

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

May 23, 2022

Commission met in regular session at 12:30 p.m. in Commission chambers at the Marion County Courthouse with Chr. David Mueller, Comm. Kent Becker, Comm. Dave Crofoot, Comm. Jonah Gehring and Comm. Randy Dallke 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 FORUM:** Mike Beneke commented that after two months on the road (maintenance) issue, he would like a decision one way or another.

**ADMINISTRATIVE:** Gehring moved to approve the minutes of May 16<sup>th</sup>. Becker seconded and motion carried 5-0.

- Becker moved to accept a proposal submitted by Mike Perigo to organize volunteers to clean up the Poor Farm Cemetery provided that each volunteer sign a liability waiver. Dallke seconded and motion carried 5-0.
- After discussion, Crofoot moved to increase Interim Emergency Management Director Marcy Hostetler's wage by ten percent (\$2.02/hour) with the increase to be charged to the Emergency Management Department. Dallke seconded and motion carried 5-0.
- It was noted that arrangements are in place with the Sheriff's Office to relocate County equipment during an upcoming event at the fairground.

**PLANNING/ZONING/ENVIRONMENTAL HEALTH:** Dir. Sharon Omstead presented the Planning Commission's recommendation to approve a conditional use permit for a second residence on a property owned by Jeff Tracy at 803 Remington to be utilized to allow close access to care for a parent with the condition that the CUP be reviewed every five years for compliance. Gehring moved to approve the CUP as recommended with the condition that the CUP be reviewed every five years for compliance. Becker seconded and motion carried 5-0.

- Gehring moved to adopt Resolution 2022-16 Granting a Conditional Use Permit to place a second residence on certain property located at 803 Remington. Mueller seconded and motion carried 5-0.
- Task Order No. Five for Engineering Solutions & Design to perform groundwater sampling in four wells at the former Marion County Landfill was presented for approval in the amount of \$3,830.00. Gehring moved to approve and authorize the Chairman to sign. Crofoot seconded and motion carried 5-0.
- Proof of liability insurance has been received for the Florence Grand Prix race.
- Omstead reported that the current Planning/Zoning building has a couple of water leaks around the vent pipe in the roof and along the bottom of the north wall. The Board directed Omstead to seek a temporary repair if less than \$1,000.00.
- Mueller moved to recess into executive session to discuss personnel/performance (department head review) pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Omstead present for 20 minutes (until 1:20 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel presented transport fuel bids for review:

	Tank #3	Tank #1	Unleaded	
	4,000 gals.	1,500 gals.	2,500 gals.	Total
Epp's Service, Elbing	4.1010	3.8662	3.7151	\$31,491.05
MFA Oil, Lincolnville	4.1230	3.8708	3.7522	\$31,679.10

Gehring moved to accept the bid from Epp's Service at \$31,491.05. Becker seconded and motion carried 5-0.

- **Indigo Overlay Project:** A change order from Cornejo & Sons to add full-depth reclamation / base work to the previously approved project on Indigo was received in the amount of \$2,617,925.00. After discussion, Mueller moved to proceed with the Co. Engineer's Recommendation for spot base repair (performed by County staff) and move forward with the project as previously approved. Crofoot seconded and motion carried 3-2 with Dallke and Gehring opposed.
- Building locations were discussed. The Board directed Goebel to compile information on potential locations for review (including location, acreage, approximate cost, and pro's/con's).
- Goebel noted that contractors for the Sunflower Wind project are rocking roads in preparation for construction.
- Repair of 140<sup>th</sup> was discussed. Goebel noted that a new product is available to strengthen the base. Testing is being done to see if the road is a good fit for the new process.
- Goebel requested permission to purchase a used White tractor from G&R Implement for \$55,500.00 to replace an older model that is having mechanical problems. Goebel did not know the year of the number of hours on the tractor. After discussion, Mueller moved to purchase the tractor. Crofoot seconded and motion carried 3-2 with Dallke and Gehring opposed.

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

May 23, 2022, Continued

**ROAD & BRIDGE, CONTINUED:** A request from the City of Hillsboro to reduce the speed on 190<sup>th</sup> near Jade Road was discussed. Goebel will bring back information to the Board for potential action.

- Mueller moved to recess into executive session to discuss personnel/performance (department head review) pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Goebel present for 20 minutes (from 2:15 p.m. to 2:35 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.
- Mueller moved to recess into executive session to discuss personnel/performance (department head review) pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Goebel present for five minutes (from 2:40 p.m. until 2:45 p.m.). Dallke seconded and motion carried 5-0. Open session resumed with no action.

**CO. APPRAISER:** Co. Appraiser Nicole Reid joined the session. Mueller moved to recess into executive session to discuss personnel/performance (department head review) pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Reid present for 20 minutes (from 2:50 p.m. until 3:10 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

**WEED/HHW/TRANSFER STATION/RECYCLING:** Dir. Josh Housman joined the session. Rules for helping unload at the transfer station were discussed. Housman said that staff help people unload when asked; however, no equipment is allowed to be used to unload trailers due to potential liability issues. Dallke noted that customer service may need to be improved and requested additional discussion in executive session.

- Mueller moved to recess into executive session to discuss personnel/performance and conduct a department head review pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Housman present for 30 minutes (from 3:20 p.m. until 3:50 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.
- Session recessed until 4:00 p.m.

**REGISTER OF DEEDS:** Register of Deeds Rebecca Wingfield requested that a new full-time Administrative Specialist 1 position be added in the Register of Deeds' Office to assist with scanning old documents and for potential future succession. Becker moved to establish a full time Administrative Specialist 1 position in the Register of Deeds Office. Crofoot seconded and motion carried 4-1 with Dallke opposed.

**AMBULANCE:** Dir. Travis Parmley joined the session. Mowing at the new station was discussed briefly with no action.

- Mueller moved to recess into executive session to discuss personnel/performance (department head review) pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Parmley present for 20 minutes (until 4:35 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

**ADMINISTRATIVE:** A proposal from Gilmore Bell to provide disclosure compliance services for the upcoming bond issue for \$7,500.00 (five-year contract) was presented for review. After discussion, Dallke moved to approve the proposal. Gehring seconded and motion carried 5-0.

- Gehring moved to authorize the Chairman to sign. Becker seconded and motion carried 5-0.

**PROPERTY ACQUISITION:** Mueller moved to recess into executive session to discuss acquisition of real estate pursuant to K.S.A. 75-4319b (6) for preliminary discussion of acquisition of real estate with only the Board present for 10 minutes (from 4:48 p.m. to 4:58 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel said he asked the contractor on the Indigo Road project to submit a different proposal for a full-depth reclamation on just the south three miles.

Gehring moved to adjourn. Becker seconded and motion carried 5-0. Meeting adjourned at 4:59 p.m.

\_\_\_\_\_  
David Mueller, Chairman

ATTEST: \_\_\_\_\_  
Tina D. Spencer, County Clerk

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

May 23, 2022, Continued

RESOLUTION NUMBER 2022-16

**A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO PLACE A SECOND RESIDENCE ON CERTAIN PROPERTY LOCATED AT 803 REMINGTON, PEABODY, KANSAS.**

**WHEREAS**, application has been made by Jeffery Tracy, owner, requesting a Conditional Use Permit to place a second residence on property zoned "SR" Suburban Residential District, in the Southeast Corner of the Southeast Quarter of Section 25, Township 21 South, Range 3 East, Marion County, Kansas; and,

**WHEREAS**, following proper notification in the official County newspaper of a public hearing, on April 6, 2022, the Marion County Planning Commission held a public hearing on Case No. PC-22-03 on May 5, 2022, to consider the above said proposed conditional use, and;

**WHEREAS**, the Marion County Planning Commission has recommended approval of a conditional use permit to place a second residence on certain property within the unincorporated portion of Marion County, Kansas, subject to certain conditions; and,

**WHEREAS**, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, THAT:**

1. The following described property is hereby granted a Conditional Use Permit to place a second residence on said property, subject to the conditions and restrictions listed herein:

S25, T21, R03, ACRES 4.11, ALL THAT PRT SE/4 25-21-03 LYING S OF RR ROW

2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:

CUP must be reviewed every 5 years for compliance.

3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

**BE IT FURTHER RESOLVED**, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** of Marion County, Kansas on this 23rd day of May, 2022.



ATTEST:

*Fina D. Spencer*  
Fina D. Spencer, County Clerk

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, KANSAS

*David Mueller* ☒ Yea  
[ ] Nay  
[ ] Abstain  
David Mueller, Chairman – District 2

*Kent Becker* ☒ Yea  
[ ] Nay  
[ ] Abstain  
Kent Becker, Member – District 1

*Randy Dillke* ☒ Yea  
[ ] Nay  
[ ] Abstain  
Randy Dillke, Member – District 3

*Dave Crofoot* ☒ Yea  
[ ] Nay  
[ ] Abstain  
Dave Crofoot, Member – District 4

*Jonah Gehring* ☒ Yea  
[ ] Nay  
[ ] Abstain  
Jonah Gehring, Member – District 5