

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

April 5, 2021

Commission met in regular session at 12:30 p.m. in Commission chambers at the Marion County Courthouse with Chr. Randy Dallke, Comm. Dave Crofoot, Comm. Kent Becker, and Comm. David Mueller present. Comm. Jonah Gehring joined at 12:33 p.m. 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.

PUBLIC COMMENTS: None.

ADMINISTRATIVE: Becker moved to approve the minutes of March 31st. Becker seconded. Motion carried 4-0. Comm. Gehring joined the session.

- Change orders affecting 2020 and prior years' tax rolls were reviewed and signed by the Board.
- A salary sheet was signed for James Herzet – new Equipment Operator III at \$3,033.00/mo. effective 4/1/2021.
- Dallke moved to Proclaim April 11-17, 2021 National 911 Telecommunicator Week in Marion County, Kansas. Crofoot seconded and motion carried 5-0.
- Health Officer Diedre Serene provided a Covid-19 update. The rolling positivity rate through 3/27/21 is 4.5% and there are 3 active cases and no hospitalizations. Vaccine information was provided.
- Serene presented a proposal to participate in a community health needs assessment along with the two hospitals. The County's share of the cost is \$2,166.66. Dallke moved to participate in the study with half of the County's cost to be paid from Sales Tax and the other half to be paid from the Health Department budget. Mueller seconded and motion carried 5-0.

NOXIOUS WEED: Pesticide Technician Brandy Ankenman presented chemical bids for review:

	<u>Van Diest</u>	<u>Nutrien</u>
1. 2,4-D Amine 720 - 2x 2.5 gal.	\$9.70 = \$6,984.00	\$8.90 = \$6,408.00
2. Remedy Ultra 192 – 4x1 gal.	\$45.24 = \$8,686.08	\$43.89 = \$8,426.88
3. Glyphosate 180 – 2x2.5 gal.	\$12.64 = \$2,275.20	\$12.50 = \$2,250.00
4. Dicamba 180 – 2x2.5 gal.	\$28.36 = \$5,104.80	\$28.89 = \$5,200.20
5. Escort XP 192 – 8x8 oz.	\$1.88 = \$360.96	\$2.04 = \$391.68
6. Escort XP 256 - 8x16 oz.	\$1.88 = \$481.28	\$2.04 = \$522.24
7. Pathway 20 - 2x2.5 gal.	\$31.24 = \$624.80	\$30.34 = \$606.80
8. Crossbow 10 - 2x2.5 gal.	\$29.29 = \$292.90	\$35.00 = \$350.00
9. Rodeo 50 - 2x2.5 gal.	\$16.89 = \$844.50	\$24.00 = \$1,200.00
10. Garlon 3A 20 - 2x2.5 gal.	\$36.69 = \$733.80	\$49.90 = \$998.00
11. Ecomazapyr 2 SL 50 - 2x2.5 gal.	\$44.69 = \$2,234.50	\$48.50 = \$2,425.00

Gehring moved to accept the bid from Van Diest for items 4,5,6,8,9,10 and 11. Mueller seconded and motion carried 5-0.

Gehring moved to accept the bid from Nutrien for items 1,2,3 and 7. Becker seconded and motion carried 5-0.

EMS – NEW BUILDING: Dir. Travis Parmley and contractor Cody Nelson joined the session. Co. Counselor Brad Jantz joined the session. A design-build agreement for the new Hillsboro EMS Station was presented for approval. After discussion, Gehring moved to approve the (design-build) agreement with Nelson-Fowls Construction. Crofoot seconded. Motion carried 5-0. Chr. Dallke signed the agreement.

PARK & LAKE: Supt. Isaac Hett requested a change to the Park & Lake rules to allow swimming within 15' around all docks (except the heated dock) and to allow boats to be anchored outside the wake zone and allow swimming off those anchored boats (within 15'). Life jackets will still be required for both scenarios. After discussion, Gehring moved to allow swimming within 15' around any dock (except the heated dock). Crofoot seconded and motion carried 5-0.

- The Board agreed that an additional change to allow boats to be anchored outside the wake zone and to allow swimming within 15' with a life jacket should be implanted.
- Hett requested a change to allow cast nets for bait (chad). The Board had no objections.
- It was noted that the new rules would need to be drafted and reviewed and adopted by resolution.

COUNTY BAIT SHOP PROPOSAL: Lake resident Byron Lange presented a proposal / request to expand the bait shop operation at the County Lake to include the sale of live bait, convenience items, and gear. It was noted that an additional part-time staff member would be needed to accommodate the expansion. A point-of-sale system would also be needed. It was noted that the wiring and equipment in the building would need to be evaluated prior to moving forward. The Board requested a breakdown of the proposed \$15,000.00 initial start-up cost estimate.

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April 5, 2021, Continued

COUNTY BAIT SHOP PROPOSAL, CONTINUED: Gehring moved to pursue a bait shop at the County Lake with a potential \$15,000.00 seed. Becker seconded and motion carried 5-0. Hett was directed to have the electrical system and equipment inspected.

ROAD & BRIDGE: Co. Engineer Brice Goebel noted that responses from other counties indicate that private citizens are not allowed to work on public roads due to liability issues, and that KCAMP is unlikely to provide any coverage for this possibility. The Board agreed to prohibit citizens working on roads, and Jantz will draft a letter to send out to anyone performing unauthorized work.

- The HRRR project to improve the safety of the intersection at 190th and Nighthawk has hit a snag. Instead of a simple overlay, a rebuild of the base in the area will be needed. The potential cost increase could be up to \$73,000.00.

PUBLIC HEARINGS – ROAD CLOSURES: Members of the public who signed in were: Pamela Unruh, Hal Krehbiel, Gayland Martens, Ryan Suderman, Doug Sharp, Clayton and Betty Rose Wiebe, Gerald Unruh, Gene R. Unruh, Cheryl Bartel, and Marlin Bartel.

Co. Engineer Brice Goebel provided an overview of the sections of roadway to be closed and provided a history of the issues with the previous bridges, and the tanker car culverts that had been installed. The Kansas Department of Agriculture required the tanker car culverts to be removed, as they had not been permitted by the agency and the Cottonwood River is considered navigable body of water, which requires an engineered structure. Replacing the tanker cars with a new bridge or even a low water crossing is cost prohibitive on these roads, thus – the reason for the closures.

CLOSURE OF 1,800' OF 300TH BETWEEN DIAMOND AND EAGLE: Chr. Dallke opened the floor for public comments. Clayton Wiebe asked whether the concrete box culverts that were installed prior to the tanker cars were permitted (by the Department of Agriculture), and Goebel said they were not.

Marlin Bartel asked whether a low-water crossing might be an option. Goebel noted that it would be, but is cost prohibitive. Bartel noted that weeds are overtaking the area since the temporary barricades were placed and there are large ruts. Goebel said the County will address these issues and continue maintenance on the non-closed portions of the roadway.

Betty Wiebe asked why due process was not followed before the road was closed. It was noted that the initial closure was required due to the deadline set by the state for removal of the culverts. The process to formally close the road was followed later, culminating in this hearing.

Cheryl Bartel stated that rural water runs on that mile. Goebel noted that all easements will be preserved.

Hal Krehbiel asked whether the County or the township is responsible for mowing. Marion County is a County road system, so the townships have no responsibility for mowing roadways.

Comm. Becker said that even if the section of roadway is closed, he would like the County to at least do a feasibility study to see what water crossings might be an option.

Cheryl Bartel said that the closure of the bridge affects their farming/ranching operation. The train cars were working well. Six generations of her family have been on their property. She stated she is an advocate for an alternate crossing over the river.

Doug Sharp said that there are a lot of legitimate reasons for closing a road. In this case there was a system in place that was working. Sharp expressed frustration that the state mandated removal of the culverts within 60 days, and was concerned about how / why the agency decided to check into these specific culverts.

Gayland Martens mentioned that there was erosion with the train cars in place.

Gehring noted that the lack of permitting was the problem. Dallke closed public comments.

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April 5, 2021, Continued

300TH, CONTINUED: Chr. Dallke requested a show of hands to indicate whether each Commissioner believed the road should be closed, should not be closed, or needs further review. Becker said the road should not be closed. The remaining Board members said the road should be closed. The Report of Viewing was completed with the recommendation that the road **SHOULD** be closed. Mueller noted that if an alternative presents itself the County may wish to re-open the road in the future.

Dallke moved to adopt Resolution 2021-10 to close 1,800' of 300th beginning at Diamond, then east a distance of 1,800'. (Said portion of roadway is located between Diamond and Eagle on 300th between Sections 2-18-1 and 11-18-1 in Moore Township, Marion County, Kansas. All easements of record of any kind or character shall remain and be preserved.) Gehring seconded and motion carried 4-1 with Becker opposed.

CLOSURE OF 1,400' OF 310TH BETWEEN BISON AND CHISHOLM: Dallke opened the floor for public comments.

Hal Krehbiel said he was in support of closing the entire mile and gating both ends with landowners and County maintenance staff having keys.

Gerald Unruh said he would not be in favor of gates, as he doesn't want to put up a fence on his land, and it would cause problems for allowing access for chemical sprayers and others who need access to the fields.

Pam Unruh commented that they have been working with Goebel and the Board in regard to the situation that has occurred. She said that the state would not have done anything or required the removal of the culverts if not for an individual reporting the situation, and questioned the motives of that individual. She noted that she has concern for people with property along the section of road and wants them to be able to continue to take care of things on their section.

Discussion was held regarding the possible installation of a fixed barricade and road closing sign. Krehbiel said if a gate were installed that people would be less likely to trespass.

Dallke closed public comments.

Chr. Dallke requested a show of hands to indicate whether each Commissioner believed the road should be closed, should not be closed, or needs further review. All members agreed that the road **SHOULD** be closed.

Dallke moved to adopt Resolution 2021-11 to close 1,400' of 310th beginning 1,225' west of Chisholm on 310th and continuing west for a distance of 1,400' ending 2,625' west of Chisholm. (Said portion of roadway located between Chisholm and Bison on 310th between Section 33-17-1 and Section 4-18-1 in Logan & Moore Townships, Marion County, Kansas. All easements of record of any kind or character shall remain and be preserved.) Gehring seconded and motion carried 5-0.

Dallke closed the public hearings.

ROAD & BRIDGE, CONTINUED: Goebel presented several possible projects to submit for a KDOT cost share grant application. After discussion, Dallke moved to apply for a full depth reclamation and overlay of Indigo. Gehring seconded and motion carried 5-0.

- Ongoing and upcoming projects were discussed with no action.
- Becker suggested the possibility of offering paid overtime to allow staff to catch up with maintenance work. No decision was made.

PARK & LAKE, CONTINUED: Supt. Isaac Hett asked Counselor Jantz for guidance regarding unclaimed items in storage lockers at the heated dock. Jantz said to prepare a newspaper publication with a deadline for claiming the items.

- Dallke moved to recess into executive session to discuss contract negotiation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney on matters deemed privileged under attorney/client privilege with the Board, Hett, and Jantz present for 10 minutes until 3:35 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action. Hett was directed to seek bids to demo and rebuild the dock.

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April 5, 2021, Continued

MASK MANDATE DISCUSSION: The Board discussed whether or not to implement a local mask order since the Governor's order issued on April 1st was overturned. Public Health Officer asked that if a mandate is not issued, that the Board strongly recommend and show leadership in wearing masks and to encourage individuals to get vaccinated.

- No Countywide mandate was issued.

PERSONNEL DISCUSSION: Dallke 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 and Jantz present for 10 minutes until 4:05 p.m. Gehring seconded and motion carried 5-0.

- Open session resumed with a motion by Dallke 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 and Jantz present for 10 minutes until 4:15 p.m. Becker seconded and motion carried 5-0. Open session resumed with no action.

PUBLIC COMMENTS: None.

COMMISSION COMMENTS: None.

Dallke moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 4:16 p.m.

Randy Dallke, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

April 5, 2021, Continued

PROCLAMATION

National 9-1-1 Telecommunicator Week April 11th- April 17th 2021

WHEREAS, 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities; and

WHEREAS, 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81); and

WHEREAS, the ENHANCE 911 Act of 2004 (Public Law 108-494) established enhanced 9-1-1 as a high national priority as part of our Nation's homeland security and public safety; and

WHEREAS, people of all ages use 9-1-1, and it is critical to educate the public of all ages on the proper use of 9-1-1; and

WHEREAS, a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities increasingly communicate with nontraditional text, video and instant messaging communications services and anticipate that these services will be able to connect directly to 9-1-1; and

WHEREAS, thousands of 9-1-1 calls are made every year by children properly trained on the use of 9-1-1, resulting in lives saved which underscores the critical importance of training children early in life about 9-1-1; and

WHEREAS, there is widespread misuse of the 9-1-1 system, including prank and non-emergency calls, which can result in costly and inefficient use of 9-1-1 and emergency response resources.

NOW, therefore, the County Commissioners of Marion County, Kansas, do hereby proclaim the second full week of April 2021 as National 9-1-1 Education Month. The County Commission calls upon all government officials, parents, teachers, school administrators, caregivers, businesses leaders, non-profit organizations, and the people of the United States to observe this month with training, events, and activities to educate the public on 9-1-1 and its services.

Dated this 5 day of April, 2021.

Attest:


Tina D. Spencer, Marion County Clerk


Randy Dalke, Commission Chairman



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

April 5, 2021, Continued

RESOLUTION NO. 2021-10

A RESOLUTION ON THE REQUEST TO CLOSE 1,800' OF 300TH BETWEEN DIAMOND
AND EAGLE IN MOORE TOWNSHIP, MARION COUNTY, KANSAS

WHEREAS, the Board of Commission of Marion County, Kansas, having heard testimony and having reviewed all documentation, finds that legal notice has been given by publication as required by law; and

WHEREAS, a public hearing was held at which time concerned persons had the opportunity to speak on this issue; and

WHEREAS, the public will suffer little or no loss or inconvenience as a result of the action, and in consideration of the request that has been made, an order should be granted pursuant to K.S.A. 68-102 et seq.

THEREFORE, it is ordered by the governing body of Marion County, Kansas, that the following described roadway be closed, to wit:

1,800 feet of 300th, beginning at Diamond, then east a distance of 1,800 feet. Said portion of roadway is located between Diamond and Eagle on 300th between Sections 2-18-1 and 11-18-1 in Moore Township, Marion County, Kansas

All easements of record of any kind or character shall remain and be preserved.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, on this 5th day of April, 2021.

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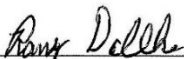
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BOARD OF COMMISSIONERS
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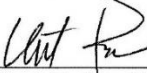
April 5, 2021, Continued

RESOLUTION 2021-10 SIGNATURE PAGE

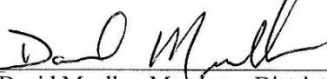
**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**


Randy Dalke, Chairman – District 3

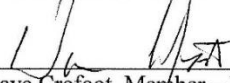
☒ Yea
☐ Nay
☐ Abstain


Kent Becker, Member – District 1

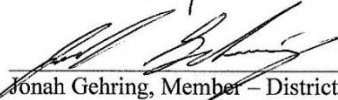
☐ Yea
☒ Nay
☐ Abstain


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



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

April 5, 2021, Continued

RESOLUTION NO. 2021-11

A RESOLUTION ON THE REQUEST TO CLOSE 1,400' OF 310TH BETWEEN BISON AND
CHISHOLM BETWEEN LOGAN AND MOORE TOWNSHIP, MARION COUNTY,
KANSAS

WHEREAS, the Board of Commission of Marion County, Kansas, having heard testimony and having reviewed all documentation, finds that legal notice has been given by publication as required by law; and

WHEREAS, a public hearing was held at which time concerned persons had the opportunity to speak on this issue; and

WHEREAS, the public will suffer little or no loss or inconvenience as a result of the action, and in consideration of the request that has been made, an order should be granted pursuant to K.S.A. 68-102 et seq.

THEREFORE, it is ordered by the governing body of Marion County, Kansas, that the following described roadway be closed, to wit:

1,400 feet of 310th, beginning 1,225 feet west of Chisholm on 310th and continuing west for a distance of 1,400 feet ending 2,625 feet west of Chisholm.

Said portion of roadway is located between Chisholm and Bison on 310th between Section 33-17-1 (Logan Township) and Section 4-18-1 (Moore Township), Marion County, Kansas

All easements of record of any kind or character shall remain and be preserved.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, on this 5th day of April, 2021.

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Signature page follows.

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BOARD OF COMMISSIONERS
MARION COUNTY, KS

April 5, 2021, Continued

RESOLUTION 2021-11 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

