

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

March 21, 2022

**SHERIFF INSTALLATION CEREMONY:** At 12:00 p.m. newly appointed Marion County Sheriff Jeffrey T. Soyez was sworn in by Judge Susan C. Robson in the main-floor hallway of the Marion County Courthouse. Undersheriff Larry Starkey and other full-time and part-time Law Enforcement personnel were also re-deputized and re-sworn. A reception followed.

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. Co. Counselor Brad Jantz attended via teleconference. 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:** Dallke moved to approve the minutes of March 14<sup>th</sup>. Gehring seconded and motion carried 5-0.

- Becker moved to approve early checks in the amount of \$31,644.59 (checks # 50789 to 50792). Dallke seconded and motion carried 5-0.
- Salary sheets were signed for Pamela Holub, new Health Department Registered Nurse at \$25.00/hour effective 3/23/2022; Ozzy Adney, transfer from Sheriff's Department to Road & Bridge Equipment Operator I at \$2,536.00/mo. effective 3/16/2022; Jeffrey Soyez, new Marion County Sheriff at \$5,106.00/mo. effective 3/21/2022.
- Paper bids were presented for review:
  - Baker Brothers Printing, Hillsboro: 100 cases = \$58.50/case                      200 cases = \$51.75/case
  - Office Plus of Kansas, Wichita: 100 cases = \$37.30/case                      200 cases = \$37.30/case

Dallke moved to approve the purchase of 200 cases from Office Plus at \$37.30/case providing all specifications are met. Crofoot seconded and motion carried 5-0.

- Mueller moved to increase the County contribution on family health insurance by 10%. Dallke seconded and motion carried 4-1 with Gehring opposed. Spencer was directed to provide additional costing information for single plans.

**REGISTER OF DEEDS:** Register of Deeds Rebecca Wingfield reported that both the Register of Deeds' Office and the County Treasurer's Office will be closed to the public the morning of April 8<sup>th</sup> so they can host their association's district meeting at the County Lake Hall. Offices are expected to open to the public around 1:30 p.m. on that date.

- Wingfield updated the Board on other department activities. No Board action was required.

**WEED/HHW/TRANSFER STATION/RECYCLING:** Dir. Josh Housman presented a quote for repairs / upgrade to the pump on the weed spray truck from Fairbank Equipment in the amount of \$5,774.69. The Board directed Housman to also seek pricing on a new slide-in unit. No action was taken.

- Housman presented bids for solid tires for the skid steer:
  - SETCO, Idabel, OK                      \$6,700.04
  - Rod's Tire & Service, Hillsboro, KS                      \$7,000.00

Gehring moved to accept the local bid from Rod's Tires in the amount of \$7,000.00 since it was within 10% of the low bid. Becker seconded and motion carried 5-0.

- Equipment was discussed with no action. The Board agreed that Comm. Dallke should work with Housman to develop information / proposals regarding commercial rates for the transfer station.

**MEMORIAL REQUEST:** Karen and Robert Konarik presented a request to place a memorial bench in honor of the late Sheriff Robert Craft on County property in front of the Sheriff's Office. After discussion, Becker moved to allow the project to move ahead contingent upon meeting any zoning requirements and confirming placement details with the current Sheriff. Crofoot seconded and motion carried 4-1 with Dallke opposed. Chr. Mueller was designated as point of contact to assist with coordinating the project.

**COMMISSION ROOM UPGRADE:** The Board reviewed draft plans of an audio/visual/electrical upgrade to the Commission Room, presented by Comm. Gehring. Suggestions were made for an additional HDMI port near the presenter's area. No other changes were requested. Gehring will present final draft plans for approval and then seek bids for Board consideration.

**AMBULANCE:** Dir. Travis Parmley presented quarterly statistics.

- Write-off's were presented in the amount of \$9,634.74. Becker moved to write-off accounts receivable in the amount of \$9,634.74. Dallke seconded and motion carried 5-0.
- The process for seeking bids for renovation of the annex building and signage for the new EMS station in Hillsboro were discussed with no action.

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March 21, 2022, Continued

**RENODRY PRESENTATION:** Don Brawn and Michael Clancy from Renodry returned and re-presented information regarding their product to dry out historic buildings. No action was taken.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel requested guidance on which project to submit for cost-share funding. After discussion, Mueller moved to apply for cost share funding on a two-mile stretch on Kanza with a split of 45% State funding and 55% County funding. Dallke seconded and motion carried 5-0.

- Goebel said that two Volvo graders, two Caterpillar 120 graders, and three pick-ups will be sold on Purple Wave.
- Other department projects and activities were discussed with no action.
- Gehring moved to adopt Resolution 2022-09 Regulating Private Maintenance or Interference by Private Parties with Public Rights of Way or Easements in Marion County, Kansas. Mueller seconded and motion carried 5-0.
- Mueller moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board, Jantz, Goebel, and Spencer present for 10 minutes (until 3:15 p.m.). Dallke seconded and motion carried 5-0. Open session resumed with no action.

**PROPERTY ACQUISITION DISCUSSION:** Mueller moved to recess in to executive session to discuss a potential land purchase pursuant to K.S.A. 75-4319b (6) for preliminary discussion of acquisition of real estate with the Board, Jantz, and Spencer present for 10 minutes (until 3:27 p.m.). Becker seconded and motion carried 5-0. Open session resumed with no action. Counselor Jantz left the meeting.

**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 five minutes (until 3:33 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

**CO. TREASURER:** Co. Treasurer Susan Berg notified the Board of her intent to send letters to delinquent tax payers on or before April 1<sup>st</sup>. A second letter would then be issued by the tax sale attorney to those who don't respond, notifying the property owners that non-payment will result in the properties being placed into the tax foreclosure sale.

- Berg asked the Board whether or not to include severed minerals in the sale. More information was requested, and no decision was made.

**ADMINISTRATIVE:** Comm. Dallke suggested that a survey may be needed prior to proceeding with clean-up of the County-owned property at 202 S. Olive in Peabody. The Board deferred any action until the upcoming Land Bank meeting.

**PUBLIC FORUM:** There were no public comments.

**COMMISSION COMMENTS:** There were no Commission comments.

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David Mueller, Chairman

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

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

March 21, 2022, Continued

**RESOLUTION NO. 22-09**

**A RESOLUTION OF THE COUNTY OF MARION REGULATING PRIVATE MAINTENANCE OR INTERFERENCE BY PRIVATE PARTIES WITH PUBLIC RIGHTS OF WAY OR EASEMENTS IN MARION COUNTY, KANSAS.**

**WHEREAS**, Marion County, Kansas has the responsibility for and is authorized to undertake any maintenance, repair, or improvement of public property within the jurisdictional limits of Marion County, Kansas excluding any property of various municipalities within said County, and

**WHEREAS**, from time to time, private citizens desire to preempt public property and enter upon, for purposes of private maintenance, such public property to alter, restore, or otherwise attempt to maintain such public property using personal judgement in so doing without express authorization within the County, and

**WHEREAS**, Marion County Commission desires to establish and articulate a clear and unequivocal prohibition on such private maintenance of any public right of way or easement without express approval and authority to do so.

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

1. That, absent express approval given in advance, no private citizen may maintain or alter, nor attempt to use or alter public property of any kind or character of Marion County through private efforts on such public property.
2. That with such approval, if given, the County assumes no additional responsibility for further maintenance or repair necessitated by the actions undertaken by the private citizen and it is expressly understood that the private party shall be wholly liable for any work done by that individual or business and the private party shall fully indemnify the County for any such work done, providing proof of necessary insurance coverage as requested by the County.
3. Absent such advance approval, any such use shall be considered trespass and a notice provided by personal service or certified mail shall be provided of the prohibited act(s) with ten (10) days from the date of such notice to remedy the trespass and attendant damage.
4. That, absent such approval, the Marion County Commission reserves the right and, at its discretion, shall pursue any and all civil or criminal remedies, including damages available to it under the laws of this State.
5. That any citizen petitioning the County shall hold the County harmless for any and all losses experienced or occasioned directly or indirectly by the private citizen, his employees, contractors, or agents, as a consequence of any approved private use undertaken by the private citizen.

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March 21, 2022, Continued

Motion to approve the above Resolution was made by Comm. Gehring, Commissioner, seconded by Comm. Mueller, Commissioner, and upon roll call was passed by the following vote this 21 day of March, 2022.

**ADOPTED AND APPROVED** by the Board of Marion County Commissioners on March 21, 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 Spencer  
Tina Spencer, Marion County Clerk