

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

April 4, 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 County 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:** There were no public comments.

**ADMINISTRATIVE:** Gehring moved to approve the minutes of March 28<sup>th</sup> and March 31<sup>st</sup>. Becker seconded and motion carried 5-0.

- A letter from Secretary of State Scott Schwab addressing election security/integrity was provided for Board review.
- No bids were received on the shelving units at the annex building. The Board agreed that EMS Dir. Travis Parmley may arrange for disposal.
- An engagement letter in the amount of \$25,000.00 from the Loyd Group for County budget prep was presented for review and approval. Dallke moved to approve the agreement between Marion County and the Loyd Group for County budget prep. Becker seconded and motion carried 5-0.
- Dallke moved to hold an employee appreciation cookout on April 15<sup>th</sup> at noon to include hamburgers, hot dogs, and / or sausage. Gehring seconded and motion carried 5-0.
- The timeframe for employee and department head evaluations was discussed. Forms will be sent in early April to the departments and Commissioners for completion.
- **Severed Minerals:** Gehring moved to continue to maintain the current process for severed minerals (for both tracking and taxation) and include delinquent severed minerals in the tax sale. Becker seconded and motion carried 3-2 with Crofoot and Mueller opposed.

**SPECIAL EVENT PERMIT REQUEST – Florence Grand Prix:** Planning/Zoning/Environmental Health Dir. Sharon Omstead presented a special event permit application for the Bent Rims Motorcycle Club's Florence Grand Prix event. Also present were Bruce Skiles, Duane McCarty, and Tobe Moore. After discussion, Becker moved to approve Special Event Permit #2022-01 for the Florence Grand Prix. Gehring seconded. Motion carried 5-0. The Board expressed their support of the event.

- The group requested the use of up to 20 of the County's older radios for the event. After discussion, Gehring moved to grant the use of the radios. Dallke seconded and motion carried 5-0.
- Becker moved for the County to purchase up to 20 batteries for the hand-held units for special events at a cost not to exceed \$800.00 to be paid from Transient Guest Tax funds. Crofoot seconded and motion carried 5-0.
- EMS Director Travis Parmley was directed to coordinate with the group for the use of the radios and the battery purchase. Parmley noted that a policy should be developed for the future.
- Gehring moved that any request/special use of radios be brought to the Board of County Commissioners on a case-by-case basis for approval. Dallke seconded and motion carried 5-0.

**CITY OF MARION REQUESTS:** Marion City Administrator Roger Holter explained that the City's electrical upgrade project requires a larger fenced area around the perimeter of their substation which is located adjacent to the Marion County Transfer Station. Part of the required area is on County right-of-way. After discussion, Gehring moved to allow the City of Marion to do what they need to do to provide the security and safety for the substation no matter what the details are that we need to work out. Dallke seconded and motion carried 5-0.

- Taxation of Land Bank properties was discussed. Mueller moved that properties within a land bank have the solid waste fee removed (while they are in the land bank). Becker seconded and motion carried 5-0.
- Holter noted that the City of Marion is interested in purchasing one of the County's old motor graders via direct sale. After discussion, Spencer was directed to solicit letters of interest from cities within Marion County.
- Holter provided zoning information pertinent to the County's lot south of the jail (at Dallke's request).

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

	Tank #3	Tank #1	Unleaded	Total
	3,500 gals.	1,000 gals.	3,000 gals.	
MFA Oil, Lincolnville	4.0455	3.7934	3.1145	\$27,296.15
Epp's Service, Elbing	4.1140	3.8590	3.1840	\$27,810.00

Gehring moved to approve the bid from MFA in the amount of \$27,296.15. Becker seconded and motion carried 5-0.

- Jantz noted that under the newly adopted resolution, an application is required for approval for citizens to perform work in County rights-of-way (including mowing).
- The work- session was rescheduled to April 18<sup>th</sup>. Department projects and activities were discussed with no action.

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April 4, 2022, Continued

**AUDIO/VISUAL PLAN REVIEW:** Gehring provided final plans for the proposed audio/visual/electrical upgrade to the Commission chambers. Mueller moved to proceed with bid solicitations with bids due by noon on April 28<sup>th</sup> and opened at 9:30 a.m. on April 29<sup>th</sup>. Dallke seconded and motion carried 5-0.

**CO. COUNSELOR:** Co. Counselor Brad Jantz reviewed open items with the Board with no action.

- A quit-claim deed from the County to the Marion County Land Bank for property located at 202 S. Olive in Peabody was signed by Chr. Mueller.
- Securities for Orsted for decommissioning were discussed. Jantz said the company's preference is to pledge the \$50,000.00 per turbine (74 turbines) decommissioning security as a self-guaranty item instead of securing with a letter of credit or bank bond. The Board was in favor of a third-party guaranty.
- A settlement agreement with Asphalt Pavement & Maintenance is still in draft form. Once it is finalized a check can be issued. The Board asked Jantz to follow up regarding subcontractor information.
- Autohouse was called out to do a cleanup last year after a vehicle accident and is seeking the County's signature to waive any interest and allow Autohouse to collect directly from the insurance carrier for their services. Jantz noted that he would have Emergency Management Dir. Randy Frank sign the form.
- Mueller moved to recess into executive session to discuss property acquisition 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 (from 2:55 p.m. until 3:05 p.m.). Gehring seconded and motion carried 5-0.
- Open session resumed with a motion by Mueller to recess into executive session to discuss property acquisition 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 (from 3:06 p.m. until 3:16 p.m.). Gehring seconded and motion carried 5-0. During the session, a property owner was invited into the session via telephone to offer clarification.
- Open session resumed with a motion by Mueller to authorize purchase of property located at 203 S. Third Street (in Marion) for \$50,000.00. Becker seconded and motion carried 5-0 with Crofoot abstaining due to conflict of interest (abstention counted with majority prevailing).

**AMERICAN RESCUE PLAN:** Gehring moved to move the allocation previously earmarked for rural water district projects into the County building allocation. Dallke seconded and motion carried 3-2 with Becker and Mueller opposed.

**PUBLIC FORUM:** Mike Beneke indicated he had previously been granted permission to grade roads in his area without question. He said the rock recently placed on the road there should never have been bought, and that he had offered to run a roller over it to help settle it in. Beneke said his concern is to make the road as safe as possible, and he wishes that he would have been told that he no longer had permission to work on the roads.

**COMMISSION COMMENTS:** Mueller announced that Becker and Mueller would be attending a regional highway-officials meeting in Ellsworth this week. Mueller noted that he plans to attend the Kansas County Commissioners Association conference April 26-28. Spencer will submit the registration.

Gehring moved to adjourn. Dallke seconded and motion carried 5-0. Meeting adjourned at 3:31 p.m.

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

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David Mueller, Chairman