

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

January 23, 2023

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

PUBLIC FORUM: There were no public comments.

ADMINISTRATIVE: Gehring moved to approve the minutes of January 17th. Becker seconded and motion carried 5-0.

- Gehring moved to approve initial invoices to 4PC for the annex cabling and security projects for a total of \$12,211.68. Dallke seconded and motion carried 5-0.
- Gehring moved to approve an early check to 4PC in the amount of \$12,211.68. Becker seconded and motion carried 5-0 (check #47094).
- Dallke moved to install a solid core door at the annex (leading to the EMS Director's office) at a cost of \$550.00. Gehring seconded and motion carried 5-0.
- Spencer recommended that the Transfer Station Truck Driver position be moved from Step D to Step E on the pay plan. Mueller moved to accept the recommendation. Gehring seconded and motion carried 5-0.
- Crofoot moved to adopt Resolution 2023-03 establishing the salaries for the elected officials of Marion County, Kansas for the year 2023. Mueller seconded and motion carried 5-0. Dallke requested that a discussion regarding the pay of County Commissioners be placed on an upcoming agenda.
- A summary of approved raises for the January 2023 pay period was signed by the Board.
- **Kanza Road Project:** The Notice of Award to Wildcat Construction Co., Inc. was signed by Vice Chr. Crofoot.
 - Gehring moved to approve the project agreement and authorize the Vice-Chairman to sign. Becker seconded and motion carried 5-0.
 - Gehring moved to approve Change Order #1 (reducing the contract amount from \$2,675,200.00 to \$2,444,650.00). Dallke seconded and motion carried 5-0.
- A salary sheet was signed for Ashlynn Daniel, new Office Administrator I in the Appraiser's Office at \$2,491.00/mo. effective 1/17/2023.
- A salary sheet requesting placement of new hire Bruce Burke as a Sheriff's Deputy on step 11 of the pay plan at \$23.10/hour was presented for Board action. Gehring moved to approve the wage of \$23.10/hour for Bruce Burke effective 2/8/2023. Dallke seconded and motion carried 5-0.

ROAD & BRIDGE: Co. Engineer Brice Goebel requested an executive session to discuss property acquisition. Crofoot 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, Goebel, and Spencer present for five minutes until 1:00 P.M. Becker seconded and motion carried 5-0. Open session resumed with no action.

- **Public Hearing – Eagle Road/Bridge Closure:** Vice Chr. Crofoot opened a public hearing on the matter of the closure of 400' of Eagle Road between 230th and 220th (including Bridge #70) beginning 1,650' south of 230th. Members of the public in attendance were Chasen Gann, Ron Duerksen, Paul Thiessen, Ellamae Thiessen, and Larry Stuchlik. Co. Engineer Brice Goebel was also present. Gann spoke on behalf of landowners present, indicating that they have concerns about closing the road in the proposed locations north and south of the bridge. Gann indicated that it would be safer and agreeable to the landowners to vacate the road about 150' north of 220th (north of the existing culvert structure) all the way to 230th. Landowners would provide each other with legal access agreements and would be responsible for gating the closed section of roadway. Gehring moved to close the hearing and expand the scope of closure/vacation. Becker seconded and motion carried 5-0. A new hearing will be scheduled.
- Goebel provided information regarding the cost/value of two iron beams requested for donation by USD 408. The beams would cost the district about \$1,650.00 new. Goebel said the scrap value for the County's beams would be \$60 or less. After additional discussion, Crofoot moved to donate two 23' steel beams to USD 408 for their sports scoreboard and to notify other schools that the County might be a resource for them for a similar need in the future. Gehring seconded and motion carried 4-1 with Dallke opposed.
- The agreement with Vance Brothers was discussed. Jantz indicated he would like some changes.
- The area near 80th and Goldenrod was discussed with no action.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead presented the Planning Commission's recommendation for case PC22-08 regarding a conditional use permit application to operate a custom shipping container modification business on certain property located at 1803 Indigo, Hillsboro.

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January 23, 2023, Continued

PLANNING/ZONING/ENVIRONMENTAL HEALTH, CONTINUED: The Recommendation was to approve a portion of the request and deny the other portion of the request. The applicants, Riley Oliphant, Zach Haskins, and Quentin Heidt were present. Also present was Hillsboro City Administrator Matt Stiles. After discussion, Crofoot moved to adopt Resolution 2023-04 granting a conditional use permit to operate a custom shipping container modification business at 1803 Indigo, Hillsboro (with conditions). Mueller seconded and a roll call vote was taken: Mueller – yay; Crofoot – yay; Gehring – nay; Becker – nay; Dallke – yay. Motion carried 3-2.

- Omstead discussed the development of a process to allow cities to have more potential influence in County zoning decisions near their city boundaries. No action was taken.
- **Planning Commission Appointment:** Jantz indicated that his legal opinion is that Derek Belton would be eligible to continue serving in the at-large position, and that any term limit would have reset when the new position was created and filled. Gehring moved to reappoint Derek Belton for the at-large position. Becker seconded. Motion carried 5-0.
- Crofoot 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, Jantz and Spencer present for five minutes until 2:51 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

PARK & LAKE: Supt. Isaac Hett reported that a meeting has been requested by the Kansas Division of Water Resources and the project engineer for the dam project. All Board members were interested in attending, so the meeting will be deemed a special meeting of the Board of Commissioners.

- Ongoing and upcoming department activities and projects were discussed with no action. Hett suggested a work session be scheduled soon regarding potential changes to fees.

PROPERTY DISCUSSION: Crofoot moved to recess into executive session to discuss potential 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 3:17 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

CO. COUNSELOR: The Board reiterated interest in Jantz drafting a continuing education policy for Road & Bridge similar to one in Chase County. An agreement for the County to pay for CDL training in exchange for a commitment to work for the County for a period of time was also requested.

PUBLIC FORUM: There were no public comments.

COMMISSIONER COMMENTS: There were no Commissioner comments.

Crofoot moved to adjourn. Becker seconded and motion carried 5-0. Meeting adjourned at 3:27 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

RESOLUTION 2023-03

**A RESOLUTION ESTABLISHING SALARIES FOR ELECTED OFFICIALS OF
MARION COUNTY, KANSAS FOR THE YEAR 2023.**

WHEREAS, Marion County, Kansas is a county municipal government and it is the duty of the County Commission to establish salaries on an annual basis for all elected officials; and





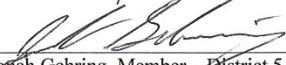
WHEREAS, the County Commission is now prepared to establish salaries for all elected County Officials in accordance with the County's Compensation and Classification Policy.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Marion County, Kansas that the following salaries for elected County officials for the calendar year 2023 are hereby established effective for the January 2023 pay period which began December 21, 2022:

County Attorney	\$74,421	County Sheriff	\$67,661
County Clerk	\$71,868	County Treasurer	\$59,133
County Commissioners	\$18,096	Register of Deeds	\$55,244

ADOPTED by the Board of Commissioners of Marion County, Kansas this 23rd day of January 2023.

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

	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
David Mueller, Chairman – District 2	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Kent Becker, Member – District 1	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Randy Dalke, Member – District 3	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Dave Crofoot, Member – District 4	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Jonah Gehring, Member – District 5	



ATTEST:


Tina D. Spencer, County Clerk

**RECORD OF PROCEEDINGS
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MARION COUNTY, KS**

RESOLUTION NUMBER 2023- 04

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO OPERATE A CUSTOM SHIPPING CONTAINER MODIFICATION BUSINESS ON CERTAIN PROPERTY LOCATED AT 1803 INDIGO, HILLSBORO, KANSAS.

WHEREAS, application has been made by Quentin Heidt on behalf of the Realest Estate LLC, owner, requesting a Conditional Use Permit to operate a custom shipping container modification business on property zoned "SR" Suburban Residential District, in the Southeast Quarter of Section 4, Township 20 South, Range 2 East, Marion County, Kansas; and,

WHEREAS, following proper notification in the official County newspaper of a public hearing, on Nov. 9, 2022, and again on Nov. 29, 2022 (for the rescheduled meeting), the Marion County Planning Commission held a public hearing on Case No. PC-22-08 on January 5, 2023, to consider the above said proposed conditional use; and

WHEREAS, the Marion County Planning Commission has recommended approval in part and denial in part of application PC-22-08. The portion pertaining to industrial manufacturing, other than the construction of permanent units to be used on site, is recommended for denial. The portion pertaining to modified shipping containers for residential and/or short-term rental use on certain property within the unincorporated portion of Marion County, Kansas, is recommended for approval and 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 modified shipping containers for residential and/or short-term rental use, subject to the conditions and restrictions listed herein:

S04, T20, R02, ACRES 1.54, PT SE/4 SE/4 BEG SE/C SE/4 TH N 544.5' W 78.37' SWLY 577.5' E 243.38' POB LESS ROW

2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:
 - a. Establishment of up to three single-family units with a maximum of three containers per unit that may be used for short term rental purposes, and one additional container for accessory use (total of 10 shipping containers); and,
 - b. The CUP shall be reviewed every five years for compliance; and,
 - c. The site development must comply with all state, federal and local regulations; and,
 - d. Manufacturing shall be limited to the construction of permanent units to be used on-site; and,
 - e. A restrictive covenant shall be filed stating that the parcel and housing units shall remain in single ownership.
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 23rd day of January, 2023.



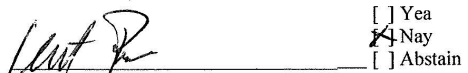
ATTEST:


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

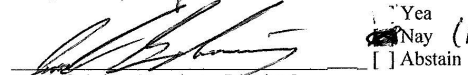
☐ Yea
☒ Nay
☐ Abstain


Randy Dalke, Member – District 3

☒ Yea
☐ Nay
☐ Abstain


Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain


Jonah Gehring, Member – District 5

☒ Yea
☒ Nay (Nay)
☐ Abstain