

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

February 14, 2022

Commission met for a work session at 10:00 a.m. in Commission chambers at the Marion County Courthouse with Chr. David Mueller, Comm. Kent Becker, Comm. Dave Crofoot, and Comm. Jonah Gehring present. Comm. Randy Dallke was absent. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were County staff, members of the public, and members of the Press.

WORK SESSION – R&B BOND ISSUE: David Arteberry, Public Finance Director, Stifel, Nicolaus & Company and Mitch Walter, Bond Counsel with Gilmore & Bell were present to answer questions and clarify points in regard to a proposed Charter Resolution to authorize the County to issue bonds for road projects / maintenance. Under the statutory authority of K.S.A. 68-580 et seq, bond issues for road projects do not count toward the County's debt limit. The charter resolution would remove the election requirement for the bonds, potentially saving taxpayers a significant cost. The Board of Commissioners can still include a protest petition process that would trigger an election should the citizens object to the proposed financing.

- The consensus of the Board was to move forward with the process, but no action was taken.
- Potential next steps were discussed.
- Becker moved to recess until 11 a.m. Gehring seconded and motion carried 4-0. Session recessed until 11:00 a.m.

WORK SESSION – BID OPENING FOR CRACK SEAL PROJECT: Co. Engineer Brice Goebel was present for the official opening of crack seal proposals. Also present was Corey Jones of Pavement Pros, LLC. Two bids were received:

Pavement Pro's, LLC – McPherson, KS	\$56,568.95
Circle C Paving & Construction, LLC – Goddard, KS	\$62,496.20

Goebel was directed to review the bids for specifications and completeness and return with a potential recommendation during the regular session.

WORK SESSION – DISCUSSION: Building Committee Update: Chr. Mueller provided an update regarding the recent meetings of the building committee.

- Audio/visual options in the Commission room was discussed.
- A work session with the County Counselor was tentatively requested for February 28th after payday session.
- Crofoot noted that a group may be interested in placing an apparatus at the Park & Lake to see if it helps to reduce blue/green algae.
- Work session adjourned at approximately 11:50 a.m.

Commission met in regular session at 12:30 p.m. in Commission chambers of the Marion County Courthouse with Chr. David Mueller, Comm. Kent Becker, Comm. Randy Dallke, Comm. Dave Crofoot, and Comm. Jonah Gehring present. Also present was Co. Clerk Tina Spencer. 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: Two executive sessions for personnel/performance were added to the agenda.

- Change orders affecting 2021 and prior years' taxes were reviewed and signed by the Board.
- Gehring moved to approve early checks in the amount of \$73,757.53. Dallke seconded and motion carried 5-0.
- Mueller indicated he will attend the Conservation District awards dinner.
- Gehring reported that the footprint of the electrical substation on City property located next to the transfer station may need to be enlarged.
- **Charter Resolution:** Thereupon, there was presented a Resolution entitled: A CHARTER RESOLUTION EXEMPTING MARION COUNTY, KANSAS FROM THE PROVISIONS OF K.S.A. 68-584 RELATING TO THE FINANCING OF PRIMARY AND SECONDARY ARTERIAL HIGHWAYS AND PROVIDING SUBSTITUTE PROVISIONS RELATING THERETO.

The Resolution was considered and discussed; and thereupon on motion of Commissioner Crofoot, seconded by Commissioner Becker, the Charter Resolution was passed by the following roll call vote:

Aye: Mueller, Gehring, Becker, Crofoot, Dallke
Nay: None (Motion carried 5-0).

Thereupon, The Resolution having been adopted by a unanimous vote of the members of the Board, was numbered Charter Resolution No. 14, was directed to be signed by the Commissioners and attested by the County Clerk; and the County Clerk was further directed to cause the publication of the Charter Resolution once a week for two consecutive weeks in the official County Newspaper as required by law and as set forth in the Resolution.

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WEED/HHW/TRANSFER STATION/RECYCLING: Dir. Josh Housman presented chemical bids for review. Housman recommended accepting the entire bid package from one vendor instead of splitting the bids by item.

Van Diest Supply Company: \$36,836.32

Nutrien Solutions \$41,050.40

Gehring moved to award the chemical bid to Van Diest Supply Company in the amount of \$36,836.32. Dallke seconded and motion carried 5-0.

BLUE CROSS BLUE SHIELD – EMPLOYEE HEALTH INSURANCE RENEWAL: Claudio Faundez presented the County's health insurance renewal through BCBS. Overall between health and dental insurance the net increase was 5.9%. Self-insured options were also reviewed. After discussion, Gehring moved to accept the renewal as presented (with the increase). Crofoot seconded and motion carried 5-0.

FAMILIES AND COMMUNITIES TOGETHER (FACT) FINANCIAL REPORT: Executive Dir. Terry Bebermeyer presented information regarding income, expenses and programming. The board requested more detailed financial information that includes beginning and ending cash balances and administrative expenses.

ROAD & BRIDGE: Goebel indicated that either bid for the crack-seal project would be acceptable. Becker moved to accept the bid from Pavement Pro's LLC in the amount of \$56,568.95. Crofoot seconded and motion carried 5-0.

CO. TREASURER: Co. Treasurer Susan Berg requested an executive session to discuss personnel/performance. Mueller 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, Berg and Spencer present for five minutes (from 2:13 p.m. until 2:18 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

PERSONNEL DISCUSSION: Mueller 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 only the Board present for 10 minutes (from 2:22 p.m. until 2:32 p.m.). Dallke seconded and motion carried 5-0. Open session resumed with no action.

PUBLIC COMMENT: Dallke noted that Butler County issued premium pay and extra vacation time to their employees.

Gehring moved to adjourn. Becker seconded and motion carried 5-0. Meeting adjourned at 2:36 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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February 14, 2022, Continued

(Published in the *MARION COUNTY RECORD* on February 23, 2022 and March 2, 2022)

CHARTER RESOLUTION NO. 14

**A CHARTER RESOLUTION EXEMPTING MARION COUNTY, KANSAS,
FROM THE PROVISIONS OF K.S.A. 68-584 RELATING TO THE FINANCING
OF PRIMARY AND SECONDARY ARTERIAL HIGHWAYS AND PROVIDING
SUBSTITUTE PROVISIONS RELATING THERETO.**

WHEREAS, K.S.A. 19-101 to 19-101c, inclusive, as amended (the "Act") provide that counties may exercise certain home rule powers, including adopting charter resolutions which exempt such counties from acts of the Kansas Legislature as long as such powers are not limited as provided in the Act; and

WHEREAS, Marion County, Kansas (the "County") is a county as defined in the Act, duly created and organized under the laws of the State of Kansas (the "State"); and

WHEREAS, K.S.A. 68-584 (the "Existing Statute") is part of an enactment of the Kansas legislature (K.S.A. 68-580 *et seq.*) relating to designating, improving and financing of primary and secondary arterial highways within the County, which is applicable to the County but is not uniformly applicable to all counties within the State; and

WHEREAS, the governing body of the County (the "Board") desires, by charter resolution, to exempt the County from the provisions of the Existing Statute and to provide substitute and additional provisions therefor; and

WHEREAS, such proposed action is not restricted or limited by the provisions of the Act.

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

SECTION 1. Exemption. The County, by the power vested in it by the Act, hereby elects to exempt itself from and make inapplicable to it the provisions of the Existing Statute and shall be governed by the following substitute and additional provisions contained herein.

SECTION 2. Issuance of Bonds to Pay Costs of Improvements to Primary and Secondary Arterial Highways. If the Board determines that any of the costs incurred or to be incurred by the County in carrying out the provisions of K.S.A. 68-581, 68-582 and 68-583, and amendments thereto, in relation to any street, road or highway, should be paid by moneys derived from the issuance of general obligation bonds of the County (the "Bonds"), the Board may issue the Bonds for such purpose or purposes. The Bonds shall be authorized by resolution of the Board and may include projects involving one or more streets, roads and highways.

The Board may provide that the resolution authorizing the Bonds be published one time in the official County newspaper, in which case such resolution shall become effective upon such publication. The resolution may contain a provision that if within 30 days after the date of publication of the resolution, a petition in opposition to the resolution, signed by not less than 5% of the electors of the County, is filed with the County Clerk, the County shall not have the authority to issue the Bonds until such question is

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submitted by the election officer of the County to the electors of the County at an election called for that purpose or at the next general election. As an alternative to the foregoing, the resolution may require that the County shall not have the authority to issue the Bonds until such question is submitted by the election officer of the County to the electors of the County at an election called for that purpose or at the next general election. Any such election shall be conducted in the manner set forth in K.S.A. 10-120.

The Bonds shall be issued, sold, delivered and retired in accordance with the provisions of the general bond law. Bonds issued hereunder shall not be subject to or be included in computing limitations upon bonded indebtedness of the County prescribed under the provisions of article 3 of chapter 10 of the Kansas Statutes Annotated and amendments thereto.

SECTION 3. Severability. If any provision or section of this charter resolution is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidity shall not affect any other provision of this charter resolution. This charter resolution shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 4. Effective Date. This charter resolution shall be published once a week for two consecutive weeks in the official County newspaper and shall take effect sixty (60) days after final publication unless a petition signed by a number of electors of the County equal to not less than two percent (2%) of the number of electors who voted at the last preceding November general election or one hundred electors, whichever is greater, shall be filed in the office of the County Clerk demanding that this charter resolution be submitted to a vote of the electors, in which event the charter resolution shall take effect when approved by a majority of the electors voting at an election held for such purpose.

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ADOPTED by the Board of County Commissioners of Marion County, Kansas, on February 14, 2022.

(Seal)



(ATTEST)

Sue O'Spence
County Clerk

Don Mull

Chairman

[Signature]

Commissioner

[Signature]

Commissioner

[Signature]

Commissioner

[Signature]

Commissioner