

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

May 15, 2023

**CANVASS – USD 408 SPECIAL BOND ELECTION:** Commission convened as the Board of County Canvassers at 11:00 a.m. in Commission chambers at the Marion County Courthouse to canvass the May 9<sup>th</sup> USD 408 Special Bond Election. Present were Chr. David Mueller, Comm. Jonah Gehring, Comm. Kent Becker, Comm. Dave Crofoot, and Comm. Randy Dallke. Also present were Co. Clerk Tina Spencer, Deputy Co. Clerk Ashley Herpich, and Election Clerk Michelle Looper.

- The election summary report was presented by Spencer.
- Preliminary election night results were reviewed.
- Hand counted votes from election night were read and added to the election night results.
- Gehring moved to count three provisional ballots. Crofoot seconded and motion carried 5-0.
- Results were updated. The final total was 471 “yes” and 221 “no”. Mueller moved to certify the results. Crofoot seconded and motion carried 5-0.
- Canvass adjourned at 11:21 a.m.

**REGULAR MEETING -**

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

**PUBLIC FORUM:** Tom Britain commented that on March 22<sup>nd</sup> he observed rock-hauling trucks from the Sunflower Wind project making multiple trips on roads that were not designated for wind farm travel. He contacted law enforcement, but no action was taken. He also contacted the County Engineer. He wanted to verify that the Board would hold Orsted accountable for the road damage caused. He also stated that there was additional damage in Florence from their water truck.

**ADMINISTRATIVE:** Gehring moved to approve the minutes of May 8<sup>th</sup>. Becker seconded and motion carried 5-0.

- Gehring moved to approve an early check (#51146) in the amount of \$36.00. Dallke seconded. Motion carried 5-0.
- Park & Lake Supt. Isaac Hett joined the session. A proposal in the amount of \$9,000.00 from Sustainable Environmental Consultants to oversee the dam repair project was received. Mueller moved to accept the proposal from SEC in the amount of \$9,000.00. Gehring seconded and motion carried 5-0.
- Transport fuel bids were reviewed:

	Tank #3	Tank #1	Unleaded	
	4,000 gals.	1,500 gals.	2,500 gals.	Total
MFA Oil, Lincolnville	3.1716	2.9156	2.7763	\$24,000.55
Epp's Service, Elbing	2.9700	2.7140	2.6600	\$24,086.00

Gehring moved to approve the bid from MFA Oil in the amount of \$24,000.55. Becker seconded and motion carried 5-0. (Note: the sheets indicated a difference in the amount of gallons bid between the two vendors, with MFA bidding on 4,000 gals. for tank #3 and Epp's bidding 4,500 gals.)

- Allocation requests and budgeted amounts for the 2023 budget were reviewed and presented for approval: Kansas Legal Services \$4,500.00; Families and Communities Together \$6,000.00; Marion County Food Bank \$6,000.00; Harvey-Marion County CDDO \$70,000.00; Prairie View \$95,325.00; Marion County Fair Association \$16,700.00; Marion County Conservation District \$39,500.00. Gehring moved to approve the allocations as budgeted. Crofoot seconded and motion carried 5-0.
- Gehring moved to approve a Cereal Malt Beverage License for Last Chance Bait through 12/31/2023. Crofoot seconded and motion carried 5-0.
- A salary sheet was signed for Curtis Osland from \$18.08/hour to \$18.90/hour – three-month raise effective 5/13/2023.
- Spencer presented bids to replace three computers in the County Clerk's Office:
  - Lenovo Think Centre M70g Gen 3 – tiny \$1,035.59
  - Dell OptiPlex 5000 SFF \$1,176.09
  - HP EliteDesk 800 G6 – mini \$1,193.77

Gehring moved to purchase three Lenovos per Spencer's recommendation. Becker seconded and motion carried 5-0.

- Spencer reported that the overall proceeds from the County surplus auction were received in the amount of \$1,104.15. Expenses to remove items from the attic and take them to the sale location (or in some instances to the transfer station) totaled \$3,810.00 resulting in a net loss of \$2,705.85.

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**CO. ATTORNEY:** Co. Attorney Joel Ensey reported that he will need to contract with another attorney to assist with the Thouvenell trial, which has been turned back over from the Kansas Attorney General's office for local prosecution. Ensey estimated that the cost may be \$20,000.00 or more, which is not budgeted.

- File storage was discussed. Ensey will identify those cases for which physical paper files must be retained and will work with the Co. Clerk to seek options for building a suitable storage solution. All other Co. Attorney files remaining in the courthouse could be digitized.
- In August, the office will be going live with a new system that will require that all files be in digital format.

**AMBULANCE:** Dir. Curt Hasart reported that the County is currently short on ambulances due to multiple breakdowns and part shortages. The ambulance currently on order is not due until October. The timeframe now for delivery of a custom ordered ambulance is about three years. Hasart has located a new basic stock ambulance on a sales lot in Iowa, which is available now. Additional modifications were estimated by Hasart at approximately \$35,000.00. There are funds budgeted to purchase an ambulance in 2023. After discussion, Gehring moved to authorize the EMS Director to buy a 2023 G4500 Type 3 Arrow Ambulance, and if not available, another comparable unit at a cost not to exceed \$185,000.00. Crofoot seconded and motion carried 5-0.

- Mueller moved to authorize the Co. Clerk's Office to issue a check to accommodate the purchase prior to the next Commission meeting, if necessary. Becker seconded and motion carried 5-0.

**CO. ENGINEER DISCUSSION:** Mueller noted that County Engineer Brice Goebel has submitted a letter of resignation effective July 5, 2023. Dallke moved to accept Goebel's resignation. Becker seconded and motion carried 5-0.

- The Board briefly discussed whether to pursue another engineer or simply to seek a department head (without an engineering certificate). The topic was placed on the agenda for the next meeting.
- Gehring noted that the Board might need to get involved with the Sunflower Wind project regarding sign-off on road repairs.

**CO. COUNSELOR:** 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, and Spencer present for 15 minutes until 1:40 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

- Mueller moved to recess into executive session to discuss actual (active) 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 15 minutes until 1:55 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

**SHERIFF:** Sheriff Jeff Soye joined the session. 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, Soye, and Spencer present for 10 minutes until 2:06 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

**COMMISSIONER COMMENTS:** Gehring commented that Marion County has three trailer manufacturers that operate on a national scale.

Mueller moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 2:08 p.m.

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David Mueller, Chairman

ATTEST: \_\_\_\_\_  
Tina D. Spencer, County Clerk