

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

April 12, 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, Comm. Jonah Gehring, and Comm. David Mueller present. 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: Gehring moved to approve the minutes of April 5th. Becker seconded and motion carried 5-0.

- A pay request for the streambank stabilization project through NRCS was reviewed. Gehring moved to approve pay estimate #2 for NF Construction in the amount of \$36,110.00. Mueller seconded and motion carried 5-0. Dallke moved to approve an additional invoice in the amount of \$425.00 to NF Construction for rock hauling. Gehring seconded and motion carried 5-0.
- Becker moved to approve early checks (#53362-53369) totaling \$73,593.43. Mueller seconded. Motion carried 5-0.
- Annual reports for townships and special districts were reviewed by the Board.
- A written Covid-19 update from Health Officer Diedre Serene indicated two active cases and a rolling positivity rate through April 3rd of 6.8%. Vaccine information was also reported.
- Salary sheets were signed: Mary Johnson – new Health Dept. Office Asst. at \$2,194.00/mo. effective 4/5/2021; Jerid Schafers – six month raise as Transfer Station Equipment Operator I from \$2,319.00/mo. to \$2,362.00/mo. effective 4/7/2021; Robert Shippy – 20 year raise as R&B Equipment Operator II from \$2,814.00/mo. to \$2,830.00/mo. effective 4/9/2021.

ROAD & BRIDGE: Co. Engineer Brice Goebel reported on upcoming and ongoing projects. Goebel said that the Eagle bridge replacement project and the Nighthawk/330th project are both expected to come in at a higher cost than initially planned.

- Goebel requested a progress payment to the vendor crushing concrete for the County in the amount of \$25,500.00. The Board had no objection as long as an agreement is presented at the same time as payment indicating a firm end date. Goebel will visit with the contractor. No decision was made.
- Goebel asked the Board whether they would like to include a higher County share for the KDOT cost share grant application submitted last week in order to increase the County's chance for funding. No decision was made.
- The lease agreement with Gary Diepenbrock was discussed with no action.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Sharon Omstead reported that there have been three applications for the construction/demolition waste reduction program in 2021. This program allows for reduced fees for disposal of construction/demolition waste at the transfer station. Strassburg Church: 7.32 tons - \$253.00 forgiven; 18 Rock Rd. residence 11.33 tons - \$398.55 forgiven; Elm St. residence (fire damage) 27.25 tons (25 qualify for program) - \$875.00 forgiven.

- Omstead asked for the Board's approval to request a variance from KDHE to allow methane monitoring at the old landfill twice each year instead of quarterly. The Board had no objection to Omstead requesting the variance.

PARK & LAKE: Bait Shop Proposal - Supt. Isaac Hett presented a general budget outline for review. Hett noted that electrical repairs to the building are needed, and quotes will be submitted for review/approval next Monday.

- After discussion, Gehring moved to approve a start-up budget (for a County-run bait shop) not to exceed \$15,000.00, excluding electrical work. Mueller seconded and motion carried 5-0.
- Chr. Dallke accepted public comments pertaining to this agenda item: Brian Jones asked for an explanation of why the County is starting a private business with tax dollars. The Board noted that the business will not be for profit – that proceeds will go back into the lake improvements.
- Byron Lange commented that other lakes in the state are doing the same thing.

Other business: Hett noted that NF Construction is developing a proposal to complete the heated dock project.

- Counselor Jantz said he will draft a letter to owners of abandoned personal property in the storage areas at the lake indicating that if the items are not claimed by a certain deadline that the County will proceed with legal process to take ownership of the assets.

CO. COUNSELOR: 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 20 minutes until 2:40 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

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April 12, 2021, Continued

COUNTY COUNSELOR, CONTINUED: Dallke moved to recess into executive session for contract negotiation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board and Jantz present for 20 minutes until 3:01 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Dallke moved to recess into executive session for contract negotiation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board and Jantz present for 10 minutes (until 3:12 p.m.) Gehring seconded and motion carried 5-0. Upon return to open session, Gehring moved to extend the County Counselor's (Brad Jantz') contract for one year with the same terms and conditions as the previous contract. Becker seconded and motion carried 5-0.

PERSONNEL MATTERS: Dallke moved to recess into executive session to discuss employee leave requests pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Spencer, and Jantz present for five minutes (until 3:22 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with a motion by Dallke to approve FMLA leave for a qualified employee of Marion County, Kansas. Becker seconded and motion carried 5-0.

- Dallke moved to approve a shared leave request for a qualified employee of Marion County, Kansas. Gehring seconded and motion carried 5-0.

PUBLIC COMMENTS: Dianne Novak expressed similar concern to those expressed earlier by Mr. Jones about the County spending tax dollars for a bait shop and asked for a legal answer why it is allowed, as well as justification for the County competing with an established bait shop. Novak also questioned why the County is considering purchasing bait from an out-of-county vendor instead of from the existing bait shop in the County. The Commission and Counselor Jantz noted that any proceeds received above expenses would be used for lake improvements, and that the business will not be for profit.

Dallke closed public comments.

COMMISSION COMMENTS: Gehring commented that the proposed bait shop will utilize in-county vendors for at least 75% of supplies and commodities, and that there could be cooperation between the County and the existing bait shop when ordering from the out-of-county vendor (for example, teaming up on orders if feasible).

PERSONNEL MATTERS: Dallke moved to recess into executive session to review employee performance evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with only the Board present for 15 minutes (until 3:45 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

Dallke moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 3:47 p.m.

Randy Dallke, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk