

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

March 27, 2023

Commission met in regular session at 10:30 a.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 staff, members of the public, and members of the press.

**PERSONNEL DISCUSSION:** Mueller moved to recess into executive session to review employee evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with only the Board present for one hour until 11:30 a.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Mueller moved to recess into executive session to review an employment application for the Department on Aging Dir., pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Spencer present for 10 minutes until 11:45 a.m. Dallke seconded and motion carried 5-0. Open session resumed with no action. Meeting recessed until 12:30 p.m.

**PUBLIC FORUM:** There were no public comments.

**ADMINISTRATIVE:** Dallke commented that the reason he was in favor of purchasing the higher-priced mower for the Park & Lake last week was due to his personal experience with the quality and durability of Hustler mowers, in addition to the number of hours reflected in the warranty.

- Gehring moved to approve the minutes of both the special and regular meetings of March 20<sup>th</sup>. Crofoot seconded and motion carried 5-0.
- Change orders affecting 2022 and prior years' tax rolls were reviewed and signed by the Board.
- Gehring moved to approve a materials invoice for the micro-surfacing aggregate to be paid to Vance Brothers in the amount of \$29,771.37. Becker seconded and motion carried 5-0.
- Becker moved to adopt Resolution 2023-08 – (declaring a state of local disaster emergency for Marion County, Kansas due to grassland fires on March 23, 2023). Gehring seconded and motion carried 5-0.
- Transport Fuel Bids were reviewed:

	Tank #3	Tank #1	Unleaded	Total
	4,500 gals.	1,000 gals.	2,500 gals.	
MFA Oil, Lincolnville	3.355	2.8879	2.7337	\$24,819.65
Epp's Service, Elbing	3.033	2.7770	2.6580	\$23,070.50

Gehring moved to approve the bid from Epp's Service in the amount of \$23,070.50. Dallke seconded and motion carried 5-0. Dallke questioned whether our specifications exclude any vendors. Co. Counselor joined the session at 12:43 p.m.

- A letter of support for the County's cost-share application was presented to the Board for review and approval. Gehring moved to approve. Becker seconded and motion carried 5-0.
- The agreement between KDOT and Marion County for the Economic Development Grant award on a portion of 290<sup>th</sup> was presented for review and approval. Mueller moved to approve KDOT Agreement #096-23 for project #KA6899-01 for work on 290<sup>th</sup> funding through the economic development gran. Becker seconded. Motion carried 5-0.

**AMBULANCE:** Dir. Curt Hasart presented run statistics for January and February. Hasart provided an update on department activities and projects.

- Quarterly write-offs were presented for approval in the amount of \$8,069.40. Dallke moved to write off \$8,069.40. Crofoot seconded and motion carried 5-0.
- Mueller moved to recess into executive session to discuss pending 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, Hasart, and Spencer present for five minutes until 1:05 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

**APPRAISER:** Co. Appraiser Nikki Reid joined the session. Mueller moved to recess into executive session to discuss contract negotiation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board, Jantz, Reid, and Spencer present for 15 minutes until 1:25 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Mueller moved to increase Reid's salary to step one of the pay plan effective immediately, accelerating the July 1<sup>st</sup> increase date stated in her contract. Dallke seconded and motion carried 5-0.
- Reid noted that training will be offered soon for the Pictometry program.

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March 27, 2023, Continued

**CO. COUNSELOR:** A bridge that was damaged during a controlled burn has been closed for safety reasons. An insurance claim has been submitted and repair options and cost estimates are being sought. Jantz said he will contact the landowner and / or his insurance carrier.

- The Board directed Jantz to work with Park & Lake Supt. Isaac Hett regarding abandoned items in the outdoor storage area at the lake, and then work with him to prioritize other legal work including various lease agreements.
- 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 1:50 p.m. Becker seconded and motion carried 5-0. Open session resumed with no action.
- Mueller moved to recess into executive session to discuss property acquisition pursuant to K.S.A. 75-419b (6) for preliminary discussion of acquisition of real estate with the Board, Jantz, and Spencer present for 10 minutes until 2:00 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.
- Mueller moved to approve a draft agreement between Marion County and the Marion Advancement Campaign to purchase property located at 1220 E. Main in Marion to use for a public health department for \$1.00. Crofoot seconded and motion carried 3-2 with Gehring and Becker opposed. Mueller thanked the Marion Advancement campaign and noted that he hopes to come to consensus to move forward with utilizing the property for public health.
- Mueller moved to recess into executive session to discuss matters of litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board, Jantz, and Spencer present for 10 minutes until 2:20 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.
- Mueller moved to recess into executive session to discuss matters of litigation pursuant to K.S.A. 75-4319b (2) for consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board, Jantz, and Spencer present for five minutes until 2:26 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.
- Mueller moved to recess into executive session to discuss acquisition of real estate pursuant to K.S.A. 75-4319b (6) for preliminary discussion of acquisition of real estate with the Board, Jantz, and Spencer present for five minutes until 2:32 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

**COMMISSIONER COMMENTS:** Comm. Becker noted that he was surprised to read in the newspaper that the USD 408 school board was discussing whether or not a potential new health department building could utilize the district office driveway as an exit for a proposed drive through. Becker said that the Board of County Commissioners had not given anyone authority to make those inquiries. Comm. Crofoot noted that he was having general conversations with a school board member to gather information for future consideration.

Mueller moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 2:37 p.m.

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David Mueller, Chairman

ATTEST:

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Tina D. Spencer, County Clerk

**RECORD OF PROCEEDINGS  
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MARION COUNTY, KS**

March 27, 2023, Continued

**DISASTER PROCLAMATION RESOLUTION 2023-04  
DECLARING A STATE OF LOCAL DISASTER EMERGENCY FOR MARION COUNTY, KANSAS**

**WHEREAS**, on this 22<sup>nd</sup> day of March 2023, the Board of Commissioners of Marion County, Kansas, finds that certain conditions caused, or eminently threatened to cause wide-spread or severe damage, injury or loss of life or property in disaster proportion. Extremely dry conditions existed in Marion County. The combination of dry grassland, accompanied by gusty winds increased the risk of wildland fire spread. Marion County Fire Departments responded to a grass fire located at Hwy 77 and 270<sup>th</sup> on March 23, 2023, in Marion County, Kansas; and

**WHEREAS**, such conditions created obstructions which endangered health, safety and welfare of persons and property within the border of Marion County, Kansas; and

**WHEREAS**, under the authority granted pursuant to Marion County Resolution 2019-02, David Mueller, Chairman of the Board of County Commissioners issued a verbal disaster declaration at 1434 hours on March 22, 2023.

**NOW, THEREFORE**, the Board of Commissioners of Marion County, Kansas does hereby proclaim:

1. That pursuant to K.S.A. 48-932, that a State of Local Disaster Emergency exists within Marion County, Kansas.
2. That the area within the borders of Marion County, Kansas covered by this proclamation is the entire area of Marion County, Kansas.
3. That the Board of County Commissioners shall have all the rights and/or powers to perform such functions as are vested in said Board by and through the provisions of the Kansas Emergency Preparedness Act of 1975.


**BE IT FURTHER PROCLAIMED** that this disaster emergency declaration shall remain in effect for a period of seven (7) days from the initial verbal declaration, unless terminated earlier or renewed by consent of the Board of County Commissioners of Marion County, Kansas, and that the verbal declaration issued in relation to this event is hereby ratified by the full Board.

So, proclaimed this 27<sup>th</sup> day of March 2023.

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

  
David Mueller, Chairman – District 2


☒ Yea  
☐ Nay  
☐ Abstain

  
Kent Becker, Member – District 1


☒ Yea  
☐ Nay  
☐ Abstain

  
Randy Dallke, 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