

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

May 9, 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 Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, County staff and members of the Press.

PUBLIC FORUM: There were no public comments.

BOND AUTHORIZATION: David Arteberry with Stifel, Nicolaus & Company, Inc., and Mitch Walter with Gilmore & Bell, PC presented timelines and information in regard to the proposed bonds to be issued for Marion County road projects. Arteberry reviewed the calendar and explained the process. The length of term for the financing was discussed.

The matter of providing for the offering for sale of General Obligation Bonds, Series 2022-A, came on for consideration and was discussed. Commissioner Mueller presented and moved the adoption of a Resolution entitled: A Resolution Authorizing the Offering for Sale of General Obligation Bonds, Series, 2022-A, of Marion County, Kansas (with a nine-year repayment schedule). Commissioner Crofoot seconded the motion to adopt the Resolution. Thereupon, the Resolution was read and considered, and, the question being put to a roll call vote, the vote thereon was as follows: Aye: Mueller, Gehring, Becker, Crofoot, and Dallke. Nay: none. The Chairman declared the Resolution duly adopted by the Governing Body and the County Clerk designated the same Resolution No. 2022-13.

A Resolution Declaring It Necessary to Authorize the Payment of the Costs of Paving Improvements to Roads in Marion County, Kansas, and Providing for the Issuance of General Obligation Bonds to Pay the Costs Thereof was presented for review. The resolution was considered and discussed, and thereupon on motion of Commissioner Mueller, seconded by Commissioner Gehring, the Resolution was adopted by the following roll call vote: Yea: Mueller, Gehring, Becker, Crofoot, Dallke. Nay: none. Thereupon, the Resolution having been adopted by a majority vote of the members of the Board, it was duly numbered Resolution No. 2022-14, was signed by the Commissioners and attested by the County Clerk.

- The engagement agreement with Stifel Nicolaus was signed by Chr. Mueller.

CO. APPRAISER: Co. Appraiser Nicole Reid was present for department business. Department activities for the quarter were reviewed. Reid asked for guidance regarding Neighborhood Revitalization applicants who have completed construction but have not submitted Part 3 of the application to finalize their participation. The Board directed Reid to send a letter with a firm deadline for submission or the applicants will be disqualified.

- A revised job description for the department's Administrative Assistant was reviewed by the Board. Gehring moved to approve. Crofoot seconded and motion carried 5-0.
- **Pictometry:** Alexandra Stark returned from EagleView to discuss a proposal for higher resolution imagery with an alternate second flight in three years. Stark also presented an option for a ChangeFinder product. After discussion, Gehring moved to approve the proposal for the imagery with the ChangeFinder for 2023 and 2026. Crofoot seconded and motion carried 3-2 with Becker and Dallke opposed. (The total cost for the six-year period is \$288,722.00.)

EMPOWER HOUSE MINISTRIES FUNDING REQUEST: Gail Taylor Ford and Melissa Landis were present to request an allocation of Special Alcohol funds for this program which focuses on housing for women facing addiction. Ashley Loomis was also present to share how the program has impacted her life. The Board noted that they will keep the program in mind when they prepare the 2023 budget.

REPRESENTATIVE JOHN BARKER: District 70 State Representative John Barker gave the Board an overview of the legislative session and noted that an additional veto session has been scheduled for May 23rd in case district maps still need to be re-drawn following the ruling of the Courts.

INDIGO ROAD OVERLAY PROJECT BID OPENING: Co. Engineer Brice Goebel was present for the bid opening. Also present were Jeff Lee of APAC and Micaiah Bergeron of Cornejo. Bids were reviewed:

Pearson Construction, LLC, Wichita, KS	\$2,606,230.00
Koss Construction, Topeka, KS	\$3,997,243.00
Cornejo & Sons, LLC, Wichita, KS	\$2,296,716.07
APAC-Kansas Inc., Shears Div., Salina, KS	\$3,392,989.42

No action was taken. Goebel will review the bids for potential award on May 16th.

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TOM BRITAIN – DOYLE CONDITIONAL USE PERMITS: Tom Britain and about 14 other members of the public joined the session. Britain indicated he was speaking in opposition of the continuation of the wind farm project formerly known as the Doyle project(s). Britain gave an outline / history of the project which is now known as the Expedition Wind Project. Britain asked the Board to stop the project now.

CO. TREASURER: Co. Treasurer Susan Berg asked the Board for a decision regarding any potential exceptions to the tax sale policy for property-owners with delinquent taxes on their homestead if they enter an agreement to pay the oldest taxes due within a certain period of time. The Board did not grant any exceptions at this time. The Board agreed that another demand letter with a deadline should be sent by the County Treasurer and the unpaid parcels should then be submitted to the tax sale attorney for collection proceedings as previously approved.

ROAD & BRIDGE: Co. Engineer Brice Goebel was present for department business. Gehring moved to approve Utility Permit 22-3 (for Moundridge Telephone to expand fiber to a home between 100th and 130th between Chisholm Trail & Holly) and to authorize the Chairman to sign. Becker seconded and motion carried 5-0.

- Quotes for a utility bucket for the Volvo loader were reviewed: Van Keppel at \$7,750.00; Murphy Tractor at \$11,200.00. Dallke moved to purchase from Van Keppel for \$7,750.00. Crofoot seconded. Motion carried 5-0.
- Becker moved to approve the purchase of a plate compactor (for spot compaction) from Northern Tool Company at a cost not to exceed \$1,500.00. Dallke seconded and motion carried 5-0.
- Dallke noted that the project design just bid for the Indigo Road project does not include base work, and expressed concerns about the southern-most 5-6 miles. No action was taken.
- Mueller moved to approve the position and job description for the Technician position (presented by Goebel). Crofoot seconded and motion carried 5-0.
- The grant application for 290th was discussed. The Board agreed to submit an economic development application for a full depth reclamation with a two-inch overlay with the County-match portion at 40%.
- Potential building locations were discussed with no action.
- Culvert bids were presented for review: Welborn Sales at \$31,983.60; Contech at \$29,646.00; J&J Drainage Products at \$38,151.60. Gehring moved to accept the bid from Contech in the amount of \$29,646.00. Dallke seconded. Motion carried 5-0.
- A quote from Vance Brothers to Micro Surface 11 miles on 190th in the amount of \$624,623.20 was reviewed by the Board. Goebel noted that there are currently no other contractors performing this service. Gehring moved to proceed with Vance Brothers for the Micro-Surface project on 11 miles of 190th with the cost to be in the \$625,000.00 range. Becker seconded and motion carried 5-0.

GENERATOR DISCUSSION: Generators for the EMS Stations and the annex building were discussed. Gehring will research and come back with potential pricing/options.

ADMINISTRATIVE: Gehring moved to approve the minutes of April 29 and May 2. Becker seconded. Motion carried 5-0.

- Gehring moved to approve early checks in the amount of \$83,031.13. Crofoot seconded and motion carried 5-0.
- Gehring moved to approve a grant for AEMT Jeremy Sears. Crofoot seconded and motion carried 5-0. The grant agreement was signed by the Board.
- Change Order #2 for the Hillsboro EMS Station was presented for approval. EMS Dir. Travis Parmley joined the session via telephone to answer questions about the increased scope of work. After discussion, Crofoot moved to approve Change Order #2 in the amount of \$8,931.71. Dallke seconded and motion carried 4-1 with Becker opposed.

CO. COUNSELOR: 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 until 4:20 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- 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 and Jantz present for 15 minutes until 4:35 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.
- 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 15 minutes until 4:51 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

PUBLIC FORUM: There were no public comments.

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COMMISSIONER COMMENTS: Becker commented that in the future no department head should bring any funding requests to the Board without presenting cost-benefit information for consideration.

- Becker commented that there is a program similar to Empower House Ministries in Marion County now.
- Gehring publicly thanked Carla Hamm from Mama C's for having sweets available for him to buy for law enforcement recently, and for delivering said items.

Gehring moved to adjourn. Becker seconded and motion carried 5-0. Meeting adjourned at 4:56 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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Gilmore & Bell, P.C.
05/02/2022

RESOLUTION NO. 2022-13

**A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL
OBLIGATION BONDS, SERIES 2022-A, OF MARION COUNTY, KANSAS.**

WHEREAS, Marion County, Kansas (the "Issuer"), has previously authorized certain improvements described as follows (the "Improvements"):

<u>Project Description</u>	<u>Res. No.</u>	<u>Authority (K.S.A.)</u>	<u>Amount</u>
Capital Paving Improvements	2022-14	68-584/Ch. Res. No. 14	\$5,000,000

WHEREAS, the Issuer proposes to issue its general obligation bonds to pay a portion of the costs of the Improvements; and

WHEREAS, the Board of County Commissioners of the Issuer (the "Governing Body") has selected the firm of Stifel, Nicolaus & Company, Incorporated, Kansas City, Missouri (the "Municipal Advisor"), as municipal advisor for one or more series of general obligation bonds of the Issuer to be issued in order to provide funds to finance a portion of the costs of the Improvements; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of said general obligation bonds and related activities; and

WHEREAS, one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to said general obligation bonds; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer's bond counsel ("Bond Counsel"), in conjunction with the County Clerk to proceed with the preparation and distribution of a preliminary official statement and notice of bond sale and to authorize the distribution thereof and all other preliminary action necessary to sell said general obligation bonds;

WHEREAS, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of said general obligation bonds, the Governing Body desires to authorize the Chairman (or designee "the Chairman") to award the sale of such general obligation bonds, if necessary, prior to the next meeting of the Governing Body to adopt the necessary resolution providing for the issuance thereof.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, AS FOLLOWS:

Section 1. There is hereby authorized to be offered for sale the Issuer's General Obligation Bonds, Series 2022-A (the "Bonds") described in the Notice of Bond Sale, which is hereby approved in substantially the form presented to the Governing Body this date with such modifications as may be approved by the Chairman and County Clerk, and as to form by the County Counselor (the "Notice of Bond Sale"). All proposals for the purchase of the Bonds shall be submitted upon the terms and conditions set forth in the Notice of Bond Sale, and shall be reviewed by the Chairman, County Clerk, the Municipal Advisor and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer's bond counsel ("Bond

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Counsel”) as soon after the submittal hour as possible. The Chairman is hereby authorized to award the sale of the Bonds to the submitter of the best proposal as determined pursuant to the provisions of the Notice of Bond Sale or to reject all proposals; provided, however, that the principal amount of the Bonds shall not exceed \$5,000,000 and the true interest cost of the Bonds shall not exceed 4.125%.

Section 2. The Chairman and County Clerk in conjunction with the Municipal Advisor and Bond Counsel are hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Bonds (the “Preliminary Official Statement”), and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Bonds.

Section 3. The County Clerk, in conjunction with the Municipal Advisor and Bond Counsel, is hereby authorized and directed to give notice of said bond sale by publishing a summary of the Notice of Bond Sale not less than 6 days before the date of the bond sale in a newspaper of general circulation in Marion County, Kansas, and the *Kansas Register* and by distributing copies of the Notice of Bond Sale and Preliminary Official Statement to prospective purchasers of the Bonds.

Section 4. For the purpose of enabling the purchaser of the Bonds (the “Purchaser”) to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), the Chairman and County Clerk are hereby authorized: (a) to approve the form of the Preliminary Official Statement and to execute the “Certificate Deeming Preliminary Official Statement Final” in substantially the form attached hereto as *Exhibit A* as approval of the Preliminary Official Statement, such official’s signature thereon being conclusive evidence of such official’s and the Issuer’s approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Bonds or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Chairman, County Clerk and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Bonds. The Chairman is hereby authorized and directed to execute the engagement letter related to services to be provided by the Municipal Advisor in connection herewith.

The transactions described in this Resolution may be conducted, and documents related to the Bonds may be sent, received, executed, and stored, by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 7. This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

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ADOPTED by the Board of County Commissioners on May 9, 2022.

(Seal)



(ATTEST)

[Signature]
County Clerk

[Signature]
Chairman

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

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

May 9, 2022, Continued

Gilmore & Bell, P.C.
05/03/2022

RESOLUTION NO. 2022-14

**A RESOLUTION DECLARING IT NECESSARY TO AUTHORIZE THE
PAYMENT OF THE COSTS OF PAVING IMPROVEMENTS TO ROADS IN
MARION COUNTY, KANSAS, AND PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS TO PAY THE COSTS THEREOF.**

WHEREAS, K.S.A. 68-584, as amended by Charter Resolution No. 14 of Marion County, Kansas (the "County") (enacted pursuant to the provisions of K.S.A. 19-101 *et seq.*) (collectively the "Road Act"), provides that if the governing body of the County (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 Board may issue the general obligation bonds for such purpose or purposes, and such general obligation bonds shall be authorized by resolution of the Board and may include projects involving one or more streets, roads and highways, and any general obligation bonds issued pursuant to the Act 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; and

WHEREAS, the Board hereby finds and determines that it is necessary and advisable to provide for the issuance of general obligation bonds of the County to pay the costs of certain road projects in the County pursuant to the provisions of the Act.

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

SECTION 1. Project Authorization. It is hereby determined that the following road and/or bridge projects be built or repaired in accordance with plans and specifications developed or approved by County and all improvements related thereto (collectively the "Projects"):

<i>Project Description</i>	<i>Cost Estimate</i>
Kanza – US-56 to 180 th	2,200,000
290 th – K-15 to US-56	7,250,000
190 th – K-256 to US-56	825,000
Indigo – Harvey County Line – Hillsboro City Limits	3,105,000

SECTION 2. Financing Authority. A portion of the costs of the Projects in an amount not to exceed \$5,000,000, exclusive of interest on interim financing, and associated financing costs are authorized to be paid by the issuance of general obligation bonds of the County issued under the authority of the Act (the "Bonds").

SECTION 3. Reimbursement Authority. Proceeds of the Bonds may be used to reimburse Project expenditures made on or after the date which is 60 days before the date of this Resolution, pursuant to Treasury Regulation 1.150-2.

SECTION 4. Effective Date. This Resolution shall take effect and be in force from and after its adoption by the Board.

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May 9, 2022, Continued

ADOPTED by the Board of County Commissioners of Marion County, Kansas on May 9, 2022.

(Seal)



(ATTEST)


County Clerk


Chairman


Commissioner


Commissioner


Commissioner


Commissioner

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of Resolution No. 2022- 14 of Marion County, Kansas adopted by the Board of County Commissioners on May 9, 2022, as the same appears of record in my office.

DATED: May 9, 2022.


Tina Spencer, County Clerk