

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

June 27, 2022

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

PUBLIC FORUM: There were no public comments.

ADMINISTRATIVE: Comm. Mueller moved to approve corrected minutes of June 9th, and the minutes of June 13th, 17th, 20th, and 24th. Gehring seconded and motion carried 5-0.

- Revised payables for June 20th in the amount of \$26,807.96 were presented for approval (prior approval was for \$185,610.49, but check #51531 in the amount of \$184,610.49 was voided and re-issued via check 51532 in the amount of \$25,807.96 due to a real estate transaction being delayed by the Board.) Becker moved to approve the amended payables for June 20th. Crofoot seconded and motion carried 5-0.
- Payables in the amount of \$15.00 and special payroll (ARPA premium pay) in the amount of \$705,450.02 for a grand total of \$705,465.02 were presented for approval. Crofoot moved to approve payables/payroll in the amount of \$705,465.02. Mueller seconded and motion carried 5-0. (Ck #51533).
- Gehring moved to adopt Resolution 2022-21 Amending the Mileage Rate for County Business Conducted in Personal Vehicles (changing the rate to 62.5 cents per mile effective July 1). Becker seconded and motion carried 5-0.
- **School Screens:** An agreement between Marion County Special Ed Cooperative (MCSEC) and Marion County Health Department (MCHD) for school screens was presented to the Board for approval. Gehring moved to approve the agreement between MCSECD and MCHD. Dallke seconded and motion carried 5-0.
- Becker moved to approve the Lead Corrections Officer job description. Crofoot seconded and motion carried 5-0.
- Becker moved to opt in and approve participation in the regional hazard mitigation plan for the next five years and to authorize the Chairman to sign. Gehring seconded and motion carried 5-0.
- Becker moved that moving forward the Chairman be authorized to sign any documents presented for signature on items previously passed/approved by the Board. Gehring seconded and motion carried 5-0.
- Gehring moved that the signatory authority granted in the previous motion be extended to the Vice Chairman in absence of the Chairman. Becker seconded and motion carried 5-0.
- 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 present for nine minutes until 1:00 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

DEPT. ON AGING: Dir. Gayla Ratzlaff presented a quarterly report for the department.

APPRAISER: Co. Appraiser Nicole Reid joined the session via teleconference. Asst. Appraiser Carl Miller joined in person. 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, Reid, Miller, and Spencer present for 10 minutes until 1:22 p.m. Gehring seconded and motion carried 5-0. Open session resumed with a motion by Gehring to approve a one-year contract with Carl Miller (to continue as Assistant Appraiser). Dallke seconded and motion carried 5-0.

SECURITY RFP: Lloyd Davies, Great Plains Computers and Networking joined the session to present information and a recommendation for potential bid award. Alternate options for the Road & Bridge south shop were discussed. After discussion, Gehring moved to award the bid for the courthouse security cameras to 4PC in the amount of \$115,773.57. Mueller seconded and motion carried 5-0.

- Mueller moved to reject all bids for the south shop security system/camera RFP and ask the Co. Engineer, Sheriff, and IT Specialist to look for other options. Becker seconded and motion carried 5-0.

ROAD & BRIDGE: Co. Engineer Brice Goebel presented information about upcoming and ongoing projects and department activities. Mueller moved to purchase a 96" magnet from Bunting in the amount of \$33,686.00. Gehring seconded and motion carried 4-1 with Becker opposed.

Area fuel bids were reviewed:	Area 1	Area 2	Area 3
	1,400 gals.	1,950 gals.	1,950 gals.
Epp's Service, Elbing	4.6490 = \$6,508.60	4.6990 = \$9,163.05	4.6390 = \$9,046.05
MFA Oil, Lincolnville	5.0960 = \$7,134.40	4.0034 = \$9,756.63	5.0960 = \$9,937.20

Gehring moved to accept the low bid from Epp's for all three areas. Becker seconded and motion carried 5-0.

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June 27, 2022, Continued

ROAD & BRIDGE, CONTINUED: 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, Jantz, Goebel, and Spencer present for 10 minutes (until 2:14 p.m.). Gehring seconded and motion carried 5-0. Open session resumed with no action.

CO. COUNSELOR: Gehring moved to adopt Resolution 2022-22 (Regulating Private Maintenance or Interference by Private Parties with Public Rights of Way or Easements in Marion County, Kansas and Rescinding the Prior Resolution No. 22-09 Previously Passed). Mueller seconded and motion carried 5-0.

- Mueller moved to approve the Marion County Public Works Department County Road Entrance & Culvert Policy. Gehring seconded and motion carried 5-0.
- Mueller moved to adopt the Marion County, Kansas Agenda Policy. Gehring seconded and motion carried 5-0.
- Mueller moved to recess into executive session to discuss litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege for three minutes until 2:29 p.m. with the Board, Jantz, and Spencer present. Becker seconded and motion carried 5-0. Open session resumed with a motion by Gehring to approve a settlement agreement related to events that occurred on July 6, 2021 subject to staff review. Dallke seconded and motion carried 5-0.

PUBLIC FORUM: Tom Britain commented on the recent Symphony in the Flint Hills event and expressed concerns about the ongoing wind farm project in the southern part of the County.

- Bob Gayle expressed concern that a company that previously owned the project was not properly vetted by the County.
- Gary Williams said he is still against the project, and asked who is responsible for vetting companies involved.

PROPERTY ACQUISITION: Mueller moved to recess into executive session pursuant to K.S.A. 75-4319b (6) for preliminary discussion of acquisition of real estate with the Board and Jantz present for 15 minutes until 2:55 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

Mueller moved to adjourn. Becker seconded and motion carried 5-0. Meeting adjourned at 2:56 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

June 27, 2022

RESOLUTION 2022 - 21

**A RESOLUTION AMENDING THE MILEAGE RATE FOR COUNTY BUSINESS
CONDUCTED IN PERSONAL VEHICLES.**

WHEREAS, Marion County provides county-owned vehicles to their employees when traveling for county business; and

WHEREAS, the designated county-owned vehicles are not always available and the employee must drive their personal vehicle for county business; and

WHEREAS, the standard mileage rate for businesses set by the Internal Revenue Service is currently at 62.5 cents per mile.

NOW THEREFORE BE IT RESOLVED, that the mileage rate paid to County officials and County employees traveling on county business, in personal vehicles, be established at 62.5 cents per mile, effective July 1, 2022.

This resolution, upon motion duly made and seconded, passed this 27th day of June, 2022.


**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**


David Mueller, Chairman – District 2


☒ Yea
☐ Nay
☐ Abstain


Kent Becker, Member – District 1


☒ Yea
☐ Nay
☐ Abstain


Randy Danke, Member – District 3

☒ Yea
☐ Nay
☐ Abstain


Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain


Jonah Gehring, Member – District 5

☒ Yea
☐ Nay
☐ Abstain



ATTEST:


Tina D. Spencer, County Clerk

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

June 27, 2022

RESOLUTION NO. 22 22

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 AND RESCINDING WITH PASSAGE OF THIS RESOLUTION, THE PRIOR RESOLUTION NO. 2209 PREVIOUSLY PASSED.

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, with the exception of activities outlined in paragraph 2 supra, 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. An express exception shall be recognized for minor landscape-related activities by private citizens including, but not limited to, mowing, weed control and removal, debris cleanup, tree trimming that does not involve removal of mature trees, and other minor maintenance tasks.
3. Any activity undertaken pursuant to paragraph preceding, shall require and impose full and complete indemnification by the private citizen undertaking the activity to Marion County from any and all damages, negligence, or any related liability for the work done by the private citizen.
4. 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.
5. 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

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- damage.
6. 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.
 7. 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.
 8. That the previously adopted and passed Resolution of Marion County, No. 2209 is hereby rescinded in its entirety with the adoption and passage of this Resolution.

Motion to approve the above Resolution was made by Jonah Gehring, Commissioner, seconded by David Mueller, Commissioner, and upon roll call was passed by the following vote this 27 day of June, 2022.

ADOPTED AND APPROVED by the Board of Marion County Commissioners on June 27, 2022.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**

David Mueller ☒ Yea
[] Nay
[] Abstain
David Mueller, Chairman – District 2

Kent Becker ☒ Yea
[] Nay
[] Abstain
Kent Becker, Member – District 1

Randy Dallke ☒ Yea
[] Nay
[] Abstain
Randy Dallke, Member – District 3

Dave Crofoot ☒ Yea
[] Nay
[] Abstain
Dave Crofoot, Member – District 4

Jonah Gehring ☒ Yea
[] Nay
[] Abstain
Jonah Gehring, Member – District 5



ATTEST:

Tina Spencer
Tina Spencer, Marion County Clerk