

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

June 10, 2019

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 9:03 a.m. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Marcy Hostetler, Tom Britain, Henry Ethem, Trayce Warner, Joel Suderman, Michelle Butts, Jonah Gehring, Patrick Pelstring, Larry Fine, Amy Soye, Randy Eitzen, other members of the public, and members of the press.

ADMINISTRATIVE: Becker moved to approve the minutes of June 3rd as written. Dallke seconded. Motion carried 3-0. Novak clarified that the County Engineer is not currently a licensed professional in the State of Kansas as stated in Chr. Becker's motion to approve the contract on June 3rd, but the agreement requires that licensing to occur within 60 days.

Early checks were approved for processing:

- #48439 in the amount of \$200.00 to Alva Bowyer – performance fee - Park & Lake
- #48440 in the amount of \$500.00 to Jamie Briggeman – performance fee – Park & Lake
- #48441 in the amount of \$200.00 to Robbie Clampitt - performance fee – Park & Lake
- #48442 in the amount of \$72.43 to the City of Hillsboro – Utility – Ambulance
- #48443 in the amount of \$525.00 to Bob McCurdy – performance fee – Park & Lake
- #48444 in the amount of \$300.00 to Dustin Nesser – performance fee – Park & Lake
- #48445 in the amount of \$600.00 to Hank Osterhout – sound – Park & Lake
- #48446 in the amount of \$200.00 to Pretend Friend – performance fee – Park & Lake
- #48447 in the amount of \$200.00 to Christina Wark – performance fee – Park & Lake

A salary sheet was signed for Co. Engineer Brice Goebel at \$6,667.00/month effective 6/3/2019.

Lease purchase paperwork for the tire cutting machine was signed by the Board.

An agreement between Marion County and BNSF Railway for installation of railway-highway crossing signals, flashing lights, and crossing gates at the company's tracks crossing 80th 900 feet west of the SE corner of Section 25-21-3 was reviewed. Dallke moved to approve the agreement for construction of railroad crossing project #57X-3056-01 for Marion County. Novak seconded and motion carried 3-0. Chr. Becker signed the agreement.

Dallke moved to set the schedule for sale and discharge of fireworks in unincorporated areas of the County: June 27-July 2nd from 8:00 a.m. until 10:00 p.m., July 3rd and July 4th from 8 a.m. until midnight, and July 5th from 8:00 a.m. until 11:00 p.m. Becker seconded and motion carried 3-0.

CITIZEN REQUEST: Chuck Seifert requested that the wind energy issue be put to public vote. Discussion was held regarding due process for zoning, and legal requirements for binding or non-binding (advisory) elections.

WEED/HHW/TRANSFER STATION/RECYCLING: Dir. Bud Druse presented chemical bids for review for 180 gallons of Dicamba: Nutrien \$5,929.20 Van Diest \$6,109.20
Becker moved to approve the bid from Nutrien in the amount of \$5,929.20. Novak seconded and motion carried 3-0.

HARVEY/MARION COUNTY COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATION (CDDO) 2020 BUDGET ALLOCATION REQUEST: Dir. Elizabeth Schmidt and Board Members Diedre Serene and Jared Jost joined the session. Schmidt presented statistics and programming information and requested \$65,000.00 in funding for the 2020 budget. The Project Search program was also discussed. Schmidt explained that the grant used to start that program is waning and other revenue sources will be necessary. Schmidt indicated that if the Board of Commissioners would choose to increase funding for the CDDO, that the increase would be utilized to help continue the Project Search program.

CO. ATTORNEY: Co. Attorney Joel Ensey presented a quarterly update including the number and types of cases filed year-to-date in Marion County.

FAMILIES AND COMMUNITIES TOGETHER (FACT) 2020 BUDGET ALLOCATION REQUEST: Terry Bebermeyer and Ashley Gann presented the 2020 budget allocation request in the amount of \$6,000.00. Gann requested that Special Alcohol funds continue to be administered through FACT, and if a change is made to the administration of the Special Alcohol funds that the County at least continue to fund prevention efforts (in addition to treatment).

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DIAMOND VISTA ROAD MAINTENANCE AGREEMENT (RMA) WAIVER REQUEST: Dave Mueller, Rino Podorieseach, Blake DeLaFuente with EGP, and Dave Prater with Kirkham Michael joined the session. Co. Engineer Brice Goebel was also present. EGP requested permission to drive tracked vehicles (track hoe, excavator, etc.) on County roads in order to finalize the outstanding road maintenance / reclamation work on the Diamond Vista project. EGP plans to increase the number of workers and the amount of equipment being utilized for road repairs and maintenance over the next few weeks. Novak expressed concern with this, indicating that there is a state statute that prohibits tracked vehicles being driven on the roads. The County Counselor will be consulted. Allowing EGP to continue to use tracked equipment on the roads for a period of one week pending legal opinion was discussed. Dallke proposed conditions that Kirkham Michael be notified so they can observe the process, a blade follow immediately behind the tracked vehicle to fix any damage, and that dust control be implemented. Dallke moved to allow EGP to go ahead for one week as long as contact is made, the blade follows behind the equipment, (the road) looks good behind (the equipment), the citizens are happy and dust control is in place. Becker seconded. Motion carried 2-1. Novak opposed.

ROAD & BRIDGE: Co. Engineer Brice Goebel and R&B Supt. Jesse Hamm were present for department business and job description review. Goebel reported activities from his first few days on the job. Co. Counselor Brad Jantz joined the session. The department job descriptions were discussed. Goebel asked the Board not to make any immediate changes until Goebel and Hamm have a chance to work together for a period of time and see how the work load settles between them, at which time changes can be recommended. The Board had no objection to leaving the job descriptions pending for now.

HEALTH DEPT.: Adm. Diedre Serene requested an executive session to discuss personnel performance with Jantz and Spencer present. Becker moved to recess into executive session to discuss personnel performance pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Serene, Jantz and Spencer present for 10 minutes (from 11:45 a.m.) until 11:55 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 no action.

RAMONA 4TH OF JULY CELEBRATION REQUEST: George Thiel and Rohani Alcorn requested transient guest tax funds in the amount of \$1,500.00 to go toward the Ramona 4th of July event. After extensive discussion regarding fair distribution of transient guest tax funds to all eligible communities in the County, Novak moved to provide (transient guest tax) funding for the first year in the amount of \$1,000.00 to each community for purposes consistent with the statute subject to change and subject to funding availability. Becker seconded and motion carried 3-0.

Session recessed until 1:00 p.m.

2018 AUDIT REPORT: April Swartz with Varney & Associates presented the 2018 audit report. There were no budget or cash violations. Swartz indicated no problems with the audit process.

Session recessed until 1:30 p.m.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead requested an executive session to discuss personnel performance with Jantz and Spencer present. Becker moved to recess into executive session to discuss personnel performance pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Omstead, Jantz, and Spencer present for 20 minutes (from 1:33 p.m.) until 1:53 p.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 Becker to recess into executive session to discuss personnel/performance pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Omstead, Jantz and Spencer present until 2:00 p.m. with open session to resume in Commission chambers following the closed session. Dallke seconded. Motion carried 3-0. Open session resumed with no action.

Becker moved to recess into executive session to review attorney work product pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board and Jantz present for 45 minutes until 2:46 p.m. with open session to resume in Commission Chambers following the closed session. Novak seconded and motion carried 3-0. Becker rescinded his previous motion and moved to recess into executive session to review attorney work product pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board, Jantz and Omstead present for 45 minutes until 2:50 p.m. with open session to resume in Commission chambers following the closed session. Novak seconded and motion carried 3-0. Omstead left the session at 2:28 p.m. Open session resumed with no action.

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CO. COUNSELOR: Co. Counselor Brad Jantz indicated that it is unlikely that a question about wind energy would be eligible for inclusion on a ballot in a regular election because the County has a set administrative process for zoning. However, to be absolutely certain, an Attorney General opinion could be sought. The issue could be slated for a special election, but such an election would be non-binding and only advisory in capacity.

PUBLIC COMMENT: Jonah Gehring asked the cost to hold a special election. Spencer indicated that an official estimate would need to be completed, but that the cost would be well over \$5,000.00 and probably a lot more.

Becker moved to adjourn. Novak seconded and motion carried 3-0. Meeting adjourned at 3:01 p.m.

Kent Becker, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk