

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

October 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. 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 County staff, members of the public, and members of the press.

PUBLIC FORUM: Craig Isom of Eaglemed commented that they are available as a resource for Marion County to supplement services being provided by EMS.

ADMINISTRATIVE: Sales tax for the month of July, 2022 has been received in the amount of \$119,320.96.

- Gehring moved to approve the minutes of September 30th and October 3rd. Dallke seconded and motion carried 5-0 with Becker abstaining since he was absent for one of the meetings (abstention counted with majority prevailing).
- Gehring moved to approve payables in the amount of \$97,693.72. Crofoot seconded and motion carried 5-0.
- Mueller moved to adopt a proclamation naming October, 2022 as Domestic Violence Awareness and Prevention Month in Marion County, Kansas. Becker seconded and motion carried 5-0.
- Gehring moved to seek lease purchase bids (for the Health Department's new Ford Explorer). Becker seconded and motion carried 5-0. Becker noted that he would be in favor of a moratorium on vehicle purchases unless budgeted for cash payment.
- Spencer reported that the alarm system used by Department on Aging staff at the Marion Senior Center building is malfunctioning. Installing a new system like what the Courthouse has would cost over \$15,000.00. The Board agreed that Spencer should review other options.
- A brief overview of the Marion County Leadership program and an invitation to the graduation on Thursday, October 13th was shared with the Board.

COUNTY APPRAISER: Co. Appraiser Nicole Reid presented bids for a vehicle to replace the department's 2002 Chevy Blazer. The purchase is budgeted for 2022 in the amount of \$30,000.00. Several new and used vehicles in stock in Hillsboro and McPherson were presented and reviewed. After discussion, Dallke moved to purchase a new 2023 Chevy Trailblazer at a cost not to exceed \$25,000.00. Mueller seconded and motion carried 5-0.

- Gehring moved to list the used vehicles (Health Department and Appraiser's Office) with Purple Wave. Mueller seconded and motion carried 5-0.

HEALTH DEPARTMENT: Dir. Krista Schneider was present for department business. Schneider noted that the Expanding Infrastructure grant must be used by July 2023 and could be used for remodeling costs if a location is found for the Health Department.

- Ongoing and upcoming department activities were discussed with no action. Crofoot, Dallke and Mueller signed up for time slots to serve as greeters at the upcoming Health Fair on November 5th.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead presented Case No. PC 22-07 – request for a conditional use permit to establish an RV Campground on property zoned agricultural (at 674 Old Mill, Peabody) in the northwest quarter of section 3-22-3, which was recommended for approval by the Planning Commission. The applicant was also present. After discussion, Mueller moved to adopt Resolution 2022-27 Granting a Conditional Use Permit to Establish an RV Campground on Certain Property Located at 674 Old Mill, Peabody, Kansas. Gehring seconded. Motion carried 5-0.

- Text amendments to the zoning regulations were presented for review and approval. After discussion, Mueller moved to adopt Resolution 2022-28 Concerning the Adoption by Reference of the October 2022 Edition of the Zoning and Subdivision Regulations for all the Unincorporated Portion of Marion County, Kansas. Gehring seconded and motion carried 4-1 with Dallke opposed.
- 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, Omstead, and Spencer present for five minutes until 1:34 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

ROAD & BRIDGE: Co. Engineer Brice Goebel presented road crossing permits for approval: #22-6 – for Diepenbrock Farms to bore under Vista for irrigation pipe in the east half of the northeast quarter of 10-18-04, ¾ miles north of the Vista & 290th intersection; #22-7 – for EPC Services Company to install temporary construction entrances on north and south sides of Broadway and Highway 77 in Burns; #22-8 for EPC Services Company to install temporary construction entrances on east and west sides of Wagonwheel 1.3 miles southeast of Florence. Mueller moved to approve road crossing permits #22-6, 22-7, and 22-8. Gehring seconded and motion carried 5-0.

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October 11, 2022, Continued

ROAD & BRIDGE, CONTINUED: Mueller moved to approve the final invoice to Vance Brothers for the micro surfacing project in the amount of \$621,704.40. Gehring seconded and motion carried 5-0.

- A salary sheet was signed for Douglas Ludwig, new Equipment Operator II at \$2,662.00/mo. effective 9/28/2022.
- Ongoing and upcoming department activities and projects were discussed with no action.
- Goebel presented a draft letter to KDOT requesting that they include their rights of way that connect to County roads on future overlay/maintenance projects. Mueller moved that the letter should come from the Board of County Commissioners, to be signed at the next meeting. 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, Goebel, and Spencer present for 15 minutes until 2:02 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

FMLA REQUEST: Mueller moved to recess into executive session to review a request for family medical leave pursuant to K.S.A. 75-4319b (1) for personnel matters of nonelected personnel with the Board and Spencer present for five minutes until 2:10 p.m. Gehring seconded and motion carried 5-0. Open session resumed with a motion by Mueller to approve FMLA leave for a qualified employee. Becker seconded and motion carried 5-0.

COMMISSION DISCUSSION – COUNTY ADMINISTRATOR: Mueller noted that one year ago the Board directed Gehring and Mueller to gather information regarding the position of Marion County Administrator. Mueller indicated that they would like to bring in consultant Don Osenbaugh during the month of November to discuss the position. The Board had no objections.

CO. COUNSELOR: Co. Counselor joined the session via telephone and Interim EMS Director Chuck Kenney joined in person. Mueller moved to recess into executive session to discuss potential litigation 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, Kenney, and Spencer present until 2:25 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

Comm. Dallke left the meeting temporarily.

EMPLOYMENT INTERVIEWS – EMS DIRECTOR: Dr. Don Hodson, Sheriff Jeff Soye, and Interim EMS Dir. Chuck Kenney joined as members of the interview panel. Mueller moved to recess into executive session to conduct an interview for the EMS Director position with the Board, members of the interview panel, and an applicant present for 45 minutes until 3:20 p.m. Gehring seconded and motion carried 4-0. Comm. Dallke rejoined the meeting during the executive session. Open session resumed with no action.

- Comm. Gehring left the meeting, briefly. Mueller moved to recess into executive session to conduct an interview for the EMS Director position with the Board, members of the interview panel, and an applicant present for 45 minutes from 3:30 p.m. to 4:15 p.m. Becker seconded and motion carried 4-0. Comm. Gehring joined the executive session in progress. Open session resumed with no action.
- Mueller moved to recess into executive session to discuss the candidates for the EMS Director position with the Board and the panel present for 15 minutes until 4:33 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

COMMISSION COMMENTS: Mueller discussed the annex building. Gehring commented that the Board should put the brakes on plans for the Planning and Zoning department to move into the building. No official action was taken.

Mueller moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 4:36 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

October 11, 2022, Continued

RESOLUTION NUMBER 2022-27

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH AN RV CAMPGROUND ON CERTAIN PROPERTY LOCATED AT 674 OLD MILL, PEABODY, KANSAS.

WHEREAS, application has been made by Devon Desrochers, owner, requesting a Conditional Use Permit to establish an RV Campground on property zoned "A" Agricultural District, in the Northwest Quarter of Section 3, Township 22 South, Range 3 East, Marion County, Kansas; and,

WHEREAS, following proper notification in the official County newspaper of a public hearing, on August 31, 2022, the Marion County Planning Commission held a public hearing on Case No. PC-22-07 on September 22, 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 of an RV Campground on certain property within the unincorporated portion of Marion County, Kansas; 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.

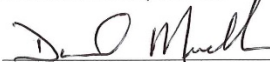
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, THAT:

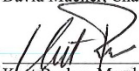
1. The following described property is hereby granted a Conditional Use Permit to establish an RV Campground:
S03, T22, R03, ACRES 10.09, PRT NW/4 COM NW/4 S ON W LI NW/4 1070' TO POB E 958.22' SWLY
544.40' W 278.67' NWLY 425.69' W 259.61' TO W LI NW/4 N ON W LI 435' TO POB LESS ROW
2. This resolution shall be in full force and effect from and after publication in the official county newspaper.

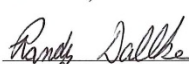
BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.


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

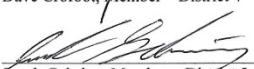
BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS


David Mueller, Chairman – District 2 ☒ Yea
☐ Nay
☐ Abstain


Kent Becker, Member – District 1 ☒ Yea
☐ Nay
☐ Abstain


Randy Salke, 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**

October 11, 2022, Continued

RESOLUTION NO 2022-28

A RESOLUTION CONCERNING THE ADOPTION BY REFERENCE OF THE OCTOBER 2022 EDITION OF THE ZONING AND SUBDIVISION REGULATIONS FOR ALL OF THE UNINCORPORATED PORTION OF MARION COUNTY, KANSAS.

WHEREAS, the Marion County Planning Commission has prepared in book form an update to the Marion County Zoning and Subdivision Regulations for all of unincorporated Marion County, Kansas; and,

WHEREAS, the Marion County Planning Commission has conducted public hearings on said proposed October 2022 Edition of the Zoning and Subdivision Regulations for all of unincorporated Marion County, Kansas; and,

WHEREAS, said public hearings were conducted pursuant to K.S.A. 12-741 et seq, as amended, following published notification; and,

WHEREAS, good and proper written notification to all cities within Marion County was given in accordance with K.S.A. 12-743; and,

WHEREAS, the Marion County Planning Commission has, by a majority vote of all its members, recommended that the Governing Body of Marion County, Kansas, adopt said October 2022 Edition of the Zoning and Subdivision Regulations for all of unincorporated Marion County, Kansas, as proposed;

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

1. The proposed October 2022 Edition of the Zoning and Subdivision Regulations for all of the unincorporated portion of Marion County, Kansas, are hereby adopted pursuant to K.S.A. 12-741 et seq, as amended.
2. That said October 2022 Edition of the Zoning and Subdivision Regulations for all of the unincorporated portion of Marion County, Kansas, were prepared in book form by the Marion County Planning Commission under the date of September 22, 2022, and the same is hereby declared to be approved and incorporated by reference as fully as if set out herein pursuant to K.S.A. 12-3301, as amended, and K.S.A. 12-3303 through 12-3305.
3. That not less than three (3) copies of the October 2022 Edition of the Zoning and Subdivision Regulations shall be filed with the County Clerk marked "Official Copy as Incorporated by Resolution Number 2022-28" and to which there shall be attached a published copy of this Resolution, said copies to be open for inspection and available to the public at all reasonable hours.
4. That any provision of this Resolution which shall be declared invalid shall not affect the validity and authority of any other sections.
6. That previous resolutions and any parts of resolutions in conflict with this Resolution are hereby repealed.

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October 11, 2022, Continued


7. That this Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

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

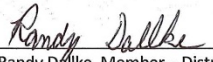
**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**


David Mueller, Chairman – District 2


☒ Yea
☐ Nay
☐ Abstain


Kent Becker, Member – District 1


☒ Yea
☐ Nay
☐ Abstain


Randy Dalke, 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
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October 11, 2022, Continued

**PROCLAMATION
DOMESTIC VIOLENCE AWARENESS AND PREVENTION MONTH
OCTOBER 2022**

WHEREAS, October is Domestic Violence Awareness and Prevention Month, a time to draw attention to the prevalence of Domestic Violence and bring awareness to individuals and communities. Domestic Violence is a widespread problem. We know that, in the United States alone, nearly one in three women and one in four men have experienced some form of Domestic Violence by an intimate partner and one in four women and one in seven men have been severely abused by an intimate partner at some time in their lives. (NCADV, 2021).

WHEREAS, Domestic Violence happens in all communities. In 2020, the Kansas Bureau of Investigations found that in Marion County, there were 44 reported Domestic Violence incidents and 27 arrests. In the same year, 18 Protection from Abuse Orders were filed (DV, Stalking, Rape in Kansas, KBI, Kirk D. Thompson).

WHEREAS, we have the power to change this. We can all make a difference to ensure that our communities are safe, educated, and respectful for everyone. We can do this by attending educational meetings, listening to the women and men who share their courageous stories, and by not ignoring or being silent anymore.


WHEREAS, 2022 marks the THIRTY-FIFTH anniversary of Domestic Violence Awareness and Prevention month, and the theme of this year's campaign is "WE ARE RESILIENT." This theme continues to build on NCADV's 2021 DVAM "Take A Stand" campaign, both focusing on ways to connect and unite individuals and organizations working on Domestic Violence issues while raising awareness. Over the past 30+ years, much progress has been made to support domestic violence victims and survivors, to hold abusers accountable, and to create and update legislation to further those goals.

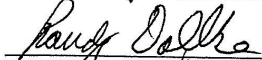
NOW THEREFORE, we, the Board of Marion County Commissioners in the State of Kansas, do hereby proclaim the month of October 2022 as "Domestic Violence Awareness and Prevention Month" in Marion County, Kansas.

Adopted this 11th day of October 2022.

BOARD OF MARION COUNTY COMMISSIONERS

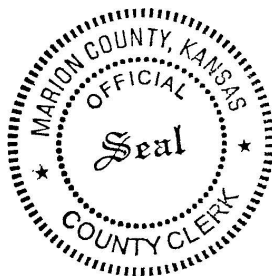

David Mueller, Chairman – District 2



Kent Becker, Commissioner – District 1


Randy Ballke, Commissioner – District 3


Dave Crofoot, Commissioner – District 4


Jonah Gehring, Commissioner – District 5



ATTEST:

Tina D. Spencer, Marion County Clerk