

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

February 22, 2021

Commission met in regular session at 9:00 a.m. in Commission chambers at the Marion County Courthouse with Chr. Randy Dallke, Comm. Kent Becker, Comm. David Mueller, Comm. Dave Crofoot, and Comm. Jonah Gehring present. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, County staff, members of the public, and members of the press.

ADMINISTRATIVE: Spencer presented a COVID update on behalf of Health Officer Diedre Serene. The rolling positivity rate remains at 8%.

- Budget reports and the Clerk's Report for the month of January were reviewed by the Board.
- Gehring moved to approve the minutes of February 16th. Becker seconded and motion carried 5-0.
- Mueller moved to adopt Resolution 2021-05 authorizing participation in the rural opportunity zone student loan repayment program for the 2021 budget year. Becker seconded and motion carried 5-0.
- Spencer suggested placing Leadership Marion County on the next agenda. The Board had no objections.
- Dallke moved to adopt Resolution 2021-06 declaring a state of local disaster emergency for Marion County, Kansas (for severe winter weather during the month of February). Gehring seconded and motion carried 5-0.

ROAD & BRIDGE: Co. Engineer Brice Goebel presented a proposal from Hoidale to perform work for spill buckets around the fuel pumps as discussed at the last meeting. Mueller moved to proceed with the bid from Hoidale for the spill buckets in the amount of \$8,218.15. Crofoot seconded and motion carried 4-1 with Becker opposed.

- Goebel presented a bid from Hillsboro Ford for a 2021 F150 4x4 crew cab ½ ton pickup truck and a standard cab ¾ ton pickup. No other bids were received. Crofoot moved to purchase the crew cab ½ ton pickup for \$36,262.00 and the ¾ ton pickup for \$33,350.00. Gehring seconded. Motion carried 5-0.
- Goebel was directed to provide a map of rock storage locations in the County.
- Goebel proposed adding another administrative position to the department.
- Goebel is applying for a High-Risk Rural Road program grant for a section correction at 130th & Indigo. The Board had no objections.
- Goebel presented one bid for road signs. The other vendor used in the past is no longer in business. Dallke moved to approve the sign bid from National Sign Company in the amount of \$35,636.35. Mueller seconded and motion carried 5-0.

CO. TREASURER: Co. Treasurer Jeannine Bateman presented a quarterly update.

LONGEVITY PLACEMENT: A list of employees who have been placed on the current pay plan by position date instead of hire date with the County was reviewed. After discussion, Dallke moved to approve the placement for individuals listed on the longevity comparison 2021 dated February 8, 2021 as presented in the Marion County Commission meeting on February 22, 2021. Crofoot seconded and motion carried 5-0.

PARK & LAKE: Supt. Isaac Hett presented a list of current rates for services at the Park & Lake.

- Hett requested an executive session to discuss the heated dock. The session was tabled until Co. Counselor Jantz could be present.

CO. APPRAISER: Appraiser Carl Miller and Asst. Appraiser Nikki Reid requested an executive session to discuss personnel/hiring. Dallke moved to recess into executive session to discuss personnel/hiring pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Spencer, Miller, and Reid present for 15 minutes until 11:18 a.m. Becker seconded and motion carried 5-0. Co. Counselor Brad Jantz joined the session in progress. Open session resumed with no action.

CO. COUNSELOR: Co. Counselor Brad Jantz joined the session at 11:07 a.m. Dallke moved to recess into executive session to discuss contract negotiation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board, Jantz, and Hett present for 10 minutes until 11:35 a.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

Transient Guest Tax: Jantz presented Charter Resolution No. 13 for consideration. Dallke moved to adopt Charter Resolution No. 13 amending Marion County Charter Resolution No. 11 that exempts the Board of County Commissioners of the County of Marion, Kansas from certain provisions of K.S.A. 12-1696 et seq. and K.S.A. 12-16,101 and providing substitute and additional provisions of the same subject relating to the levy of a transient guest tax. Gehring seconded. Motion carried 5-0.

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

February 22, 2021, Continued

CO. COUNSELOR, CONTINUED: Dallke moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board and Jantz present for 10 minutes until 12:05 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

Dallke moved to adopt Resolution 2021-07 setting regular meeting dates and times for the Marion County Board of Commissioners. Gehring seconded and motion carried 5-0. Meeting times will be changed to 12:30 p.m. on Mondays beginning March 8, 2021.

Jantz presented an employee indemnification policy for review. Gehring moved to adopt the Marion County Employee Indemnification Policy with a correction in section C where it says "Sedgwick City Council" to read "Marion County Board of Commissioners." Dallke seconded and motion carried 5-0.

PUBLIC COMMENTS: Dallke read a note from Ken and Bonnie Vinduska complimenting the smooth process they experienced when getting the COVID vaccine.

COMMISSION COMMENTS: Mueller commented that he had heard from Rep. John Barker regarding HB2142 and it doesn't appear that it is moving forward at this point.

Dallke moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 12:30 p.m.

Randy Dallke, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

February 22, 2021, Continued

Resolution No. 2021-05

**RESOLUTION OF THE BOARD OF MARION COUNTY COMMISSIONERS AUTHORIZING
PARTICIPATION IN RURAL OPPORTUNITY ZONE STUDENT LOAN REPAYMENT PROGRAM
FOR THE 2021 BUDGET YEAR**

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

Section 1. Pursuant to K.S.A. 2016 Supp. 74-50,223, the Board of County Commissioners expressed its intent to participate in the Rural Opportunity Zone (ROZ) student loan repayment program.

Section 2. Marion County has been designated a Rural Opportunity Zone pursuant to K.S.A. 2016 Supp. 74-50,222.

Section 3. Marion County Commissioners hereby obligate Marion County to participate in the ROZ student loan repayment program as provided by K.S.A. 2016 Supp. 74-50,223 for a period of five years, which shall be irrevocable.

Section 4. Marion County agrees to pay in equal shares with the State of Kansas the outstanding student loan balance of any resident individual for five years, if the resident individual meets the terms of qualification provided by the State of Kansas in K.S.A. 2016 Supp. 74-50,223, and the appropriate rules and regulations. The number of qualified resident individuals receiving such payments will be subject to the availability of funds.

Section 5. Marion County intends to enter into partnerships with Cities, Employers, and Foundations for the direct sponsorship of Rural Opportunity Zone Applicants. Sponsored Applicants must meet all qualifications of the ROZ program. All sponsorships will be subject to ROZ student loan repayment rules and regulations.

Section 6. The maximum student loan balance for each qualified resident individual to be repaid jointly by Marion County and the State of Kansas shall be \$15,000 over a term of five years.

Section 7. Marion County shall allocate \$4,500.00 a year for the purpose of matching payments from the State of Kansas to qualified resident individuals. Marion County shall revise its ROZ budget on an annual basis and shall inform the State of Kansas of any changes to the annual allocation. Marion County shall submit their obligation in full to the Department of Commerce before the first day of September each year.

BE IT FURTHER RESOLVED that this resolution shall be published once in the official county newspaper and shall be in effect from and after its date of publication.

Adopted this 22 day of Feb. 2021 by the Board of Marion County Commissioners, Marion County, Kansas.

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

February 22, 2021, Continued Res 2021-05

RESOLUTION 2021-05 SIGNATURE PAGE

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**

Randy Dallke ☒ Yea
☐ Nay
☐ Abstain
Randy Dallke, Chairman – District 3

Kent Becker ☒ Yea
☐ Nay
☐ Abstain
Kent Becker, Member – District 1

David Mueller ☒ Yea
☐ Nay
☐ Abstain
David Mueller, Member – District 2

Dave Crofoot ☒ Yea
☐ Nay
☐ Abstain
Dave Crofoot, Member – District 4

Jonah Gehring ☒ Yea
☐ Nay
☐ Abstain
Jonah Gehring, Member – District 5



ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk

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

February 22, 2021

DISASTER RESOLUTION 2021- 06

**DECLARING A STATE OF LOCAL DISASTER EMERGENCY
FOR MARION COUNTY, KANSAS**

WHEREAS on this 22 day of February, 2021, the Board of Commissioners of Marion County, Kansas, finds that certain conditions caused, or eminently threatened to cause wide-spread or severe damage, injury or loss of life or property in disaster proportion with Severe Winter Weather during February 2021 in Marion County, Kansas; and

WHEREAS, such conditions created obstructions which endangered health, safety and welfare of persons and property within the borders of Marion County, Kansas.

NOW, THEREFORE, be it resolved by the Board of Commissioners of Marion County, Kansas, under and by virtue of the authority vested in it by K.S.A. 48-932, that a State of Local Disaster Emergency exists within Marion County, Kansas.

IT IS FURTHER RESOLVED AND PROCLAIMED that the area within the borders of Marion County, Kansas covered by this proclamation is **the entire area of Marion County, Kansas; and**

That the Board of County Commissioners shall have all of the rights and/or powers to perform such functions as are vested in said Board by and through the provisions of the Kansas Emergency Preparedness Act of 1975, as amended, and;

That this disaster emergency declaration shall remain in effect for a period of seven (7) days unless terminated earlier or renewed by consent of the Board of County Commissioners of Marion County, Kansas.

Adopted this 22 day of February, 2021.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**



Randy Dallke
Randy Dallke, Chairman – District 3

☒ Yea
☐ Nay
☐ Abstain

Kent Becker
Kent Becker, Member – District 1

☒ Yea
☐ Nay
☐ Abstain

David Mueller
David Mueller, Member – District 2

☒ Yea
☐ Nay
☐ Abstain

Dave Crofoot
Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain

Jonah Gehring
Jonah Gehring, Member – District 5

☒ Yea
☐ Nay
☐ Abstain

ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk

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

February 22, 2021

CHARTER RESOLUTION NO. 13

A CHARTER RESOLUTION AMENDING MARION COUNTY CHARTER RESOLUTION NO. 11 THAT EXEMPTS THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MARION, KANSAS FROM CERTAIN PROVISIONS OF K.S.A. 12-1696 *ET SEQ.* AND K.S.A. 12-16,101 AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS OF THE SAME SUBJECT RELATING TO THE LEVY OF A TRANSIENT GUEST TAX.

WHEREAS, The Board of County Commissioners of the County of Marion, Kansas previously levied a transient guest tax that included the City of Marion on February 29, 2008 through the adoption of Marion County Charter Resolution No. 11; and

WHEREAS, the Board of County Commissioners of the County of Marion, Kansas voted on January 19, 2021, to allow the City of Marion to be exempted from Marion County Charter Resolution No. 11; and

WHEREAS, the City of Marion has approved Charter Ordinance 19 to levy a City transient guest tax;

NOW THEREFORE BE IT RESOLVED that Marion County Charter Resolution No. 11 is hereby amended to exempt the City of Marion from the provisions thereof; and

BE IT FURTHER RESOLVED that no County transient guest tax shall be collected within the corporate limits of the City of Marion once Marion County Charter Resolution No. 13 is in effect, unless Charter Ordinance 19 fails to be passed and/or adopted, and

BE IT FURTHER RESOLVED that there shall be no overlap in the collection of transient guest tax between Marion County and the City of Marion caused by the transition from a County transient guest tax to a City transient guest tax; and

BE IT FURTHER RESOLVED that this charter resolution shall be published once each week for two consecutive weeks in the official County newspaper and shall become effective 60 days after final publication, unless submitted to a referendum in which event it shall take effect when approved by a majority of the electors voting thereon (pursuant to K.S.A. 19-101b), and shall continue thereafter unless rescinded by a charter resolution of the Board of County Commissioners; and

BE IT FURTHER RESOLVED that, in accordance with rules and regulations set forth by the Kansas Department of Revenue, collection of County transient guest tax within the corporate limits of the City of Marion shall cease at the end of the quarter in which this authorizing charter resolution takes effect; and

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

February 22, 2021 Charter Res No 13, continued

BE IT FURTHER RESOLVED that this charter resolution amends Charter Resolution No. 11 and any other previous resolutions in conflict with this charter resolution.

The County Clerk shall certify a copy of this charter resolution as enacted to the Secretary of the Kansas Department of Revenue.

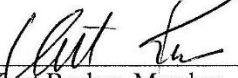
Adopted and Approved by the Board of County Commissioners of Marion County, Kansas the 22 day of February, 2021.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**



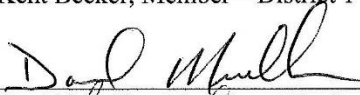
Randy Dallke, Chairman – District 3

☒ Yea
☐ Nay
☐ Abstain



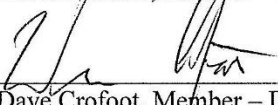
Kent Becker, Member – District 1

☒ Yea
☐ Nay
☐ Abstain




David Mueller, Member – District 2

☒ Yea
☐ Nay
☐ Abstain



Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain



Jonah Gehring, Member – District 5

☒ Yea
☐ Nay
☐ Abstain

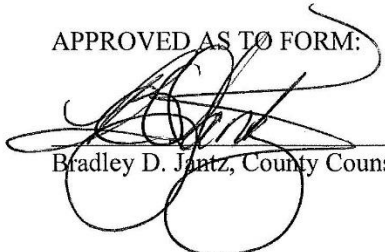
ATTEST:



Tina D. Spencer, County Clerk



APPROVED AS TO FORM:



Bradley D. Jantz, County Counselor

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

February 22, 2021 Continued

RESOLUTION NO. 21-07

**A RESOLUTION SETTING THE REGULAR MEETING DATES AND TIMES FOR THE
MARION COUNTY BOARD OF COMMISSIONERS.**

WHEREAS, K.S.A. 19-206 requires the board of county commissioners to meet in regular session, at the county seat of the county, on such days and at such times each month as established by resolution adopted by the board; and

WHEREAS, K.S.A. 19-206 further provides the board of county commissioners may meet in special session on the call of the chairman for the transaction of any business, general or special, at the request of a majority of the members on the board, as often as the interest and business of the county may demand; and

WHEREAS, the Marion County Board Commissioners deem it advisable to establish by resolution the regular meeting dates and times of the Board.

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

Section 1. The Marion County Board of Commissioners shall meet in regular session on every Monday of each month during the year.

Section 2. If a Monday meeting date is a holiday, the Marion County Board of Commissioners shall meet on the next regular business day.

Section 3. Regular meetings of the Marion County Board of Commissioners shall convene the business meeting at 12:30 p.m., unless an alternate time and/or day schedule is announced by the Board Chairman in advance of the meeting date.

Section 4. This resolution shall become effective on March 8, 2021, after publication in the official county newspaper

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas, this 22nd day of February, 2021.

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

February 22, 2021 Res 2021-07 Continued

RESOLUTION 2021-07 SIGNATURE PAGE

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**

Randy Darke
Randy Darke, Chairman – District 3

☒ Yea
☐ Nay
☐ Abstain

Kent Becker
Kent Becker, Member – District 1

☒ Yea
☐ Nay
☐ Abstain

David Mueller
David Mueller, Member – District 2

☒ Yea
☐ Nay
☐ Abstain

Dave Crofoot
Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain

Jonah Gehring
Jonah Gehring, Member – District 5

☒ Yea
☐ Nay
☐ Abstain



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