

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

May 24, 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 were Co. Counselor Brad Jantz and Co. Clerk Tina Spencer. Present for portions of the meeting were County staff, members of the public, and members of the press.

PUBLIC COMMENTS: Nick Kraus asked what plans are being made to improve road maintenance in the County, and noted that several roads east of Highway 77 seem to have been forgotten. Kraus also expressed concerns regarding individuals getting off the roundabout onto a road that doesn't go through, which causes them to turn around (and many get stuck). He suggested a sign be placed to warn motorists that the road doesn't go through.

ADMINISTRATIVE: Two executive sessions to discuss personnel/performance were added to the agenda. Dallke moved to approve the agenda as amended. Gehring seconded and motion carried 5-0.

- Gehring moved to approve the minutes of May 17th as presented. Mueller seconded and motion carried 5-0.
- Gehring moved to approve the minutes of May 19th as presented. Dallke seconded and motion carried 5-0.
- Copy paper bids were reviewed for 100 cases of 8 1/2" x 11" paper:
 - Baker Brothers Printing, Hillsboro \$3,615.00
 - Office Plus of Kansas, Wichita \$3,325.00
 - Navrat's Office Products, Emporia no bid

Gehring moved to approve the local bid from Baker Brothers in the amount of \$3,615.00 because it was within 10% of the low bid. Becker seconded and motion carried 5-0.

- Crofoot moved to appoint Ginger Becker to the North Central Kansas Library Board. Mueller seconded and motion carried 5-0 with Becker abstaining (abstention counted with majority prevailing).

Bid Review – Courthouse Exterior Repair/Maintenance: Bids for repairs/maintenance of the exterior of the courthouse were reviewed:

	<u>Mid Continental Restoration Co., Fort Scott</u>	<u>MTS Contracting, Inc., Kansas City</u>
North stairway	\$14,182.00 (bid was for repair)	\$37,000.00 (bid was for replacement)
West stairway	\$ 3,249.00	\$19,000.00
Exterior cleaning	\$34,067.00	\$88,000.00
Exterior tuck point	\$24,712.00	\$87,000.00

Gehring moved to award items 1 and 2 to Mid Continental Restoration with work to begin within 60 days for the north and west stairways. Mueller seconded and motion carried 5-0. Gehring moved to table items 3 and 4 for 60 days for further review. Becker seconded and motion carried 5-0.

- **Flag Pole quotes:** Quotes for a new flagpole for the courthouse were reviewed. Crofoot moved to purchase from Heartland Sign & Lighting in the amount of \$7,516.90. After discussion, Crofoot withdrew his motion. Additional information was requested by the Board for a decision at a future meeting.
- Potential budget prep dates were discussed. Gehring moved to have all departments submit their written budget presentations (in electronic format) by June 11, 2021 (for Board review and to be discussed during the June 14th Commission meeting). Dallke seconded and motion carried 5-0.
- A written COVID-19 update reported five active cases. The rolling positivity rate through May 15th is 4.5%.

ROAD & BRIDGE: Co. Engineer Brice Goebel joined the session. The comments made by Nick Kraus earlier in the session were discussed. Goebel will investigate the particular situations discussed. Goebel noted that adding a map layer to the County's STAR program may be a helpful tool for tracking maintenance.

Area fuel bids were reviewed:	<u>Area 1</u>	<u>Area 2</u>	<u>Area 3</u>
	<u>1,400 gals.</u>	<u>1,950 gals.</u>	<u>1,950 gals.</u>
Epp's Service, Elbing	2.1390 = \$2,994.60	2.2390 = \$4,366.05	2.1390 = \$4,171.05
MFA Oil, Lincolnville	2.3134 = \$3,238.76	2.2934 = \$4,472.13	2.3134 = \$4,511.13

Gehring moved to accept the bid from Epp's Service for all three areas for a total of \$11,531.70. Mueller seconded and motion carried 5-0.

- Goebel reported that the concrete crushing contract has been amended to extend the deadline for completion to July 1, 2021 and to add a penalty if not completed. Goebel requested a payment of \$50,000.00 be paid to the contractor on May 28th. After discussion, Mueller moved to approve the modification and the \$50,000.00 payment. Crofoot seconded. Motion carried 5-0. Another payment will be considered in mid-June depending upon project progress. A payment/performance bond was discussed with no action.

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May 24, 2021, Continued

ROAD & BRIDGE, CONTINUED: Upcoming and ongoing projects and events were discussed with no action.

- Goebel requested an executive session to discuss personnel/performance. Dallke moved to recess into executive session pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Jantz, Goebel, and Spencer present for five minutes until 1:48 p.m. Gehring seconded and motion carried 5-0. Open session resumed with the presentation and signature of a salary sheet for Ronald Woerz from \$2,408.00/mo. to \$2,538.00/mo. effective 5/21/2021 – promotion from Equipment Operator I to Equipment Operator II.

CHISHOLM TRAIL EXTENSION DISTRICT: Agent Rickey Roberts reported that the Extension District has found a property to purchase, have begun the required legal process, and will have additional information soon.

PARK & LAKE: Supt. Isaac Hett asked if the County could sponsor an event on July 3rd including fireworks, a concert and food vendor. The approximate cost for the fireworks display will be \$4,000.00. A portion of the funding could come from the festival funds received from the Blue Grass at the Lake event. After discussion, Mueller moved to approve sponsorship of a dance & fireworks at the County Lake on July 3rd. Becker seconded and motion carried 5-0.

- Mueller moved to change the County's Transient Guest Tax policy to include the Marion County Lake as an eligible community. Mueller withdrew his motion.
- Mueller moved to approve a one-time payment of \$1,000.00 from Transient Guest Tax for the July 3rd event at the County Lake. Dallke seconded and motion carried 5-0.
- Hett said an individual would like to pay to dock a pontoon boat on the Lake and rent the vessel out to lake patrons. Jantz said there would be some legal challenges involved in such an arrangement. No action was taken.
- Hett requested an executive session to discuss contract negotiation regarding the heated dock. 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, Jantz, and Spencer present for 10 minutes, until 2:45 p.m. Gehring seconded and motion carried 5-0.
- Open session resumed with a motion by Dallke 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, Jantz, and Spencer present for 10 minutes, until 2:57 p.m. Gehring seconded and motion carried 5-0. Open session resumed with a motion by Dallke to approve a design build project manager at risk for completion of the heated dock and to terminate prior construction contract on the heated dock subject to liability claims as they accrue. Mueller seconded and motion carried 5-0. Dallke noted that a memorandum of understanding will be sought with Cody Nelson of NF Construction.

PENDING LITIGATED MATTER: Attorney Kevin Case, who is representing the County Commission (as a defendant) on a legal matter, joined the session. Dallke moved to recess in to executive session to discuss matters of litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board, Case, Jantz, and Spencer present for 20 minutes until 3:26 p.m. Becker seconded and motion carried 5-0. Open session resumed with no action.

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, Jantz, and Spencer present for 10 minutes until 3:40 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Emergency Management Dir. Randy Frank joined the session. 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, Frank, Jantz, and Spencer present until 3:54 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

Dallke moved to hold a regular Commission meeting at 12:30 p.m. on Tuesday, June 1st with a Road & Bridge work session following. Gehring seconded and motion carried 5-0. Dallke noted that Randy Frank should be scheduled for an additional personnel discussion on that date.

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, Jantz, and Spencer present for five minutes until 4:10 p.m. Mueller seconded and motion carried 5-0. Open session resumed with no action.

PUBLIC COMMENTS: Brian Jones commented that more specific information should have been provided on the agenda for the pending litigated matter agenda item.

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May 24, 2021, Continued

COMMISSION COMMENTS: The upcoming meeting scheduled was discussed. The payday meeting will be at 9:00 a.m. on May 28th and will include payday, administrative business, and a potential executive session for personnel/performance. June 1st at 12:30 a regular meeting will be held at 12:30 with a Road & Bridge work session included after regular business.

Dallke moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 4:14 p.m.

ATTEST: _____
Tina D. Spencer, County Clerk

Randy Dallke, Chairman