

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

May 8, 2023

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. Present for portions of the meeting were Deputy Co. Clerk Ashley Herpich, Co. Clerk Tina Spencer, Co. Counselor Brad Jantz, County staff, members of the public, and members of the press.

PUBLIC FORUM: Jerry Mendoza asked when additional work might be done on the Aulne road. The Board will discuss this with the Co. Engineer.

ADMINISTRATIVE: Financial reports were provided for Board review. Becker noted that the General Fund should be watched closely to keep a healthy fund balance.

- Crofoot moved to approve early checks in the amount of \$1,460.41 (check #'s 51137-51145). Becker seconded and motion carried 5-0.
- A salary sheet was signed for Jarret McLinden from \$2,882.00/mo. to \$2,999.00/mo. – change from Equipment Operator I to Equipment Operator II effective 4/21/2023.
- Gehring moved to approve the minutes of April 28th and May 1st. Dallke seconded and motion carried 5-0.
- Crofoot commented that Safe Kids Day was a success with about 170 kids and 200 adults in attendance. The inflatable fire house recently acquired by County departments was set up for the event.

OUTSIDE BOARD REPORTS: Becker continued his report on the South-Central Kansas Economic Development District (SCKEDD). He noted the importance of administrating grants after applying for and receiving them. SCKEDD is not offering any new programs. The weatherization program is beneficial to Marion County.

- Dallke reported that MidCap has a new director.
- Gehring noted that the Regional Solid Waste board meeting was uneventful.

WEED/HHW/TRANSFER STATION/RECYCLING: Dir. Josh Housman presented chemical bids:

	Dicamba (180 g; 2x2.5 gal.)	Tordon 22K (192 g; 4x1 gal.)	Total
Nutrien Solutions	@\$31.00 = \$5,580.00	@\$48.90 = \$9,388.80	\$14,968.80
Van Diest Supply Co.	@\$34.89 = \$6,280.20	@\$49.19 = \$9,448.48	\$15,724.68

Mueller moved to approve the bid from Nutrien Solutions at \$14,968.80. Gehring seconded and motion carried 5-0.

- Ongoing department activities, staffing levels, and protocols were discussed.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead and Housman requested that the County's Construction & Demolition waste reduction program (except for houses destroyed by fire / force major) be suspended due to difficulties in communication, administration of the program, and unreasonable deadlines. After a lengthy discussion, the consensus was to leave the program as is and look for a better process.

- Dallke moved to appoint Delbert Lowe to the Planning Commission for District 3. Gehring seconded and motion carried 5-0.
- Omstead reported that the Sunflower wind project is 75% complete.
- Omstead expressed concern regarding cryptocurrency / bitcoin mining facilities and suggested that the Board impose a moratorium on this type of development. After discussion, Mueller moved to have the County Counselor draft a resolution for a moratorium in cryptocurrency / bitcoin mining facilities. Gehring seconded and motion carried 5-0.

PARK & LAKE – Dam Repair Bids: Supt. Isaac Hett and Brian Severin from Sustainable Environmental Consultants joined the session. Bids for downstream slope repair at the Park & Lake dam were reviewed:

NF Construction	\$120,269.23
Middlecreek Corporation	\$250,745.00
Hogan Excavating	\$149,000.00

Severin noted that NF Construction is reasonable and acceptable as low bidder, but he was not familiar with their work; Hogan's bid was reasonable, but they did not put in unit prices and the diversion bid was high; and Middlecreek's bid seemed to be too high. Dallke moved to approve the bid from NF Construction. Becker seconded and motion carried 5-0.

- The Board asked Severin to submit a proposal for construction inspection / oversight.

ROAD & BRIDGE: Co. Engineer Brice Goebel updated the Board on upcoming and ongoing department activities and projects. The low water crossing for Doyle Creek Watershed was discussed again. New information indicated a potential cost to the County could be more than \$120,000.00 not including dirt work. Dallke made a motion not to participate in the Doyle Creek mitigation project on 80th west of Indigo. Crofoot seconded and motion carried 5-0.

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May 8, 2023, Continued

ROAD & BRIDGE CONTINUED: Lighted stop signs were discussed. They are available at \$800.00 each for the County to try in a couple of locations. The consensus was to try one at 190th and Nighthawk and 330th and K-15.

- Aulne Road was discussed. Goebel indicated that all work is complete unless the Board decides to change the surface back to black top.
- Goebel requested an executive session with only the Commission present to discuss personnel. Mueller moved to recess into executive session pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Goebel present for 10 minutes until 2:20 p.m. with open session to resume in Commission following the closed session. Gehring seconded and motion carried 5-0. Open session resumed with no action.

PLANNING/ZONING/ENVIRONMENTAL HEALTH, CONTINUED: Mueller moved to recess into executive session to discuss potential and ongoing 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, Omstead, Jantz, and Spencer present for 10 minutes until 2:34 p.m. with open session to resume in Commission chambers following the closed session. Becker seconded and motion carried 5-0.

- Open session resumed with a motion by Mueller to recess into executive session to discuss potential and ongoing 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, Omstead, Jantz, and Spencer present for 5 minutes until 2:41 p.m. with open session to resume in Commission chambers following the closed session. Gehring seconded and motion carried 5-0. Open session resumed with no action.

CO. COUNSELOR: 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, and Spencer present for 10 minutes until 2:53 p.m. with open session to resume in Commission chambers following the closed session. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Park & Lake Supt. Isaac Hett rejoined the session. Jantz discussed several matters of business that need to be addressed.
- Gehring moved to authorize Jantz to pursue legal action as soon as possible for judicial foreclosure and sale of abandoned items at the County Lake, working with Hett for required documentation. Becker seconded and motion carried 5-0.
- Jantz updated the Board on other matters that he is handling.
- EMS Director Curt Hasart joined the session. Mueller moved to recess into executive session to discuss contract negotiations 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, Spencer, and Hasart present for 10 minutes until 3:16 p.m. with open session to resume in Commission chambers following the closed session. Gehring seconded and motion carried 5-0. Open session resumed with no action.

COMMISSION COMMENTS: There were no Commission comments.

Mueller moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 3:16 p.m.

David Mueller, Chairman

ATTEST:

Tina D. Spencer, County Clerk