

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

December 20, 2021

Commission met in regular session at 12:30 p.m. in Commission chambers at the Marion County Courthouse with Chr. Randy Dallke, Comm. Kent Becker, Comm. Dave Crofoot, Comm. Jonah Gehring, and Comm. David Mueller present. Also present were Co. Clerk Tina Spencer and Co. Counselor Brad Jantz. Present for portions of the meeting were County staff, members of the public, and members of the press.

PUBLIC FORUM: There were no public comments.

ADMINISTRATIVE: Krista Schneider joined the session and was publicly sworn in as Public Health Officer.

- Gehring moved to approve the minutes of December 13th. Becker seconded and motion carried 5-0.
- Change orders affecting the 2021 tax roll were reviewed and signed by the Board.
- Mueller moved to approve early check (#) in the amount of \$267,522.00. Becker seconded and motion carried 5-0.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead presented information and a recommendation from the Planning Commission to approve PC21-03 – a conditional use permit for a new cellular tower at 1856 Highway 56, Marion in Section 25/19/03East. Glenda Cafer and Mike Nuckols, attorneys representing the applicant, spoke in favor of approval and stated that K.S.A. 66-2019 would likely prohibit the County from denying the application. Patrick Edwards, attorney, spoke in opposition to the project because there is a tower within 720' of the proposed location, citing Marion County Zoning Regulations. Edwards contends that K.S.A. 66-2019 applies only to public rights-of-way, not private property. Edwards argued that even if the K.S.A. applies, that the County should deny based on a surety bond requirement in our Zoning Regulations, which has not been paid by the applicant.

- County Counselor Brad Jantz said that he believes that K.S.A. 66-2019 does apply to private property, and recommended that additional legal research be conducted prior to a decision.
- Crofoot moved to approve the conditional use permit based on the Planning Commission's recommendation. Motion died for lack of a second.
- Dallke moved to table for 30 days to give legal counsel adequate time to review, and to place the topic on an agenda late in January. Gehring seconded and motion carried 5-0. The tentative review date will be January 24th.

MARION COUNTY FAIR PROJECT DISCUSSION: Brent Unruh and Brian Klenda of the Marion County Fair Board proposed that the 4H Building located on the fairgrounds be converted into a more usable space to be used as a Community Center. This would include adding an additional door, upgrading electrical and h-vac systems. A rough estimate (with donated labor) was in the \$60,000.00 range. Proposed funding would be from the Fair Board, 4H, City of Hillsboro, and Marion County. After discussion, Becker moved to support the project and help with financing (amount to be determined later). Crofoot seconded and motion carried 5-0 with Gehring abstaining due to potential conflict of interest since his business would potentially be donating labor toward the project (abstention counted with majority prevailing). The topic will be placed on the January 24th agenda to discuss potential funding sources/amounts.

- Development of a simple agreement between Marion County and the Fair Board was discussed to allow the County to temporarily store equipment on site. Jantz will draft the document.

ROAD & BRIDGE: Co. Engineer Brice Goebel was present for department business. Ongoing and upcoming department projects were discussed with no action.

- Goebel said that a landowner building a new house has asked to negotiate a reduced rate for improving/rocking the road leading to the residence. County policy is that the landowner pays for the initial road rebuild/gravel and that the County then maintains the road in the future. Goebel said the materials will cost around \$12,000.00. The landowner requested that only \$8,000.00 be billed. After discussion, Mueller moved to charge \$12,000.00 for the road improvement on 30th. Crofoot seconded and motion carried 4-1 with Gehring opposed.
- Dallke moved to approve utility permits (modify # 21-13,14, 22, 29, and 38 and approve # 21-50 – all for Evergy) and authorize the Chairman to sign. Mueller seconded and motion carried 5-0.
- Mueller moved to approve a consultant agreement (with Cook, Flatt & Strobel Engineers, P.A.) for the High-Risk Rural Road safety project at 130th and Indigo and to authorize the Chairman to sign. Becker seconded and motion carried 5-0. Gehring moved to amend the previous action to include signatures from all Board members. Mueller seconded and motion carried 5-0.
- Culvert replacement was discussed. The consensus of the Board was to continue the general practice of installing 30' culverts for property access of public roadway. Landowners may request larger sizes and pay the cost difference.
- Goebel and Mueller updated the Board regarding a meeting with KDOT about 290th.
- Goebel reported that the bridge on 250th discussed last week is structurally sound.

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December 20, 2021, Continued

TECHNOLOGY/CYBER SECURITY DISCUSSION: Lloyd Davies of Great Plains Computers and Networking joined the session. Dallke moved to recess in to executive session to discuss County technology systems and cyber security pursuant to K.S.A. 75-4319b (13) for matters related to security measures with the Board, Jantz, Spencer and Davies present for 15 minutes until 3:02 p.m. Gehring 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 15 minutes (from 3:10 p.m. until 3:25 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

- A salary sheet was signed for new Health Department Director Krista Schneider in the amount of \$6,933.00/month.
- 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 (from 3:29 p.m. until 3:34 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

COLORING CONTEST WINNERS: The Board reviewed entries for the coloring contest conducted at the Marion County employee Christmas party and the winners were declared for each category:

Ages 0 to 6:	Huntin Herpich
Ages 7 to 12:	Madalyn Parmley
Ages 13 +:	Michelle Looper

PUBLIC FORUM: There were no public comments.

COMMISSION COMMENTS: Dallke asked whether burning in the County should be temporarily banned. Mueller and Becker were not in favor of restricting burning beyond the regular procedures that are in place.

Becker expressed concern about those in western Kansas who recently suffered extreme loss due to fire, and encouraged people to donate and/or assist those individuals in any way possible.

Dallke moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 3:41 p.m.

Randy Dallke - Chairman

ATTEST: _____
Tina D. Spencer, County Clerk