

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

July 8, 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. Randy Dallke, and Comm. Dianne R. Novak present. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Marcy Hostetler, Shawn Crabb, Mary Crabb, Henry Ethem, Carl Stovall, David Cooper, Tom Britain, Larry Fine, Joel Suderman, Dave Crofoot, Mark Pankratz, Michelle Butts, Jonah Gehring, Trayce Warner, Kade Warner, other members of the public, and members of the press.

**ADMINISTRATIVE:** Chr. Becker made a statement of thanks to those who have assisted with the flooding in Durham and other areas that occurred over the July 4<sup>th</sup> holiday.

- Weed/HHW/Transfer Station/Recycling Dir. Bud Druse was present to discuss flood debris management. It was noted that a more clear and proactive plan is necessary in disaster situations.
- Dallke moved to approve the minutes of July 1<sup>st</sup> as written. Becker seconded and motion carried 3-0.
- Supplements affecting the 2019 tax roll were reviewed. Change orders affecting 2018 and prior years' tax rolls were reviewed and approved by the Board.
- Early checks were processed: #48683 in the amount of \$117.91 to the City of Hillsboro for utilities – Ambulance; #48684 in the amount of \$25.00 to Marion Co. Fair Assn. for booth – R&B; #48685 in the amount of \$4,605.00 to Morris County WIC for 1<sup>st</sup> Qtr. pass-through reimbursement – WIC; #48686 in the amount of \$512.33 to OCC Outdoors for memorial bench – Park & Lake; #48687 in the amount of \$131.14 to KS Dept. of Revenue for 2<sup>nd</sup> Qtr. Sales Tax – Park & Lake.
- Salary sheets were signed: Robert Huyett – six month raise as Paramedic from \$15.00/hour to \$15.25/hour effective 7/16/2019; David Smiros – new part-time AEMT at \$13.00/hour effective 7/1/2019; Erin Shippy – one year raise as Paramedic from \$15.25/hour to \$15.50/hour effective 7/5/2019.
- A memo to Department heads regarding spending was signed by the Board.

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

	Tank #3 3,500 gals.	Tank #1 1,800 gals.	Unleaded 2,500 gals.	Total
Coop Grain, Hillsboro	2.2040	1.9470	2.1130	\$16,501.10
Epp's Service, Elbing	2.2427	1.9822	2.1553	\$16,805.66

Becker moved to accept the low bid from Cooperative Grain in the amount of \$16,501.10. Dallke seconded and motion carried 3-0.

- Salary sheets were signed: Terry Stubblefield – six month raise as Adm. Asst. from \$2,061.00/mo. to \$2,103.00/mo. effective 7/2/2019; Vicky James – six month raise as Office Mgr. from \$2,486.00/mo. to \$2,534.00/mo. effective 6/21/2019.
- Pickup truck bids were reviewed. Hillsboro Ford was the only bidder:
 

2019 Ford F250 4x4 (3/4 ton standard cab)	\$28,612.00
2019 Ford F150 4x4 (1/2 ton super cab)	\$28,960.00
2019 Ford F150 4x4 (1/2 ton crew cab)	\$31,194.00

After discussion, Dallke moved to purchase the ¾ ton F250 for \$28,612.00 and the F150 super cab for \$28,960.00. Novak seconded and motion carried 3-0. Direction from the Board was to utilize the new trucks for the supervisors and pass down the older trucks to the crew.

- Becker moved to extend the deadline for Mark Heiser to use vacation time from July 21<sup>st</sup> to August 21<sup>st</sup>. Dallke seconded and motion carried 3-0.

**PARK & LAKE:** Supt. Isaac Hett presented a department update.

- Hett was advised to consult with the Co. Counselor in regard to items in the storage area that have not been paid and no owner information is on file.
- Hett asked whether a portable house (tiny house) is allowed to replace a trailer in the trailer park area. The Board had no objections as long as the structure fits the size requirements and there can be some sort of title or certificate of origin listed. Counselor Jantz will be consulted to determine if any official Board action is necessary.
- Allowing out-of-county boats on the lake was discussed. No decisions were made.

**COUNTY APPRAISER:** Co. Appraiser Lisa Reeder presented a department update. Valuation of flooded properties was discussed. No decisions were made.

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July 8, 2019, Continued

**PUBLIC COMMENT:** Trayce Warner inquired about applying for Transient Guest Tax funds for the City of Florence Labor Day Celebration. Spencer indicated that sending a letter of request is sufficient.

Mark Pankratz questioned the legality of the protest petition and encouraged the Board to have a signed PILOT agreement and Road Maintenance Agreement in place prior to any CUP approval for the wind project.

Jonah Gehring commented that even if he, as a County resident, borrowed a boat from a friend who lives out of County that it would not be allowed on the lake. He also raised a concern about shadow flicker caused by wind turbines.

Session recessed briefly for change of venue to the Marion High School Performing Arts Center.

**EXPEDITION WIND CONDITIONAL USE PERMIT:** Planning/Zoning/Environmental Health Dir. Sharon Omstead, Attorney Pat Hughes, Planning Consultant Russ Ewy, and Co. Counselor Brad Jantz joined the session. Also present were Co. Clerk Tina Spencer and about 50 persons, including representatives of Expedition Wind/National Renewable Solutions, members of the public, and members of the press.

The purpose of this session was to take action on the Conditional Use Permit (CUP) Application PC 19-01, the application for a Wind Energy Conversion System (WECS) CUP by Expedition Wind, LLC, on behalf of multiple landowners for a collection of properties in south-central Marion County, Kansas and the accompanying Development Plan.

Omstead presented the Planning Commission's recommendation to the Board of County Commissioners. The Planning Commission recommended approval of the CUP with conditions. The Planning Commission recommended approval of the development plan PROVIDED THAT an additional CUP is granted to complete the area required for the facility (specifically the transmission line). Omstead also presented several proposed amendments that were requested by Expedition Wind and indicated which ones she felt were acceptable.

The Board asked clarifying questions about several topics, including the protest petition area, the development plan area, setbacks, the ability of non-participating property owners to utilize / build on their properties after the project is in place, ancillary agreements, tax status of previously granted CUPs, hazmat plan, designated repair area, 1988 KDWP study, historical sites, connection lines, eminent domain, setbacks from the City of Peabody, and possible actions to be taken by the Commission. General questions were directed to Omstead, Hughes and Ewy. No questions were answered directly by the applicants. Potential actions of the Board and suggested motions for each were reviewed.

Becker made a motion to adopt the recommendation of the Planning Commission for the approval of the Conditional Use for a Wind Energy Conversion System requested by Expedition Wind, LLC and to withhold development plan approval pending Expedition Wind LLC's demonstration that all components of a WECS to be located in unincorporated areas of Marion County are within an approved Conditional Use area or exempt from Conditional Use approval. I support the adoption of the Planning Commission's recommendation for the reasons given by the Marion County Zoning Administrator in the staff report to the Planning Commission and for the reasons provided by Expedition Wind LLC in the analysis of the guidelines it provided to the Planning Commission.

Dallke requested that the applicant be allowed to answer specific questions prior to the official vote. Additional discussion occurred. No questions were directed to the applicant. Dallke indicated that he would like to see a two mile setback from Peabody city limits included in the conditions. Becker rescinded his motion.

Dallke made a motion to adopt the recommendation of the Planning Commission for the approval of the Conditional Use for a Wind Energy Conversion System requested by Expedition Wind, LLC and to withhold development plan approval pending Expedition Wind LLC's demonstration that all components of a WECS to be located in unincorporated areas of Marion County are within an approved Conditional Use area or exempt from Conditional Use approval. I support the adoption of the Planning Commission's recommendation for the reasons given by the Marion County Zoning Administrator in the staff report to the Planning Commission and for the reasons provided by Expedition Wind LLC in the analysis of the guidelines it provided to the Planning Commission, with the amendment of a two mile setback from the City of Peabody. Becker seconded and motion carried 2-1. Novak opposed.

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July 8, 2019, Continued

**EXPEDITION WIND CONDITIONAL USE PERMIT, CONTINUED:** Dallke indicated his reason for voting for the approval was that in the beginning the project was in a defined area, and the proposal was simple. Over time, changes in regulations and the transition to a Countywide wind development area made the project more difficult to review and approve because it moved closer to a more highly populated area. After hearing testimony on both sides of the issue and considering both the negative and positives presented he indicated that, while he doesn't want to hurt specific landowners with other projects, he has to vote the way he feels is the best for Marion County. He indicated that he feels responsible for protecting the city of Peabody and that is why he asked for the two mile setback to be included.

Becker moved to adjourn. Dallke seconded and motion carried 3-0. Meeting adjourned at 11:38 a.m.

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Kent Becker, Chairman

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