

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

May 13, 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 was absent. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, Henry Ethem, Marcy Hostetler, Tom Britain, Yvonne Cushenbery, Jackie Hett, Brice Goebel, Mark Wheeler, Gordon Pendergraft, Bud Druse, Dave Crofoot, Charlie Loewen, Randy Eitzen, Blake Johnson, Joel Suderman, Lindsey Ransom, and members of the press.

ADMINISTRATIVE: Novak requested that the minutes of April 29th be tabled until Counselor Jantz is present for language clarification.

- Novak moved to approve the minutes of April 30th as written. Becker seconded and motion carried 2-0.
- Novak moved to approve the minutes of May 6th as written. Becker seconded and motion carried 2-0.
- Early check #48214 to Epp's Service in the amount of \$19,342.03 for transport fuel was approved for processing – Road & Bridge Fund.
- Becker moved to issue a proclamation declaring the week of May 19th – 25th, 2019 Emergency Medical Services Week in Marion County, Kansas. Novak seconded and motion carried 2-0. Becker invited the public to an open house at the Marion Station on Saturday, May 18th from 10 a.m. to 2 p.m.
- Becker moved to approve payment estimate #4 to Nelson-Fowles, LLC for the transfer station project in the amount of \$24,094.35. Novak seconded and motion carried 2-0.
- A written request from the Harvey-Marion County Community Developmental Disability Organization (CDDO) Executive Dir. Elizabeth Schmidt was reviewed. Jared Jost will complete his initial term as Marion County Resident representative on June 30, 2019. Schmidt requested that the Commission re-appoint Jost for a successor term from July 1, 2019 through June 30, 2022. Becker moved to re-appoint Jared Jost to the Harvey-Marion County CDDO Board. Novak seconded and motion carried 2-0.

County Counselor Brad Jantz joined the session at 9:12 a.m. The minutes of April 29th were discussed. Novak expressed concern that the language of the minutes and the language of the Resolution passed on that date seem inconsistent. Jantz noted that the Resolution is included in the minutes and the resolution itself governs. Becker moved to approve the minutes of April 29th as written. Motion died for lack of a second. Spencer asked for clarification on what specific corrections Novak would like in regard to the minutes. Spencer indicated that she would review the recording of the meeting to see if she could revise the minutes for better consistency.

PARK & LAKE: Supt. Isaac Hett reported that a Lake resident has requested permission to hire a contractor to remove a group of evergreen trees from an area that also contains other types of trees. The consensus of the Board was to allow the evergreen trees to be removed, upon receipt of a liability waiver from the contractor. Mark Wheeler mentioned a report that was presented from the Kansas Forestry Service in regard to what trees should be removed.

Hett reported that the water line project at the trailer park is nearly complete. The project has changed where the hookups are for the trailers, which will cause several trailer owners to run additional supply lines from the County's new hookup to the back of their trailers. Hett asked whether the County would be willing to assist with the expense of burying those lines. The Board did not approve providing financial assistance to the trailer owners for burying the lines.

COUNTY COUNSELOR: Counselor Jantz indicated that when a deed was prepared recently to transfer County property near the old Florence depot to the historical society, it did not include all of the lots that were intended to be transferred. After discussion, Becker moved to authorize Jantz to prepare a quit claim deed for the additional lots near the depot. Novak seconded and motion carried 2-0.

Jantz initiated a discussion regarding the public comment portion of County Commission meetings. Suggestions included having a specific time slot scheduled, possibly earlier in the meeting, and to have a sign-up sheet for those wishing to speak that included a brief description of their topic. Novak indicated that she was not in favor of being too restrictive. Jantz was directed to move forward with drafting a set of guidelines for Board review.

Jantz requested an executive session to discuss current and potential litigation. Becker moved to recess into executive session to discuss potential and current litigation pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board and Jantz present (for 20 minutes from 9:45 a.m.) until 10:05 a.m. with open session to resume in Commission chambers following the closed session. Novak seconded and motion carried 2-0. Open session resumed with no action.

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May 13, 2019, Continued

EMERGENCY MANAGEMENT: Dir. Randy Frank provided information about the flooding within the County and indicated that Chr. Becker issued a verbal disaster declaration on May 7th. Becker moved to approve a proclamation declaring a state of local disaster emergency for Marion County, Kansas for a period of seven days (from May 13th – May 20th). Novak seconded and motion carried 2-0.

Frank requested that a Resolution be passed to grant the Emergency Management Director authority to utilize water from the Marion County Lake for fire suppression. Frank indicated that a permit from the Kansas Water Office is also required. Becker moved to adopt Resolution 2019-07 giving legal access to, or control of, the point of diversion at the Marion County Lake, to the County Emergency Management Director for wildland fire suppression. Novak seconded. Motion carried 2-0.

ADMINISTRATIVE: Spencer provided suggested changes to the April 29th minutes for Board consideration. No decision was made.

Becker moved to recess into executive session to discuss the County Engineer position pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Jantz present (for 10 minutes, from 10:30 a.m.) until 10:40 a.m. with open session to resume in Commission chambers following the closed session. Novak seconded and motion carried 2-0.

Open session resumed with a motion by Becker to recess into executive session to discuss the County Engineer position pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Jantz, and Brice Goebel present for 10 minutes (from 10:41 a.m. until 10:51 a.m.) with open session to resume in Commission chambers following the closed session. Novak seconded and motion carried 2-0. Open session resumed with no action.

PUBLIC COMMENT: There were no public comments.

COMMISSION COMMENTS: Novak indicated that she still has several areas of concern in regard to Article 27 of the County Zoning Regulations. Jantz said the Board of Commissioners can develop a list of areas of concern to present to the Planning Commission or hold a joint meeting with them.

A special meeting was scheduled for Friday, May 17th at 1:00 p.m. to discuss the County Engineer position and to review Article 27 (and related matters).

Becker moved to adjourn. Novak seconded and motion carried 2-0. Meeting adjourned at 11:05 a.m.

Kent Becker, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

May 13, 2019, Continued

PROCLAMATION

WHEREAS, Emergency medical services is a vital public service and the members of emergency medical teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, Emergency medical services have traditionally served as the safety net of America's health care system; and

WHEREAS, Emergency medical teams consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others and approximately two-thirds of all emergency medical service providers are volunteers; and

WHEREAS, The members of the emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, Americans benefit daily from the knowledge and skills of these highly trained individuals and it is appropriate to recognize the value and accomplishments of emergency medical service providers by designating Emergency Medical Services Week; and

WHEREAS, Injury prevention and the appropriate use of the EMS system will help reduce national health care costs.

NOW, THEREFORE, we the Board of County Commissioners of Marion County, State of Kansas, do hereby proclaim the week of May 19th – 25th of 2019,

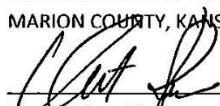
Emergency Medical Services Week


in Marion County and encourage all residents to observe this week with appropriate programs, ceremonies, and activities.

Signed the 13th day of May, 2019.



BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS


Kent Becker, Chairman


Dianne R. Novak, Member

Randy Dallke, Member

**RECORD OF PROCEEDINGS
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MARION COUNTY, KS**

May 13, 2019, Continued

PROCLAMATION

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

WHEREAS on this 13 day of May, 2019, 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 in Marion County, Kansas; and

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

WHEREAS, On May 7, 2019 Marion County received severe Thunderstorm Warnings and a Tornado Warning and experienced Heavy Rains and Strong Winds with Extreme Wind Gusts.

WHEREAS, severe and non-severe thunderstorms moved across Marion County saturating the ground causing an immense amount of rain generating flash flooding and rivers, creeks and streams to flood the communities of Peabody and Florence and forcing evacuations of families. Flooding also occurred throughout the county causing the closure of 24 county roads and 2 State Highways. Many of the county roads are still impassible.

NOW, THEREFORE, the Board of Commissioners of Marion County, Kansas do hereby proclaim:

1. That pursuant to K.S.A. 48-932, that a State of Local Disaster Emergency exists within Marion County, Kansas.
2. That the area within the borders of Marion County, Kansas covered by this proclamation is the entire area of Marion County, Kansas.
3. 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.

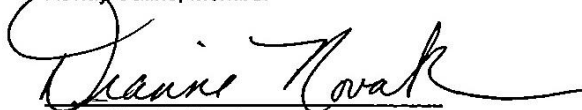
BE IT FURTHER PROCLAIMED that this disaster emergency declaration shall remain in effect for a period of seven (7) days unless terminated earlier or renewed by consent of the Board of County Commissioners of Marion County, Kansas.

Proclaimed this 13 day of May, 2019.

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS


Kent Becker, Chairman

Randy Dallke, Member


Diane Novak, Member



ATTEST:


Tina D. Spencer, County Clerk

**RECORD OF PROCEEDINGS
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MARION COUNTY, KS**

May 13, 2019, Continued

RESOLUTION 2019- 07

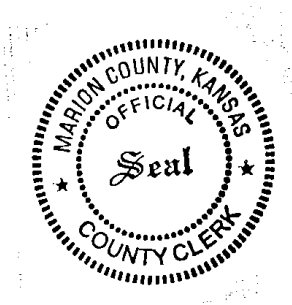
A resolution to approve and adopt giving legal access to, or control of, the point of diversion at the Marion County Lake, to the Marion County Emergency Management Director for wildland fire suppression.

WHEREAS, the Board of County Commissioners of Marion County, Kansas, has the responsibility to protect the inhabitants of the County from the hazards of natural or man-made disasters, and

WHEREAS, the County has established an Emergency Management Agency for the purpose of assuming, as the designated disaster agency, responsibility for coordinating the mitigation of, preparedness for, response to and recovery from disasters

THEREFORE BE IT RESOLVED, that the Marion County Board of County Commission, gives legal access to, or control of, the point of diversion at the Marion County Lake to the Marion County Emergency Management Director. This will allow the Marion County Emergency Management Director the ability to direct state and federal aerial wildland fire resources to remove water from the Marion County Lake to suppress wildland fires.

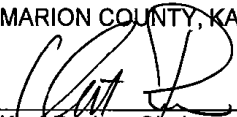
Adopted on this 13 day of May, 2019.



ATTEST:


Tina D. Spencer, County Clerk

BOARD OF COMMISSIONERS
MARION COUNTY, KANSAS


Kent Becker, Chairman

Randy Dalike, Member


Dianne Novak, Member