clerk

RECORD OF PROCEEDINGS
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April 22, 2024, continued

RESOLUTION NUMBER 2024-7

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OPERATE AN AGRICULTURAL EQUIPMENT SALES BUSINESS AT 1441 HIGHWAY 56, HILLSBORO, KANSAS.

WHEREAS, application has been made by Chad Ensz, owner, requesting a Conditional Use Permit to operate an Agricultural Equipment Sales business on property zoned "RR" Rural Residential District, in the Northeast Corner of the Northwest Quarter of Section 32, Township 19 South, Range 3 East, Marion County, Kansas; and,

WHEREAS, following proper notification in the official County newspaper of a public hearing, on March 13, 2024, the Marion County Planning Commission held a public hearing on Case No. PC-24-01 on April 4, 2024 to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for the operation of an Agricultural Equipment Sales business within the unincorporated portion of Marion County, Kansas, subject to certain conditions; and,

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, THAT:

- The following described property is hereby granted a Conditional Use Permit to establish an Agricultural Equipment Sales business, subject to the conditions and restrictions listed herein:
S32, T19, R03, ACRES 11.4, PT NW/4 BEG 838' W NE/C NW/4 T H S 601' E 838' N 601' W 838' TO POB LESS ROW Deed Book/Page 351 /636
- The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:
 - If lighting is installed, it be directed away from the highway.
- This resolution shall be in full force and effect from and after publication in the official county newspaper.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas on this 22nd day of April 22, 2024.



ATTEST: Ashley Herpich
Ashley Herpich, County Clerk

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS

David Mueller Yea
[] Nay
[] Abstain

Kent Becker Yea
[] Nay
[] Abstain

Randy Dallke Yea
[] Nay
[] Abstain

Dave Crofoot Yea
[] Nay
[] Abstain

Jonah Gehring Yea
[] Nay
[] Abstain