

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

December 16, 2019

Commission met in regular session in Commission chambers at the Marion County Courthouse at 9:00 a.m. with Chr. Kent Becker, Comm. Dave Crofoot, and Comm. Jonah Gehring present. Comm. Dianne R. Novak joined the session at 9:08 a.m. Comm. Randy Dallke joined the session at 11:12 a.m. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, members of the public, and members of the press.

**ADMINISTRATIVE:** Dept. on Aging Dir. Gayla Ratzlaff joined the session. After discussion, Becker moved to pay the \$1,500.00 approved by prior action for the Peabody and Durham senior centers from the General Fund. Gehring seconded and motion carried 3-0. Novak joined the session.

- The November Clerk's Report, expenditures and department revenue reports were provided for review.
- Becker moved to approve the minutes of December 9<sup>th</sup> as presented. Crofoot seconded and motion carried 4-0.
- The Board directed the Co. Clerk to send condolences to the family of Geary Co. Commissioner Ben Bennett who passed away unexpectedly on December 11<sup>th</sup>.
- Change orders affecting 2019 and prior years' tax rolls were reviewed and signed by the Board.
- Early checks were approved for processing: #50023 to Ben's Boat Dock Company in the amount of \$101,950.00 for replacement of the heated dock (1/2 payment) – Park & Lake Fund; #50024 to Epp's Service, Inc. in the amount of \$19,580.42 for transport fuel – RB Fund; and #50025 to Hoch Publishing Company, Inc. for publication fees – General Fund / Treasurer.
- The Board agreed to transfer the old Commission tablets to the Emergency Management inventory.
- Gehring moved to cancel a check outstanding for more than two years to Top Notch Performers in the amount of \$74.00. Novak seconded and motion carried 4-0. Novak requested detailed information regarding the purpose of the check.
- The employee Christmas party was discussed. The Board agreed to allow the Christmas Party Committee to choose the caterer.
- Gehring moved to authorize the Chairman to sign lease documents for the Bobcat T650 skid steer. Crofoot seconded and motion carried 4-0.
- Novak moved to approve FMLA leave for a qualified employee. Gehring seconded and motion carried 4-0.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel was present for department business.

- County procedure regarding snowy/icy roads was discussed.
- Goebel presented a request from Louis Vestring to build and install pipe cattle crossings south of 40<sup>th</sup> on Arrow, and to move an existing fence along 50<sup>th</sup> to follow the curve of the roadway. More information is needed regarding right of way, required signage (if any) and prior action on such requests. The topic will be discussed again.
- Goebel reported that the cost to hire a local engineer for the culvert redesign work on a federal project previously discussed will likely be between \$25,000 and \$50,000. Goebel will look at other alternatives.
- Salary sheets were signed for part time employees: Noah Dalrymple at \$10.00/hour effective 12/9/2019 and Mark Vinduska at \$10.00/hour effective 12/9/2019.
- Goebel reported price increases for rock: \$0.25/ton for Harshman quarry and \$10.00 environmental fee per load for Hamm quarry.
- 330<sup>th</sup> was discussed with no action. Future building needs were discussed with no action.
- Goebel presented quotes on a machine to recharge air conditioning units on equipment:
 

Marion Auto, Marion	\$4,250.00
Car Quest, Hillsboro	\$3,514.99

Becker moved to accept the low bid from Car Quest in the amount of \$3,514.99. Gehring seconded and motion carried 4-0. A battery charger will also be purchased, but did not require Board approval.

**WEED/HHW/TRANSFER STATION/RECYCLING:** Interim Dir. Brandy Ankenman reported that a full-time employee at the transfer station has resigned. She has advertised the position, and is covering the schedule with other employees.

**EMPLOYEE RAISES / BONUS:** A cost of living raise (COLA) for employees and / or year end bonus was discussed. Becker made a motion to approve a 1% COLA and \$150 bonus for employees (excluding Commission). Crofoot seconded and motion died 2-2 with Gehring and Novak opposed. Gehring moved to approve a \$150 bonus for employees (excluding Commission). Novak seconded and motion failed 2-2 with Becker and Crofoot voting opposed. The decision was tabled until later in the session.

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December 16, 2019, Continued

**EXTENSION DISTRICTING DISCUSSION:** Extension Agents Rickey Roberts and Tristen Cope were present for a work session to discuss the possibility of forming an Extension District. Comm. Dallke joined the session. After discussion, Becker moved to proceed forward with the initial steps for districting. Crofoot seconded and motion carried 5-0. Roberts will return at a later date with additional information and a Resolution for approval.

**SCKEDD MICROLOAN FUND:** Co. Treasurer Jeannine Bateman requested that dormant SCKEDD Microloan funds totaling \$69,342.55 be returned to the State. Becker moved that we return the funds. Dallke seconded and motion carried 5-0. Session recessed until 12:40 p.m.

**EMPLOYEE RAISES / BONUS, CONTINUED:** After discussion, Dallke moved to approve a 1% COLA raise plus a \$150 bonus (Commission excluded). Crofoot seconded and motion carried 4-1. Novak opposed, favoring a “cents/hour” COLA raise instead of a percentage.

**CO. COUNSELOR:** Co. Counselor Brad Jantz presented a draft resolution to restructure the Planning Commission. After discussion, Becker moved to adopt Resolution 2019-23, concerning membership of the Marion County Planning & Zoning Commission / Board of Zoning Appeals. Dallke seconded and motion carried 5-0.

**Diamond Vista road maintenance discussion:** Jantz noted that Diamond Vista has requested some additional time to review the post construction report, which was just provided to them. They have also requested that Kirkham Michael be released from any additional services. After discussion, the consensus was to allow Diamond Vista additional time (up until the January 13<sup>th</sup> Board meeting) to review the report as long as they renew the required financial assurance; that the County will keep Kirkham Michael as a resource if needed, but not further utilize their services unless it becomes necessary; and for the County to finalize information about professional and/or legal costs for potential reimbursement. Gehring made it a motion. Dallke seconded and motion carried 5-0.

**Wind Energy Moratorium discussion:** Jantz presented a draft resolution for review / discussion. City of Marion Economic Development Director Randy Collett stated that the City would be opposed to any moratorium. Planning Commission member Dwight M. Flaming noted that if a moratorium is implemented, there should also be a list of specific parts of the regulation that the Commission wishes to have reviewed. Sean Crabb, Michelle Butts, and Jerry Mendoza commented in favor of a moratorium. Novak was in favor of moving forward with the moratorium. Crofoot commented that a moratorium sends a message that Marion County doesn’t want businesses to come here. Gehring was in favor of the moratorium in order to take time to see how the current projects affect the County before allowing additional projects. After further discussion, Novak said her wish is to pass the moratorium and get to work on fixing the issues have in the County. Dallke made a motion not to pass a moratorium; our planning and zoning committee has done a great job, and there’s been a lot of people working on it for a lot of years. Crofoot seconded and motion carried 3-2 with Novak and Gehring opposed.

**COMMISSIONER CONCERN:** Novak expressed dissatisfaction regarding the amount of the legal bill received from Patrick Hoffman and suggested the Board consider not paying the entire bill.

**DEPARTMENT HEAD EVALUATIONS:** After a short recess, Becker moved to recess into executive session for department head evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Emergency Management Dir. Randy Frank for five minutes until 2:00 p.m. with open session to resume in Commission chambers following the closed session. Crofoot seconded and motion carried 4-0. (Dallke was absent, but joined the executive session in process.) Open session resumed with no action.

Becker moved to recess into executive session for department head evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Appraiser Lisa Berg for five minutes until 2:07 p.m. with open session to resume in Commission chambers following the closed session. Crofoot seconded and motion carried 5-0. Open session resumed with no action. Upon return to open session Berg confirmed that the Board had no opposition to her staff assisting the Morris County Appraiser’s Office with the change order program. The Board had no objections.

Becker moved to recess into executive session for department head evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Co. Engineer Brice Goebel for five minutes until 2:16 p.m. with open session to resume in Commission chambers following the closed session. Crofoot seconded and motion carried 5-0. Open session resumed with no action.

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December 16, 2019, Continued

**DEPARTMENT HEAD EVALUATIONS, CONTINUED:** Becker moved to recess into executive session for department head evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Planning/Zoning/Environmental Health Dir. Sharon Omstead for five minutes until 2:25 p.m. with open session to resume in Commission chambers following the closed session. Crofoot seconded and motion carried 5-0. Open session resumed with no action.

Becker moved to recess into executive session to review employee evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board present for 30 minutes until 3:00 p.m. with open session to resume in Commission chambers following the closed session. Dallke seconded and motion carried 5-0. Open session resumed with a motion by Becker to recess into executive session to review employee evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board present until 3:05 p.m. with open session to resume in Commission chambers following the closed session. Gehring seconded and motion carried 5-0. Open session resumed with no action.

Becker moved to adjourn. Crofoot seconded and motion carried 5-0. Meeting adjourned at 3:06 p.m.

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Kent Becker, Chairman

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

**RECORD OF PROCEEDINGS  
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December 16, 2019, Continued

**RESOLUTION NO. 2019-23**

**A RESOLUTION CONCERNING MEMBERSHIP OF THE MARION COUNTY  
PLANNING COMMISSION AND BOARD OF ZONING APPEALS.**

WHEREAS, the Marion County Planning Commission and Board of Zoning Appeals was established by Resolution No. 91-10, effective on January 1, 1992, pursuant to K.S.A. 12-744 and K.S.A. 12-759; and,

WHEREAS, the Governing Body shall provide the terms for membership of the board pursuant to K.S.A. 12-744(b); and,

WHEREAS, the Marion County Planning Commission and Board of Zoning Appeals shall adopt bylaws for the transaction of business and hearing procedures; and,

WHEREAS, the Marion County Planning Commission and Board of Zoning Appeals has, by a majority vote of all its members, recommended that the Governing Body of Marion County, Kansas, amend the terms pertaining to Marion County Planning Commission and Board of Zoning Appeals membership, as proposed herein and to be stated within the bylaws of the Marion County Planning Commission and Board of Zoning Appeals;

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

1. The membership of the Marion County Planning Commission shall consist of eleven members, with two members appointed from each of the five County Commission districts. A single member shall be selected at large by majority vote and approval of the sitting Board of County Commissioners for a three year term to serve under the same requirements as those other members appointed by the process noted herein.
2. Planning Commission members shall be electors and residents of Marion County, except that one such member may reside within the corporate limits of an incorporated city located within each of the five county commissioner districts.
3. Members are appointed by the Governing Body, and vacancies are filled by appointment for the unexpired term.
4. Each member of the Planning Commission and Board of Zoning Appeals may serve three consecutive three-year terms. Once a member reaches

their term limit they may be reappointed following a one-year hiatus from the Planning Commission and Board of Zoning Appeals.

5. That any provision of this Resolution which shall be declared invalid shall not affect the validity and authority of any other sections.
6. That previous resolutions and any parts of resolutions in conflict with this Resolution are hereby repealed.
7. That this Resolution shall be in full force and effect from and after publication once in the official county newspaper.

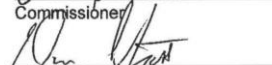
Adopted by the Board of County Commissioners of Marion County this 16 day of December, 2019.

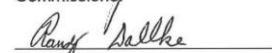


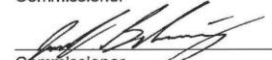
ATTEST:


  
Marion County Clerk

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner