

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

December 6, 2021

Commission met in regular session at 12:30 p.m. in Commission chambers at the Marion County Courthouse with Chr. Randy Dallke, Comm. Dave Crofoot, Comm. Jonah Gehring, and Comm. David Mueller present. Comm. Kent Becker was absent, but joined briefly via telephone. Also present were Co. Clerk Tina Spencer and Co. Counselor Brad Jantz. Present for portions of the meeting were County staff, members of the public, and members of the press.

PUBLIC COMMENT: An email from Jerry Mendoza was read. Mendoza expressed concerns regarding the poor condition of 140th. Mendoza cited safety concerns due to multiple rock patches, and concerns about vehicle wear and tear and excessive dust. Mendoza suggested that instead of paying his real estate taxes that perhaps he (and his neighbors) should send invoices to the County for multiple vehicle repairs to see if that might speed up the County's timeline for repairing the road.

ADMINISTRATIVE: Mueller moved to approve the minutes of November 30th. Gehring seconded and motion carried 4-0.

- Change orders affecting 2021 and prior years' taxes were reviewed and signed by the Board.
- A corrected figure for the November 30th payday was presented for approval, to correct a clerical error. Mueller moved to approve the amended payday amount of \$1,102,459.38. Crofoot seconded and motion carried 4-0.
- Dallke moved to approve early checks in the amount of \$16,715.41. Mueller seconded and motion carried 4-0. (Check #s 55360-55368.)
- Gehring moved to approve Pay Application #5 on the heated dock in the amount of \$30,096.00. Mueller seconded and motion carried 4-0.
- Dallke moved to approve Pay Application #5 on the EMS station in the amount of \$20,101.94. Mueller seconded and motion carried 4-0.
- Budgeted transfers were presented for Board approval:

○ Road & Bridge Sales Tax (General Fund) to Capital Improvement	\$ 93,542.00
○ Road Maintenance & Improvement – 7 mills (General Fund) to Capital Improvement	\$327,397.00
○ Road & Bridge Fund to Special Equipment Fund	\$ 83,333.00
○ Noxious Weed to Noxious Weed Capital Outlay	\$ 5,000.00

Mueller moved to approve all transfers as presented. Gehring seconded and motion carried 4-0.

- **Road & Bridge:** Gehring moved to approve and authorize the Vice Chairman to sign Utility Permits 21-48 through 21-49 for Atmos Energy. Mueller seconded and motion carried 4-0 with Dallke abstaining due to conflict of interest (abstention counted with majority prevailing).
- Dallke moved to approve Utility Permits 2021-32 through 21-47 for Evergy. Gehring seconded. Motion carried 4-0.
- An agreement between Marion County and KDOT for project 57-C-5069-01 (safety improvements for 190th/Nighthawk intersection) was presented for approval. Gehring moved to approve the agreement. Mueller seconded and motion carried 4-0.
- A Public Forum Policy and Real Estate Tax Foreclosure Policy were presented for adoption. Dallke moved to adopt the Public Forum Policy effective December 6, 2021. Mueller seconded and motion carried 4-0.
- Mueller moved to adopt the Tax Foreclosure Policy. Gehring seconded and motion carried 4-0.
- A draft request for proposals (RFP) for the annual tax foreclosure sale(s) was presented for review and approval. After discussion, Mueller moved to approve the RFP with the addition that the vendor be required to specify who will be doing the title work, and add a statement that the County prefers title work be handled locally. Crofoot seconded and motion carried 4-0.

EMERGENCY MANAGEMENT: Dir. Randy Frank reported that Countryside Feed is terminating the County's storage lease, and all County items must be removed by January 31, 2022. Different options were discussed. Frank was directed to speak with the County Engineer regarding the possibility of storing the communications tower in one of the buildings at the County shop. The Fair Board will be contacted by Comm. Gehring regarding the possibility of a temporary storage agreement at the fairgrounds for the rest of the equipment. The Board requested that Comm. Crofoot visit with the City of Marion about the possibility of leasing a commercial building in the industrial park. A concept drawing of a storage building was reviewed.

- Gehring moved to adopt Resolution 2021-24 (appointing a voting member and alternate to the South-Central Region Homeland Security Council for Marion County, Kansas). Mueller seconded and motion carried 4-0.

LEADERSHIP MARION COUNTY: Hillsboro Economic Development Director Anthony Roy and Marion County Extension Agent Tristen Cope joined the session to present a general outline for a new Leadership Marion County program and to request Board approval to move forward. It was noted that a resolution will be required to re-establish the program structure and financial oversight. Mueller moved to proceed with formation of the (new) Leadership Marion County to be followed up with a Resolution establishing the framework. Dallke seconded and motion carried 4-0.

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DEPARTMENT ON AGING: Dir. Gayla Ratzlaff requested approval to print either 100 or 200 Marion County Resource Guides for Aging Services. Baker Brothers will print 100 for \$1,099.00 and 200 for \$2,079.00. After discussion, Gehring moved to approve printing by Baker Brothers at a cost not to exceed \$2,200.00 (leaving the number of copies at Ratzlaff's discretion). Mueller seconded and motion carried 4-0.

- Ratzlaff reported on completed and upcoming department projects/activities.

AMBULANCE: Dir. Travis Parmley reported that a regional sales representative will be scheduled to speak with the Board about the purchase of a new ambulance.

- Parmley requested a list of appliances, furniture and other items that will be needed for the new station. The total cost for all items is approximately \$9,988.96. Dallke moved to approve the purchase from the ambulance department budget with the list of items to be provided to the County Clerk. Gehring seconded and motion carried 4-0.
- Parmley requested that ambulance employees be considered for premium pay due to their close exposure to COVID throughout the pandemic.

COMMISSION DISCUSSION – TRASH SERVICE: Mueller noted that over 100 households in Marion County have received discontinuation notices from Waste Connections. Discussion ensued regarding different options. Comm. Kent Becker joined the discussion by phone. Ideas shared were: contact other companies to see if there is interest in picking up some Marion County households; research the process/feasibility of forming a Countywide solid waste authority; see if there is a possibility of coordinating extension of some city trash services into the rural areas. No action was taken.

AMERICAN RESCUE PLAN / INFRASTRUCTURE FUNDS: The Board discussed federal funding through the ARP and Infrastructure programs. Priorities noted by the Board were:

- Employee premium pay;
- Ambulance purchase;
- Health Department / Emergency equipment storage building(s);
- Rural Water project(s);
- Public Access/Safety (Courthouse);
- (Infrastructure) Park & Lake Dam repairs.

LAND BANK DISCUSSION: Spencer noted that there are several outstanding items that need to be addressed before the County is ready to move forward with the administration of the Land Bank. A budget must be approved by the Board of Commissioners, public notices need to be prepared, a Resolution needs to be drafted outlining the meeting dates and times for the first year; a method of tracking, publishing, and posting the property inventory needs to be developed; policies regarding the sale price of properties will need to be adopted by the Land Bank; and an application(s) for individuals wishing to purchase or donate a property need to be developed. The first meeting will be held Monday, January 3, 2022. The Board noted that, due to the large number of tasks that need to be accomplished at the first meeting, it should begin at 10:00 a.m.

PUBLIC FORUM: There were no public comments.

COMMISSION COMMENTS: Several Board members noted that they would like to try to pay premium pay to employees by the end of 2021.

ATTORNEY/CLIENT BUSINESS: Dallke moved to recess into executive session for contract negotiations pursuant to K.S.A. 75-4319b (2) for consultation with our attorney on matters deemed privileged under attorney/client business for 20 minutes with the Board, Jantz, and Spencer present (from 3:37 p.m. until 3:57 p.m.). Gehring seconded. Motion carried 4-0. Open session resumed with no action.

Dallke moved to adjourn. Gehring seconded and motion carried 4-0. Meeting adjourned at 3:58 p.m.

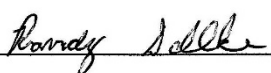
Randy Dallke - Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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MARION COUNTY, KANSAS TAX FORECLOSURE POLICY

Subject: <u>Guidelines and Requirements for Real Estate Tax Foreclosures</u>	Effective Date: December 6, 2021 
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The Board of County Commissioners of Marion County, Kansas desires to develop guidelines and scheduling for real estate tax foreclosure procedures uniformly administered in Marion County, Kansas. The Board of County Commissioners of Marion County, Kansas desires that such guidelines be fairly, consistently, and equitably administered and therefore adopt the following policy toward that end.

A. BACKGROUND

The Board of County Commissioners of Marion County, Kansas is charged with the duty of collecting and maintaining currency through the Marion County Treasurer, on all lawfully levied taxes on real estate within the jurisdictional boundaries of the county. The Governing Board desires to establish guidelines, schedules, and a uniform framework under which it may enforce the collection of delinquent property taxes on subject real estate. While desiring to encourage timely payment and equitable enforcement of tax collections due and owing, the Governing Board also wishes to foster fair treatment for all County residents holding real estate subject to such taxation, equitable access to county officials and processes, and a uniform process to ensure collection. The Governing Board also wishes to ensure an orderly administration of these processes in tax collection and to accomplish proper enforcement within the county.

B. PURPOSE

This policy is intended to establish specific guidelines, annual scheduling, and standards for processing of tax foreclosure sales on properties in the County currently delinquent on real estate taxes of any kind or character. It is the goal of this policy to insure uniformity and equity in the administration of any such guideline application as are adopted from time to time. This policy will also establish a consistent process for tax collection and enforcement with current Kansas law as set forth in K.S.A. 79-2801 et seq., while protecting the rights of all parties under applicable laws.

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C. POLICY

This policy is provided by Marion County for general informational purposes. It is not intended as legal advice or as a complete statement of the law regarding tax foreclosures. The procedures described are subject to change at any time, dependent upon changes in state law and county policy. Neither the County nor the County Counselor are involved in the sale of properties being foreclosed on by a financial institution or mortgage company, and the County does not have information regarding those foreclosures, as they are handled by private attorneys hired by the foreclosing institution.

The County does not maintain a list of properties from prior tax sales for sale to interested parties.

Overview:

1. Marion County will hold an annual tax foreclosure sale for the purpose of collecting unpaid property taxes.
2. The County will only sell those properties for which delinquent taxes have not been paid for at least two (2) years after the taxes became delinquent. Those properties published every September by the County Treasurer as being delinquent are not necessarily available for purchase to the general public.
3. A list of properties subject to tax foreclosure sale will be prepared for processing on or after December 2nd of each calendar year.
4. The County does not maintain a mailing list for parties interested in participating in a tax sale or bidding on County property. Notice is given to the general public as described in the section titled "Before the Auction".
5. Tax sale properties are sold at public auction as described in the section titled "Auction".

Prior to Auction:

1. A petition listing the properties to be foreclosed on by the County for delinquent taxes is filed with the 8th Judicial District Court. Once the petition has been filed, all outstanding delinquent real estate taxes plus interest and court costs become due.
2. Notice is served to those with ownership interest in the properties subject to foreclosure by certified mail, publication and / or personal civil service.

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Once documentation of service has been obtained for all parties with an interest in the property, a court hearing is scheduled, and the court will order the property to be sold by the Sheriff at a public auction.

3. Prior to the auction, the designated County official will publish a notice for three consecutive weeks in the County's officially designated legal publication. The notice will include the date, time and location of the sale, and a list of the properties to be offered at auction including the legal description, available addresses, name of the owners and other parties with an interest in the property, the total amount of taxes, interest and court costs due, and the assessed valuation of each tract of property being offered for sale.
4. The notice of sale and the list of properties to be sold at auction will also be placed on the County's website once the court has ordered the sale.
5. The current owner(s) may redeem the property at any time prior to the date of the sale. Parties with no interest in the property may not pay the delinquent taxes and receive title to the property prior to the sale.
6. Ownership of the property remains with the current owner(s) until the sale. No access to the property is allowed without permission of the owner(s).

Auction:

1. Properties are sold to the highest qualified bidder at public auction. The County may bid on properties up to the amount of taxes, interest and costs owed.
2. Properties may sell for less than taxes, interest and costs owed; or they may sell for more.
3. Bidders must register prior to the sale. Registration will be held during a designated time on the day of the sale, as advertised.
4. State law prohibits the following people from buying at the auction:
 - a. Those who owe delinquent taxes in Marion County.
 - b. Those with an interest in the property – such as owners, relatives, or officers in a corporation that owns the property.
5. All bidders must execute an affidavit, under oath, that they meet the statutory qualifications for bidding on tax sale properties.
6. Properties will be sold by legal description and by tract number.
7. Properties will be sold "As Is" with no warranties.

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8. All properties must be paid for by the end of the business day of the sale. Only cash or cashier's check will be accepted.
9. The fee for filing the deed with the Register of Deeds will be added to the buyer's cost.
10. At the time of payment, the buyer will be issued a receipt.
11. Any buyer who fails to honor his/her successful bid will be prohibited from participating in future tax foreclosure sales and could be subject to legal action by the County.

Post Auction:

1. The Sheriff will report the results of the sale to the court, and the court will confirm the sale.
2. Upon confirmation by the court, a Sheriff's Deed will be issued to the buyer (typically within two to three weeks following the sale).
3. The appointed representative of Marion County will be responsible for filing deeds and other necessary documents as well as delivery to the buyer of such filed documents, which will be mailed to the address given by the buyer on the registration form.
4. All liens which were of record will be extinguished upon confirmation of the sale; however, covenants, restrictions and easements of record are not extinguished and the buyer takes the property subject to those encumbrances.
5. The buyer is responsible for any taxes and assessments which are not included in the judgment, including the full amount of taxes for the calendar year in which the auction is held.
6. The buyer is responsible for taking any necessary legal action to obtain possession of the property, such as filing an eviction proceeding.
7. For twelve (12) months after the deed is recorded, a legal challenge may be made by questioning the procedures the County followed. If such a challenge is successful, the property could revert to the original owner, in which case the court would order the purchase price refunded to the buyer.

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MARION COUNTY, KANSAS PUBLIC FORUM POLICY

Subject: <u>Guidelines and Requirements for Public Forum usage and participation during County Commission meetings</u>	Effective Date: <i>December 6, 2021</i> <i>Randy DeWalt</i>
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The Board of County Commissioners of Marion County, Kansas desires to develop guidelines for the receipt of public comment and input during its convened meetings. The Board of County Commissioners of Marion County, Kansas desires that such guidelines be fairly, consistently, and equitably administered and therefore adopt the following policy toward that end.

POLICY DEVELOPMENT PROCESS

A. BACKGROUND

The Board of County Commissioners of Marion County, Kansas has, from time to time during lawfully convened meetings, the opportunity to receive public comment on both properly scheduled agenda topics as well as topics not contemplated for consideration on a meeting agenda. The Governing Board desires to establish guidelines and a uniform framework under which it may accept such comments and still conduct an orderly and efficient business meeting in furtherance of county affairs. While desiring to encourage public input and a local government responsive to the needs and concerns of its citizenry, the Governing Board also wishes to foster fair treatment for all County residents and meeting attendants having business before the County Commission, equitable access to county officials, and a uniform process for public comment. The Governing Board also wishes to ensure an orderly administration of its meetings to accomplish County business and to promote civility during any meeting of the County Commission.

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B. PURPOSE

This policy is intended to establish specific guidelines and standards for use of a standing agenda item entitled PUBLIC FORUM as well as addressing general guidelines for accepting public comment during other aspects of the public meeting. It is the goal of this policy to ensure uniformity and equity in the administration of any guidelines for usage as are adopted from time to time. This policy will also establish a consistent process for public input and strive to ensure appropriate discourse and decorum, while protecting the rights of all parties under applicable laws.

C. POLICY

Policy Statement Overview.

Public comment will be allowed during regularly scheduled meetings of the Marion County Commission with the intent that, wherever practicable, that such comment be addressed during the Public Forum section of the agenda and that comment during the other portions of the business meeting, while not wholly prohibited, will be limited and recognized only by the Chairman or presiding Commissioner when necessity dictates such public input on a specific topic. The citizen or attendant desiring to comment on matters of a general nature, or related to a specific agenda item, shall sign up in advance of the meeting and shall provide his or her name and address. Any public comment taken on specific agenda items shall require the citizen to state his or her name for the minutes. The Chairman, or presiding Commissioner, may limit the time of each citizen based upon the number of people wishing to speak and the amount of time available for the public comment portion of the meeting. It is the desire of the County Commission that use of the Public Forum to be the primary opportunity for public comment in any meeting and will serve to aggregate such comment, consistent with the other requirements of this policy statement into this specific agenda topic.

Comments.

Comments from the public may be invited and permitted at each regular County Commission meeting at or near both the outset and at the conclusion of the meeting for issues either on or not on the agenda and on any subject, provided that no action shall be taken by the County Commission, except in cases of emergency, on any item not appearing on

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the agenda. Comments from the public may be invited and permitted on each agenda item, before a final vote is taken on the agenda item.

Disruptions.

Disruptions will not be tolerated. Nothing herein shall permit any person or group to disrupt any meeting of the County Commission. Any person disrupting any meeting shall be advised by the Chairman (or presiding Commissioner) or any law enforcement officer to cease the disruption. If the person fails to cease the disruption, the person may be removed from the meeting, and any person so disrupting a meeting may be subject to a fine of not less than five dollars nor more than one hundred dollars for each offense.

Recognition to Speak; Time Limits.

Any person desiring to speak at a meeting of the County Commission, shall obtain recognition of the Chairman, or other Commissioner presiding, before speaking. Unless otherwise ordered by a majority of the members of the County Commission present at a meeting, no person shall speak to the County Commission for more than three (3) minutes on any one topic unless granted additional time by the Chairman or other Commissioner presiding. The same person may address the County Commission for three (3) minutes each on more than one topic. The Chairman, with the approval of the Board, reserves the right to limit the number of topics to be addressed by citizens in the interest of time at a given meeting.

County Officers and Employees.

Nothing in this policy shall be construed to prohibit any member of the County Commission from speaking at any time and at any length, subject to rules of order, and nothing herein shall prohibit any county officer or employee from asking for recognition and making a comment or suggestion at any time during the County Commission proceedings.

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Comments on an Agenda Item; Time Limit.

During the discussion of any agenda item, the Chairman or other Commissioner presiding at the meeting may, if necessity dictates, recognize any persons present at the meeting desiring to comment on that particular item. The Chairman, or other Commissioner presiding, may limit the time taken per person for such comments.