Commission met in regular session at 9:00 a.m. in the Commission chambers at the Marion County Courthouse with Chr. Kent Becker, and Comm. Dianne R. Novak present. Comm. Randy Dallke joined the session at 9:06 a.m. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, Tom Britain, Henry Ethem, Trayce Warner, Dave Crofoot, Kade Warner, Jonah Gehring, Larry Fine, Michelle Butts, Charlie Loewen, Randall Eitzen, Mary Crabb, Shawn Crabb, Amy Stutzman, Daniel Stuchlik, other members of the public, and members of the press.

2020 COUNTY BUDGET HEARING: Scot Loyd of Swindoll, Janzen, Hawk & Loyd was present for the 2020 Marion County budget hearing. Chr. Becker opened the floor for public comment. Henry Ethem asked whether a final decision has been made for funding the transfer station project, and whether the County is operating its funds “in the black”. (No final decision has been made regarding the funding, and there were no funds with a cash violation in the previous year.)

Chr. Becker closed the public hearing and opened the floor for Commission discussion. After Commission discussion, Becker moved to approve the 2020 Marion County budget. Dallke seconded and motion carried 3-0.

ADMINISTRATIVE: Becker moved to approve the August 12th minutes as written. Dallke seconded. Motion carried 3-0.
- Supplements affecting the 2019 tax roll were reviewed by the Board. Change orders affecting the 2018 and prior years’ tax rolls were reviewed and signed by the Board.
- Early checks were approved for processing: #48960 to Cooperative Grain & Supply in the amount of $16,722.93 for transport fuel – R&B Fund, and #48961 to Eagle Communications in the amount of $149.94 for cable/internet – Park & Lake Fund.
- Resolution 2019-12 (approved on August 12th) was presented for signature and was signed by the Board.
- Spencer reported that Co. Engineer Brice Goebel has submitted a copy of his Professional Engineer License for the State of Kansas to the County, as required.

ROAD & BRIDGE: Co. Engineer Brice Goebel presented transport fuel bids for review:

<table>
<thead>
<tr>
<th></th>
<th>Tank #3</th>
<th>Tank #1</th>
<th>Unleaded</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Epp’s Service, Elbing</td>
<td>2.1190</td>
<td>1.8630</td>
<td>1.9275</td>
<td>$16,089.25</td>
</tr>
<tr>
<td>Coop Grain, Hillsboro</td>
<td>2.1490</td>
<td>1.8900</td>
<td>1.9540</td>
<td>$16,316.00</td>
</tr>
</tbody>
</table>

Becker moved to accept the low bid from Epp’s Service in the amount of $16,089.25. Dallke seconded. Motion carried 3-0.
- Novak reported that trains have been blocking the roadway in Ramona for hours at a time, cutting off citizens’ access to and from the town. After discussion, the Board agreed to ask Co. Counselor Brad Jantz for advice.

ADMINISTRATIVE: The Board agreed to have Spencer proceed with dimensions, pricing and sample finishes for a modular table for the Commission room, which will be brought back for approval.

PUBLIC COMMENT: Trayce Warner asked why the tree south of the Courthouse was removed. (It died and was removed). Session recessed until 10:30 a.m.

DIAMOND VISTA ROAD DISCUSSION: Co. Counselor Brad Jantz, Co. Engineer Brice Goebel, Planning/Zoning/Environmental Health Dir. Sharon Omstead, and Tanner Yost and Dave Prater of Kirkham Michael Engineering joined the session. The contractor in charge of road maintenance and repairs for the Diamond Vista project and the project’s parent company, Enel Green Power (EGP), claim that they are not responsible for fixing road issues caused by recent heavy rains and/or flooding, citing “force majeure”. The County has not accepted the roads back post-construction, and no post-construction inspection has been completed as required by the Road Maintenance Agreement (RMA). Therefore, the County contends that EGP is still required to maintain the roads.

Jantz noted that the County can take steps to enforce the RMA, up to and including revocation or suspension of the Conditional Use Permit. The County (with proper notification and communication) could also move forward with immediate repairs on certain road issues that are a threat to public safety and bill the cost of those repairs to EGP. After additional discussion, Becker moved to direct Co. Counselor Brad Jantz to correspond with Enel in regard to the road situation that we have and the need for immediate attention. Novak seconded and motion carried 3-0.
CO. COUNSELOR: The Board asked Jantz what options are available to keep the railroad from allowing trains to block the road in Ramona. Jantz suggested a phone call, then additional contact if the situation is not resolved. The Board agreed to have Jantz address the situation by contacting the railroad and corresponding through whatever means he deems appropriate.

Becker moved to adjourn. Dallke seconded and motion carried 3-0. Meeting adjourned at 11:15 a.m.

ATTEST: ___________________________________
Tina D. Spencer, County Clerk

Kent Becker, Chairman