

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

February 22, 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. Randy Dallke, Comm. Dave Crofoot, and Comm. Jonah Gehring 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.

REMEMBRANCE: The meeting was called to order with a moment of silence in honor of Sheriff Robert P. Craft who passed away on February 16th.

PUBLIC FORUM: Brent Unruh of the Marion County Fair Board gave an update on the project to upgrade the 4-H building at the fairgrounds. Extension Agent Rickey Roberts joined the session. Unruh noted that the overall project estimate is \$78,000.00. So far \$35,000.00 has been raised and additional grants and private donations are being sought.

- After discussion, Dallke moved to allocate up to \$45,000.00 of County funds, to be used only after grants and private funding have been applied, with said County allocation to be paid from Transient Guest Tax and/or Sales Tax as available (and subject to provisions of law). Crofoot seconded and motion carried 5-0 with Gehring abstaining due to conflict of interest (abstention counted with majority prevailing.)

ATTORNEY/CLIENT BUSINESS: Mueller moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney on matters deemed privileged under attorney/client privilege with the Board, Jantz, and Spencer for five minutes (from 12:55 p.m. to 1:00 p.m.) with open session to resume in Commission chambers following the closed session. Dallke seconded and motion carried 5-0. Open session resumed with no action.

MARION COUNTY FOOD BANK: Gerry Henderson and Gene Winkler provided an update regarding the number of individuals served at the food bank and thanked the Board for their continued support.

WEED/HHW/TRANSFER STATION/RECYCLING: Dir. Josh Housman presented a salary sheet for Amanda McReynolds for a position change. 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, Housman, Jantz, and Spencer present for five minutes (from 1:15 p.m. until 1:20 p.m.). Dallke seconded and motion carried 5-0. Open session resumed with no action. A salary sheet was signed for Amanda McReynolds – from \$2,442.00/mo. to \$2,773.00/mo. - position change from Transfer Station Worker 1 to Truck Driver effective 2/21/2022.

ADMINISTRATIVE: Gehring moved to approve the minutes of February 7th and February 14th. Becker seconded and motion carried 5-0.

- Crofoot moved to adopt Resolution 2022-08 – declaring a state of local disaster emergency for Marion County, Kansas (ratifying a verbal declaration issued on February 15, 2022 for wildfires including the Chelsea Wildland Fire). Dallke seconded and motion carried 5-0.
- A letter of support for a USDA grant application was requested by Tabor College. Gehring moved to approve the letter of support and authorize the Chairman to sign. Becker seconded and motion carried 5-0.
- A salary sheet was signed for Tina Groening – from \$2,300.00/mo. to \$2,638.00/mo. – position change from Administrative Specialist 1 to Administrative Specialist 2 effective 10/12/2021 (retroactive).
- Mueller moved to proceed with purchasing listings on behalf of businesses in Marion County (outside the cities of Marion and Hillsboro) for the Kansas Travel Guide at a cost not to exceed \$100.00 to be paid from Transient Guest Tax. Dallke seconded and motion carried 5-0.

ATTORNEY/CLIENT BUSINESS: Mueller moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney on matters deemed privileged under attorney/client privilege with the Board, Jantz, Spencer, and representative and legal counsel from Asphalt Paving & Maintenance (APM) present for 30 minutes from 1:30 p.m. until 2:00 p.m. Gehring seconded and motion carried 4-1 with Becker opposed. Co. Engineer Brice Goebel was invited into the session in progress. Those attending via teleconference on behalf of APM were Bryan Edson and Ben Bigham and Scott Schillings of Hinkle Law Firm.

- Open session resumed with a motion by Mueller to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney on matters deemed privileged under attorney/client privilege with the Board, Jantz, Spencer, and Goebel present for five minutes from 2:03 p.m. until 2:08 p.m. Gehring seconded and motion carried 5-0.

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

February 22, 2022, Continued

ATTORNEY/CLIENT BUSINESS, CONTINUED: Open session resumed with a motion by Mueller to recess into executive session pursuant to K.S.A. 75-4319b (2) for consultation with our attorney on matters deemed privileged under attorney/client privilege with the Board, Jantz, Spencer, Goebel, Edson, Bigham, and Schillings present for 20 minutes from 2:10 p.m. until 2:30 p.m. Open session resumed with no action.

- **Expedition (Sunflower) Wind Project:** Jantz indicated that he has reviewed proposed security deposit amounts from Orsted and will issue a written statement indicating that the amounts are consistent with the comprehensive agreement and request that the funding sources for the letter(s) of credit be identified.
- The agreement between Kelly Law Office and Marion County was presented for review. After discussion, Jantz was directed to see if a clause can be added to allow Kelly Law to reduce their fee in the event that the County does not recover enough funds from the sale of property to recoup the cost of the sale.

DAN DRIVE DISCUSSION: Vicki Hoffer, Tobe Moore, and Ken and Bonnie Vinduska were present to further discuss Dan Drive. Also present were Co. Engineer Brice Goebel and Planning/Zoning Dir. Sharon Omstead. Blocking public access across the landowners' private property is preferred. After discussion the Board directed Goebel to continue to assist the property owners as they work to determine property and easement boundaries. The County is willing to block access at the end of the platted roadway; however, the property owners would have greater control if they block the access on their side.

ROAD & BRIDGE: Becker moved to approve the contract with Pavement Pros for the crack seal project. Gehring seconded and motion carried 5-0. Jantz left the session.

- Utility permit #2151 for Moundridge Telephone Company to bore 1,730' north of 130th and Eagle in section 36-20-1 was signed by Chr. Mueller.
- Goebel reported that the expense involved in training new CDL drivers has drastically increased. A program is available through Hutch Community College for \$1,495.00. After discussion, the consensus of the Board was to utilize the program to train new CDL drivers and to pay the cost, but require an agreement that the employee will work for the County for a specified length of time or be required to re-pay the County for the cost of the course. A draft agreement will be provided for Commission approval, modeled after one used in the ambulance department.
- Mueller moved to recess into executive session for a preliminary discussion regarding real estate acquisition pursuant to K.S.A. 75-4319b (6) for preliminary discussion of acquisition of real estate with the Board, Goebel, and Spencer present for five minutes (from 3:46 p.m. until 3:51 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

ADMINISTRATIVE: Becker moved to waive the rental fee for the County Lake Hall for the Republican precinct convention on March 5th. Gehring seconded and motion carried 5-0.

- A preliminary draft design for the proposed veteran's memorial at the County Lake is available and will be provided to each Commissioner for review.

LEASE PURCHASE BIDS (NEW CAT GRADERS): Lease purchase bids for the financing of two Caterpillar Motor Graders at a total cost of \$754,415.42 (six-year term) were reviewed:

Citizens State Bank, Goessel	2.750%	
Vintage Bank, Peabody	2.750%	
Cottonwood Valley Bank, Florence	2.690%	(one unit only)
Community National Bank, Burns	2.150%	
Central National Bank, Marion	2.850%	
Marion National Bank, Marion	3.090%	

Gehring moved to accept the bid from Community National Bank with the lowest rate. Dallke seconded. Motion carried 5-0.

PUBLIC FORUM: There were no public comments.

COMMISSION COMMENTS: Becker commented that all Board members should be kept in the loop when other members of the Commission travel together for County business. Dallke agreed. Mueller indicated that he and Commissioner Crofoot had toured different buildings in other Counties recently to gather information. Another trip is planned on Thursday, February 24th to go to Dickinson County to view and discuss their document storage.

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

February 22, 2022, Continued

Gehring moved to adjourn. Dallke seconded and motion carried 5-0. Meeting adjourned at 4:02 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

**DISASTER PROCLAMATION RESOLUTION 2022-08
DECLARING A STATE OF LOCAL DISASTER EMERGENCY FOR MARION COUNTY, KANSAS**

WHEREAS on this 22 day of February, 2022, the Board of Commissioners of Marion County, Kansas, finds that certain conditions caused, or eminently threatened to cause wide-spread or severe damage, injury or loss of life or property in disaster proportion. Critical Red Flag conditions existed in Marion County. The combination of dry grassland, accompanied by low relative humidity, and gusty winds increased the risk of wildland fire spread. Marion County Fire Departments responded to five grass fires to include the Chelsea Wildland Fire on February 15, 2022 in Marion County, Kansas; and

WHEREAS, such conditions created obstructions which endangered health, safety and welfare of persons and property within the border of Marion County, Kansas.

WHEREAS, under the authority granted pursuant to Marion County Resolution 2019-02, Dave Crofoot, Vice Chairman of the Board of County Commissioners issued a verbal disaster declaration at 1515 hours on February 15, 2022.

NOW, THEREFORE, the Board of Commissioners of Marion County, Kansas does hereby proclaim:

1. That pursuant to K.S.A. 48-932, that a State of Local Disaster Emergency exists within Marion County, Kansas.
2. That the area within the borders of Marion County, Kansas covered by this proclamation is the entire area of Marion County, Kansas.
3. That the Board of County Commissioners shall have all of the rights and/or powers to perform such functions as are vested in said Board by and through the provisions of the Kansas Emergency Preparedness Act of 1975.

BE IT FURTHER PROCLAIMED that this disaster emergency declaration shall remain in effect for a period of seven (7) days from the initial verbal declaration, unless terminated earlier or renewed by consent of the Board of County Commissioners of Marion County, Kansas, and that the verbal declaration issued in relation to this event is hereby ratified by the full Board. So, proclaimed this 22 day of February, 2022.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**

David Mueller
David Mueller, Chairman – District 2

☒ Yea
☐ Nay
☐ Abstain

Kent Becker
Kent Becker, Member – District 1

☒ Yea
☐ Nay
☐ Abstain

Randy Dallke
Randy Dallke, Member – District 3

☒ Yea
☐ Nay
☐ Abstain

Dave Crofoot
Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain

Jonah Gehring
Jonah Gehring, Member – District 5

☒ Yea
☐ Nay
☐ Abstain

ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk

