

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

April 11, 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: Change orders affecting 2021 and prior years' tax rolls were reviewed and signed by the Board.

- Salary sheets were signed for Kimberly Ross from \$2,347.00/mo. to \$2,394.00/mo. effective 4/4/2022 addition of WIC duties and Charla Duerksen from \$25.50/hour to \$31.91/hour effective 4/4/2022 change from RN to WIC RN.
- Gehring moved to approve the minutes of April 4th. Dallke seconded and motion carried 5-0.
- **Lease Purchase Bids:** Bids for lease-purchase financing for two used motor graders were reviewed (four-year fixed rate).

Central National Bank, Marion	3.030%
Vintage Bank, Peabody	2.350%
Community National Bank, Burns	2.700%
Marion National Bank, Marion	2.940%

Gehring moved to approve lease purchase financing of two used motor graders in the amount of \$523,000.00 through Vintage Bank at a rate of 2.350%. Crofoot seconded and motion carried 5-0 with Becker abstaining due to conflict of interest (abstention counted with majority prevailing). Gehring moved to authorize the Chairman to execute documents related to the lease-purchase. Dallke seconded and motion carried 5-0.

- Becker moved to approve the placing of pinwheels on the Courthouse lawn by Heart-To-Heart Child Advocacy Center in honor of Child Abuse Awareness and Prevention. Gehring seconded and motion carried 5-0.
- The City of Hillsboro is applying for a solid waste grant through KDHE to purchase a screener to keep trash and debris out of compost. The application requires approval from the County Solid Waste Board (Board of County Commissioners). After discussion, Becker moved to support the City of Hillsboro's grant application and authorize the Chairman to sign the County Solid Waste Management Planning Committee Support Form. Gehring seconded and motion carried 5-0.
- A request was received from EMS Director Travis Parmley to purchase three additional recliners from Furniture Warehouse in Newton for a total of \$1,469.85 for temporary use at the Hillsboro station, then to be moved to the Marion station. Crofoot moved to approve the purchase. Gehring seconded and motion carried 5-0.
- **ARPA:** The American Rescue Plan Expenditure Report was provided for Board review and approval. Gehring moved to approve the rescue fund expenditure report. Becker seconded and motion carried 5-0.
- Kansas Department of Health & Environment (KDHE) requested that Marion County grant right-of-way access on behalf of Canada for cleanup of a former carbon tetrachloride site located in Section 33-19S-03E. Gehring moved to approve and authorize the Chairman to sign the Access to Property Agreement. Dallke seconded. Motion carried 5-0.

EMERGENCY MANAGEMENT: Dir. Randy Frank provided updated Local Emergency Planning Committee (LEPC) bylaws for review and concurrent approval by the Board of County Commissioners. The LEPC has already approved them. After discussion, Crofoot moved to approve the amended LEPC Bylaws. Mueller seconded and motion carried 5-0.

- Frank provided a quarterly briefing to the Board of department activities.
- Co. Counselor Brad Jantz presented a Limited Assignment of Claim for Property Damage on Public Property on behalf of Kansas Environmental Cleanup LLC, a subsidiary of Auto House, Inc. for cleaning up hazardous materials and vehicles from public right of way after an accident. Jantz will seek further assurance that the cleanup was satisfactorily completed and then seek signature either from the Board or from Frank. Gehring moved to assign the responsibility for signature of the release (after finalized) to Emergency Management Dir. Randy Frank. Crofoot seconded and motion carried 5-0.

SOUTH CENTRAL KANSAS ECONOMIC DEVELOPMENT DISTRICT (SCKEDD): Dir. Marc Howell introduced himself to the Board and requested that a new Marion County Board Member be appointed. Bill Lampe presented information on the Weatherization program and other potential upcoming grant programs that may be available in the near future.

CITIZEN CONCERN / STRATEGIC PLANNING DISCUSSION: Dennis Smith, Co. Lake Resident provided photos of areas of roadway that are washing away, creating a potential safety hazard. Smith reviewed his experience with strategic planning and encouraged the Board to engage in the strategic planning process for Marion County. Park & Lake Supt. Isaac Hett was also present.

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April 11, 2022, Continued

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead reviewed a Conditional Use Permit (CUP) application submitted by Colby Hett for operation of a firearms/sporting goods and ammunition store on property located in section 10-20-4. Hett was also in attendance. The Planning Commission recommended approval with the condition that no commercial shooting range be included. Gehring moved to approve the CUP in accordance with the Planning Commission recommendation and with the condition that it not include a public commercial shooting range. Crofoot seconded and motion carried 5-0. Gehring moved to adopt Resolution 2022-10 granting a conditional use permit to operate a firearms / sporting goods and ammunition store on property located at 1790 Upland, Marion, Kansas. Becker seconded and motion carried 5-0.

CO. COUNSELOR: Co. Counselor Brad Jantz was present for attorney/client business. Mueller moved to recess into executive session to discuss contract negotiation 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, Omstead, and Spencer present until 2:10 p.m. Gehring seconded and motion carried 5-0.

Open session resumed with a motion by Mueller to recess into executive session to discuss contract negotiation 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, Omstead, and Spencer present until 2:20 p.m. Gehring seconded and motion carried 5-0.

Open session resumed with a motion by Mueller to recess into executive session to discuss contract negotiation 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, Omstead, and Spencer present until 2:50 p.m. Gehring seconded and motion carried 5-0. Open session resumed with a motion by Mueller to approve a purchase agreement for property (located at 203 S. Third St., Marion) for \$50,000.00 and authorize the Chairman to sign. Gehring seconded and motion carried 5-0 with Crofoot abstaining due to conflict of interest (abstention counted with majority prevailing).

Mueller moved to recess into executive session to discuss contract negotiation 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 present until 3:10 p.m. Becker seconded and motion carried 5-0. Open session resumed with a motion by Mueller to approve a settlement agreement and mutual release with APM and Air Capital Trucking and authorize the Chairman to sign. Gehring seconded and motion carried 5-0.

Dallke moved to approve a contract for the purchase of real estate in the amount of \$25,000.00 subject to seller's review of the contract. Gehring seconded and motion carried 5-0.

Mueller moved to recess into executive session to discuss pending 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, and Spencer present until 3:25 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

ADMINISTRATIVE: Dallke moved to approve early checks in the amount of \$175,489.92. (ck #51010-51016). Gehring seconded and motion carried 5-0.

PUBLIC FORUM: There were no public comments.

COMMISSIONER COMMENTS: Becker said that he would like for any unencumbered ARPA funds to remain open-ended until specifically encumbered, and not ruled-out for use by water districts.

- Gehring commented that he is not interested in receiving any further communication from Renodry. The Board agreed.

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

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

**RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
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April 11, 2022, Continued

RESOLUTION NUMBER 2022-10

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OPERATE A FIREARMS/SPORTING GOODS AND AMMUNITION STORE ON CERTAIN PROPERTY LOCATED AT 1790 UPLAND, MARION, KANSAS.

WHEREAS, application has been made by Colby J. Hett, owner, requesting a Conditional Use Permit to operate a small Firearms/Sporting Goods and Ammunition Store on property zoned "LL" Marion County Lake Lot Residential District, in the Northwest Quarter of the Northwest Quarter of Section 10, Township 20 South, Range 4 East, Marion County, Kansas; and,

WHEREAS, following proper notification in the official County newspaper of a public hearing, on March 2, 2022, the Marion County Planning Commission held a public hearing on Case No. PC-22-02 on March 24, 2022, to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for the establishment a small Firearms/Sporting Goods and Ammunition Store on certain property within the unincorporated portion of Marion County, Kansas, subject to certain conditions; and,

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

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

1. The following described property is hereby granted a Conditional Use Permit to establish a small Firearms/Sporting Goods and Ammunition Store, subject to the conditions and restrictions listed herein:

NORTH LAKE (COUNTY LAKE), ACRES 4.58, BEG. 197' S NW/4 NW/4 TH S 578' E 377' N 578' W 377' POB Plat
Book/Page 2 /117B Lot Width: 578.0 Lot Depth: 377.0 Deed Book/Page 357 /061 361 /810

2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:

With the condition that it does not include a commercial shooting range.

3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas on this 11th day of April, 2022.



ATTEST:

Tina D. Spencer, County Clerk

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS

David Mueller, Chairman – District 2

☒ Yea
☐ Nay
☐ Abstain

Kent Becker, Member – District 1

☒ Yea
☐ Nay
☐ Abstain

Randy Dallke, Member – District 3

☒ Yea
☐ Nay
☐ Abstain

Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain

Jonah Gehring, Member – District 5

☒ Yea
☐ Nay
☐ Abstain