

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

May 6, 2019

Commission met in regular session at 9:00 a.m. in the Commission chambers at the Marion County Courthouse with Chr. Kent Becker, Comm. Dianne R. Novak and Comm. Randy Dallke present. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Henry Ethem, Marcy Hostetler, Tom Britain, Amy Soyez, Brice Goebel, Yvonne Cushenbery, Trayce Warner, Randy Eitzen, Jesse Hopkins-Hoel, Gordon Pendergraft, Jonah Gehring, Ron White, Troy Bushman, Joel Suderman, Mindy Kepfield, other members of the public, and members of the press.

**ADMINISTRATIVE:** Dallke requested an executive session be added to the end of the regular agenda to discuss hiring.

- Change orders affecting 2018 and prior years' tax rolls were reviewed and signed by the Board.
- Salary sheets were signed:
  - Kaylan Miles – one year raise as Deputy Sheriff from \$17.36/hour to \$17.69/hour effective 5/1/19;
  - Leslie Meador – six month raise as Assistant Driver License Examiner/Clerk from \$2,061.00/mo. to \$2,102.00/mo. effective 5/5/2019;
  - Shannon Allen – one year raise as Transfer Station Equipment Operator I – from \$2,310.00/mo. to \$2,356.00/mo. effective 4/23/2019;
  - Doug Hanson – one year raise as Transfer Station Equipment Operator II – from \$2,534.00/mo. to \$2,583.00/mo. effective 4/23/2019;
  - Montana Percell – six month raise as Appraiser I – from \$1,877.00/mo. to \$1,914.00/mo. effective 5/19/2019;
  - Michella Klenda – six month raise as Personal Property Coordinator from \$2,061.00/mo. to \$2,102.00/mo. effective 4/24/2019;
  - Peyton Heidebrecht – six month raise as Corrections Officer from \$13.08/hour to \$13.33/hour effective 4/22/2019;
  - Brandon Meierhoff – six month raise as Planning/Zoning Assistant from \$2,061.00/mo. to \$2,102.00/mo. effective 5/13/2019.
- Dallke moved to allow Travis Wilson to carry over 55 hours of vacation to be used by mid-July. Becker seconded and motion carried 3-0.
- The most recent invoice from Adams Jones Law Firm was discussed. Spencer was directed to get clarification on several items listed.

**PLANNING/ZONING/ENVIRONMENTAL HEALTH STAFFING:** A memo from Dir. Sharon Omstead, requesting authorization to hire an additional full or part time staff member was reviewed. After discussion, Becker moved to authorize Sharon Omstead to hire a part-time person up to, but not over 1,000 hours/year. Novak seconded. After discussion, Becker amended his motion to authorize Omstead to hire a temporary part-time person up to, but not over 1,000 hours/year. Dallke seconded and motion carried 3-0.

**PICTOMETRY CONTRACT:** Appraiser Lisa Reeder presented additional cost information to add 3” oblique images for Goessel and Peabody. The total increase over the previously approved contract amount would be \$3,884.00 over a three year period. After discussion, Dallke moved to approve the contract with the additional cities for a total annual cost of \$36,496.67 (over three years). Novak seconded and motion carried 3-0. The agreement was signed by Chr. Becker.

**ADMINISTRATIVE:** Reeder requested Board advice regarding the old department copier. The consensus was that if no other department needs the copier, it should be sold on Purple Wave. All departments will be contacted to see if there are other items to be sold. The Board agreed to also post the old Crown Victoria as one of the items to be sold.

**LAND FARM APPLICATION (TRANSFER STATION):** Dir. Bud Druse and Randy Purdue of Kaw Valley Engineering presented a Kansas Department of Health and Environment (KDHE) permit application for a land farm for remediation of contaminated soil at the transfer station building site. The soil will be transported to County ground near the south shop and tilled multiple times with soil samples being taken as required by KDHE. The estimated cost is \$6,874.00. Becker moved to approve the land farm application and project at an estimated cost of \$6,874.00. Dallke seconded and motion carried 3-0. Chr. Becker signed a required property owner consent form.

**NOXIOUS WEED:**

Druse presented bids for 180 qty. 2x2.5 gallons of Dicamba:

Nutrien: \$32.94 each = \$5,929.20                      Van Diest: \$33.94 each = \$6,109.20

Becker moved to accept the bid from Nutrien in the amount of \$5,929.20. Dallke seconded and motion carried 3-0.

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**TRANSFER STATION PROJECT:** Dallke initiated discussion about the additional bathroom in phase two of the building project. Druse was asked to confirm whether a bottled emergency wash solution in the new phase would suffice if the office/shop phase was considered to be connected to the other building.

**ADMINISTRATIVE – UTV USE AT COUNTY LAKE:** Resolution 2019-06 defining and authorizing the operation of utility task vehicles on roadways within the Marion County Park & Lake (which had previously been discussed by the Board) was presented for approval. After discussion, Becker moved to adopt Resolution 2019-06 defining and authorizing the operation of utility task vehicles on the roadways within the Marion County Park and Lake and providing for related matters in Marion County, Kansas. Dallke seconded and motion carried 3-0.

One discussion item for future Board consideration was whether to allow vehicles already permitted elsewhere within the County to receive a reduced price permit at the Park & Lake. No decision was made.

**COMMISSION DISCUSSION:** Novak indicated that even though Counselor Jantz advised that signing resolutions is simply an administrative function, not a statement of support for the issue - she will not sign Resolution 2019-05 because it goes against her core beliefs. Discussion was held regarding potential ways to address the way resolutions are handled in the future. No decisions were made.

**PUBLIC COMMENT:** Trayce Warner questioned the savings generated by recycling to the solid waste disposal fees.

- Tom Britain questioned why the Board would consider putting giant windmills in the Flint Hills.

**PERSONNEL DISCUSSION:** Becker moved to recess into executive session to discuss hiring for the Road & Bridge department pursuant to K.S.A. 75-4319b (2) for personnel matters of non-elected personnel with only the Board present for 10 minutes (from 10:46 a.m.) until 10:56 a.m. with open session to resume in Commission chambers following the closed session. Dallke seconded and motion carried 3-0. Open session resumed with a motion by Dallke to authorize Chr. Becker to contact a potential employee with an offer. Novak seconded and motion carried 3-0.

Becker moved to adjourn. Dallke seconded and motion carried 3-0. Meeting adjourned at 10:57 a.m.

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Kent Becker, Chairman

ATTEST: \_\_\_\_\_  
Tina D. Spencer, County Clerk

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May 6, 2019, Continued

**RESOLUTION NO. 2019-06**

**A RESOLUTION DEFINING AND AUTHORIZING THE OPERATION OF UTILITY TASK VEHICLES ON THE ROADWAYS WITHIN THE MARION COUNTY PARK AND LAKE AND PROVIDING FOR RELATED MATTERS IN MARION COUNTY, KANSAS.**

**WHEREAS**, Marion County, Kansas has the responsibility for and is authorized to undertake supervision and regulation of traffic within certain property held and maintained by Marion County including the Marion County Park and Lake within the jurisdictional limits of Marion County, Kansas, and

**WHEREAS**, from time to time, private citizens desire to utilize various types of vehicles in and on the roadways within the Marion County Park and Lake, and

**WHEREAS**, Marion County Commission desires to establish and articulate the authorized use of certain vehicles commonly known as utility task vehicles and where the same may be operated.

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

**Section 1. DEFINITIONS.** As used in this resolution, the following words and phrases shall have the meanings respectively ascribed to them in this section, except when the context requires otherwise. The following constitute special purpose vehicles.

(a) "Micro Utility Vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility vehicle" does not include a utility task vehicle.

(b) "Utility Task Vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Utility Task Vehicle" does not include a micro utility vehicle.

(c) "Golf Cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour and is designed to carry not more than four persons, including the driver.

**Section 2. AUTHORIZED USES.**

(a) Utility task vehicles may be operated upon the public highways, streets, and roads inside the Marion County Park and Lake property.

(1) No utility task vehicle shall be operated on any public highway, street, road, or alley unless such vehicle complies with the equipment requirements under Article 17 of Chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(2) No micro utility vehicle shall be operated on any interstate highway, federal highway or state highway

(b) Work-site utility vehicles may be operated upon the public highways, streets, and roads inside the Marion County Park and Lake property.

(1) No utility task vehicle shall be operated on any public highway, street, road or alley between sunset and sunrise unless vehicle is equipped with lights as required by law for motorcycles.

(2) No work-site utility vehicle shall be operated on any interstate highway, federal highway or state highway; provided, however, that the provisions of this subsection shall not prohibit a work-site utility vehicle from crossing a federal or state highway.

(c) Golf Carts may be operated upon the roads and alleys inside the Marion County Park & Lake property but not between sunset and sunrise.

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(Resolution No. 2019-06 continued)

**Section 3. SAME VALID DRIVER'S LICENSE REQUIRED; PENALTY; DUTIES AND RESPONSIBILITIES.**

(a) No person shall operate a special purpose vehicle, listed in this resolution, on any road or alley within the Marion County Park and Lake property unless such person has a valid driver's license. Violation of this section is punishable by a fine of not more than \$1,000 or by imprisonment for not more than six months or by both such fine and imprisonment.

(b) Every person operating a micro utility vehicle, utility task vehicle, or golf cart on the public highways, streets, roads and alleys of the Marion County Park and Lake shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

**Section 4. INSURANCE REQUIRED; PENALTY.**

(a) Every owner of a micro utility vehicle, utility task vehicle, or golf cart shall provide liability coverage in accordance with current law as outlined in the Kansas Statutes Annotated including, but not limited to, the Kansas Automobile Injury Reparations Act. K.S.A. 40-3101, et seq., and amendments thereto.

Motion to approve the above Resolution was made by

Becker, Commissioner, seconded by  
Dalke, Commissioner, and upon roll call was passed by  
the following vote this 6 day of May, 2019. Passed 3-0.

ADOPTED AND APPROVED by the Board of Marion County Commissioners on  
May 6, 2019.

[Signature]  
Commissioner

[Signature]  
Commissioner

[Signature]  
Commissioner



ATTEST:

[Signature]  
County Clerk