

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

November 15, 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. Jonah Gehring, Comm. Kent Becker, and Comm. David Mueller present. Also present were Co. Clerk Tina Spencer, Co. Counselor Brad Jantz, other County staff, members of the public, and members of the press.

PUBLIC COMMENTS: None.

ADMINISTRATIVE: Salary sheets were signed: Heidi Kitchen, new Corrections Officer at \$15.36/hour effective 11/12/2021; James O'Neal from \$2,300.00/month to \$2,773.00/month change from EO1 to Transfer Station Truck Driver effective 11/4/2021.

- Becker moved to approve early checks in the amount of \$16,099.00 (ck# 55064-55065). Mueller seconded and motion carried 5-0.
- Gehring moved to approve the minutes of October 29th. Mueller seconded and motion carried 5-0.
- Change Order #1 for the EMS Station was presented for approval in the amount of \$10,173.28 and was tabled until later in the session.
- The Board gave the go-ahead for County staff to plan an employee Christmas party similar to last year.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead joined the session. After discussion, Mueller moved to approve the text amendments presented pertaining to shipping containers as accessory structures. Gehring seconded and motion carried 4-1 with Dallke opposed. Dallke moved to adopt Resolution 2021-23 approving text amendments to the Zoning Regulations of Marion County, Kansas. Becker seconded and motion carried 4-1 with Dallke opposed.

- Omstead provided an update on construction & demolition reduction plan applications, the Expedition Wind project, and Planning Commission vacancies. A new residence report was reviewed. No action was taken.

EMS BUILDING PROJECT: EMS Director Travis Parmley joined the session. After discussion, Mueller moved to approve Change Order #1 in the amount of \$10,173.28. Crofoot seconded and motion carried 5-0.

CO. COUNSELOR: Jantz presented draft documents for review/approval: Marion County Landbank Bylaws and Marion County Guidelines and Requirements for Real Estate Tax Foreclosures. The Public Forum policy was also reviewed. Several suggestions were given for each policy, and Jantz will present for approval on November 22nd.

PUBLIC COMMENTS: None.

COMMISSION COMMENTS: Gehring stated he is not in favor of aerial electric connection to the heated dock. After discussion, Chr. Dallke said he would review how the item was bid, talk to the contractor, and report back to the Board at the next meeting or a special meeting.

- All Commissioners expressed the desire to move forward as soon as possible with developing a plan for the American Rescue Plan funds. Mueller noted that his first priority is to take care of employees who worked through the pandemic.

Dallke moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 2:32 p.m.

Randy Dallke - Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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RESOLUTION NUMBER 2021-23

**A RESOLUTION APPROVING TEXT AMENDMENTS TO THE ZONING REGULATIONS OF
MARION COUNTY, KANSAS.**

WHEREAS, a public notice calling for a public hearing by the Marion County Planning Commission on proposed text amendments to the Marion County Zoning Regulations was properly given by publication in the official County newspaper on October 6th, 2021 and mailed to City and Township Officials; and

WHEREAS, on October 28th, 2021, the Marion County Planning Commission held public hearings to address proposed amendments to the Marion County Zoning Regulations concerning modifications that pertain to the use of shipping containers as an accessory structure in Article 13-102 – Performance Standards, Article 19 – Prohibited Uses, and Article 21-104 – Special Uses; and,

WHEREAS, the Marion County Planning Commission, by a majority vote of the Commission, has recommended approval of amendments to the zoning regulations concerning said Article 13-102, Article 19-111 and Article 21-104.

NOW THEREFORE BE IT RESOLVED that the Marion County Zoning Regulations shall be amended as follows:

Section 1. Changes to Article 13-102 –Performance Standards

Article 13-102 Performance Standards - Districts "A", "RR", "SR", "R-1", "ES", "LL" and "V-1": The following are the performance standards for the "A" Agricultural District, the "RR" Rural Residential District, the "SR" Suburban Residential District, the "R-1" Single-Family Residential District, the "ES" Marion Reservoir Eastshore Subdivision District, the "LL" Marion County Lake Lot Residential District, and the "V-1" Village District.

Existing language:

- (6) In the "RR" Rural Residential District where a structure constructed or intended for use as a shipping container, whether originally as a transportation vehicle or as a separate structure, only one (1) such structure shall be used as an accessory building. Said structures are prohibited in the "SR" Suburban Residential District, "R-1" Single-Family Residential District, the "ES" Marion Reservoir Eastshore Subdivision Residential District, the "LL" Marion County Lake Lot Residential District and the "V-1" Village District. Such structures may be placed in any number in the "A" Agricultural Districts.

Proposed new language:

- (6) In the "RR" Rural Residential District and "SR" Suburban Residential District where a structure constructed or intended for use as a shipping container, whether originally as a transportation vehicle or as a separate structure, only one (1) such structure shall be used as an accessory building. Said structures are prohibited in the "R-1" Single-Family Residential District and the "V-1" Village District, unless approved as a Special Exception under Article 21-104 of these regulations. Said structures are prohibited in the "ES" Marion Reservoir Eastshore Subdivision Residential District and the "LL" Marion County Lake Lot Residential District. Such structures may be placed in any number in the "A" Agricultural Districts.

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Section 2. Changes to Article 19-111 –Prohibited Uses

Existing language:

- (5) No structure constructed or intended for use as a shipping container, whether as originally as a transportation vehicle or as a separate structure, shall be used as a storage container on property zoned “SR” Suburban Residential District, “R-1” Single-Family Residential District, “ES” Marion Reservoir Eastshore Subdivision Residential District, “LL” Marion County Lake Lot Residential District or “V-1” Village District. All other such placements where allowed shall be in conformance with the restrictions within these Regulations.

Proposed new language:

- (5) No structure constructed or intended for use as a shipping container, whether as originally as a transportation vehicle or as a separate structure, shall be used as a storage container on property zoned “ES” Marion Reservoir Eastshore Subdivision Residential District or “LL” Marion County Lake Lot Residential District. Said structures are prohibited on property zoned “R-1” Single-Family Residential District and “V-1” Village District unless approved as a Special Exception under Article 21-104 of these regulations. All other such placements where allowed shall be in conformance with the restrictions within these Regulations

Section 3. Changes to Article 21-104 –Special Exceptions

Article 21-104 Special Exceptions: In order to provide for adjustment in the relative locations of uses and buildings of the same or different classifications, to promote the usefulness of these Regulations as an instrument for fact finding, interpretation, application, and adjustment, and to supply the necessary elasticity to its efficient operation; special exceptions are hereby permitted by the terms of this Article. The following buildings and uses are permitted as special exceptions if the Board of Zoning Appeals finds that in its opinion, as a matter of fact, such exceptions will not adversely affect the uses of adjacent and neighboring property permitted by these Regulations:

Proposed language: (adding new subpart under Article 21-104)

- (12) Placing a shipping container, whether as originally as a transportation vehicle or as a separate structure, as an accessory storage building on property zoned “R-1” Single-Family Residential District or “V-1” Village District. Permitting such use of a shipping container shall be in conformance with all other restrictions within these Regulations and subject to additional conditions, if any, as permitted by Article 21-106.

Section 4. This Resolution shall be in full force and effect from and after publication once in the official county newspaper.


(signature page follows)

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November 15, 2021

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas,
this 15th day of November, 2021.


BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS


Randy Dallke, Chairman – District 3

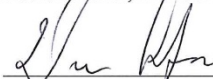
☐ Yea
☒ Nay
☐ Abstain


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