

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

May 22, 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. 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: There were no public comments.

ADMINISTRATIVE: Dallke moved to approve the minutes of May 15th. Gehring seconded and motion carried 5-0.

- Salary sheets were signed: Lewis Plank, full-time Data Collector at \$2,418.00/mo. effective 5/15/2023 and Skylre Stucky and Bradley Sullivan - 911 Dispatchers at \$18.36/hour effective 5/15/2023.
- 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 and Spencer present for five minutes until 12:41 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.
- Gehring moved to approve early checks in the amount of \$183,113.57 (checks #51147-51148). Becker seconded and motion carried 5-0.

NOXIOUS WEED/HHW/TRANSFER STATION: Dir. Josh Housman presented bids for ten 20 oz. packages of the chemical called "Outrider": Nutrien - \$13.50/oz. = \$2,700.00; Van Diest - \$3,078.00. Gehring moved to award the bid to Nutrien. Becker seconded and motion carried 5-0.

- Housman reported that the County may no longer accept household hazardous waste from businesses.
- Permission was granted to close the Weed Department on June 8th due to a staffing shortage.

PUBLIC HEARING – EAGLE ROAD CLOSURE AND VACATION: Chr. Mueller opened the public hearing regarding a proposed closure and vacation of a section of Eagle Road to include County Bridge #70 (National Bridge Inventory #0057-827005204) beginning approximately 150' north of 220th including Bridge 70 and continuing to a point approximately 20' south of 230th. Said bridge and section of roadway is located between sections 13-19-01 and 14-19-01 in Lehigh Township, Marion County, Kansas. Those present were Co. Engineer Brice Goebel, Planning/Zoning/Environmental Health Dir. Sharon Omstead, Chase Gann, Cashen Gann, Paul and Elizamae Thiessen, and Greg Washmon.

- Chase Gann stated that the landowners are in favor of the closure / vacation as proposed. No other members of the public commented. Mueller closed the public hearing.
- Mueller read the report of viewing and moved that the road (including Bridge 70) should be closed and vacated. Gehring seconded. Dallke questioned the policy of closing and vacating roads based on landowner requests. Becker indicated that there were special circumstances due to the expense to repair the bridge. Motion carried 5-0.
- Mueller moved to adopt Resolution 2023-11 to Close / Vacate County Bridge #70 and an Adjoining Section of County Roadway on Eagle Road Between 230th and 220th in Lehigh Township, Marion County, Kansas. Becker seconded and motion carried 5-0.

ADMINISTRATIVE, CONTINUED: Spencer updated the Board on the progress of the purchase of 1220 E. Main. The RFP for Architectural Services was discussed. A conceptual plan would be desired as the first phase (which could be utilized for the City Conditional Use Permit Application), followed later by detailed drawings.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Mueller moved to recess into executive session to discuss potential 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, Omstead, Jantz and Spencer present for 10 minutes until 1:29 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

MARION COUNTY CORE COMMUNITY FUNDING REQUEST: Dawn Mackey and Tracey Lowe discussed the Marion County Core Community program and their mission to help people out of the cycle of poverty and asked the Board to consider providing County funding. Lowe requested an allocation of \$50,000.00 but said any amount would be helpful.

INFORMATION/TECHNOLOGY UPDATE: Lloyd Davies of Great Plains Computers and Networking briefed the Board on upcoming pricing increases as well as the need to purchase a new server at an approximate cost of \$25,000.00 to \$35,000.00.

- It was noted that no official agreement is in place for Davies to provide IT Support for the County. The Board was in favor of exploring a formal agreement.

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May 22, 2023, Continued

IT UPDATE, CONTINUED: Mueller moved to recess into executive session to discuss internet (cyber) security pursuant to K.S.A. 75-4319b (13) for matters related to security measures with the Board, Jantz, Davies, and Spencer present for five minutes until 2:17 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

ROAD & BRIDGE: Road & Bridge Supt. Steve Hudson joined the meeting. 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, Hudson, Jantz, and Spencer present for 15 minutes until 2:35 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Co. Engineer Brice Goebel presented a salary sheet for Callie Bernhardt, new part-time seasonal Road & Bridge worker at \$14.37/hour effective 5/15/2023.
- Goebel indicated that lighted stop signs will be installed at 190th and Nighthawk.
- Ongoing and upcoming department projects and activities were discussed with no action.
- The deadline to apply for the Off System Bridge program and the Local Bridge Improvement Program is Friday. After discussion, the consensus of the Board was to apply for funding through the Off System Bridge program for a span bridge east of K-15 on 290th. The Board also agreed to apply for LBIP funding for a fracture critical bridge at 310th and Mustang.
- Goebel was directed to see whether the County will be eligible to receive monetary credit for closing Bridge 70.

COUNTY COUNSELOR: EMS Director Curt Hasart joined the meeting. 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, Hasart and Spencer present for 15 minutes until 3:22 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Jantz presented a draft resolution to place a moratorium on commercial cryptocurrency mining and related activities until zoning regulations are developed.
- Sunday morning beer sales were discussed. An existing County resolution is currently more restrictive than state law on the matter. After discussion, Mueller moved to have the County Counselor draft a resolution for alcohol sales in the County to match the state regulations. Gehring seconded and motion carried 4-1 with Becker opposed.
- 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, and Spencer present for five minutes until 3:38 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.
- 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, Jantz, and Spencer present for five minutes until 3:45 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

ROAD & BRIDGE DEPARTMENT STRUCTURE: The Road & Bridge department head position was discussed. The consensus of the Board was to review the existing and previous job descriptions and make any adjustments prior to advertising. The Board was not opposed to eliminating the requirement that the position be filled by an Engineer.

ADMINISTRATIVE, CONTINUED: Mueller moved to recess into executive session to review an FMLA request pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Spencer and Jantz present for five minutes until 3:55 p.m. Gehring seconded and motion carried 5-0. Open session resumed with a motion by Gehring to approve intermittent FMLA leave for a qualified employee. Becker seconded and motion carried 5-0.

COMMISSION COMMENTS: Becker expressed disappointment in the Board's decision to develop a resolution to allow Sunday morning beer sales. He said he doesn't like to give up local control on the matter, it is disrespectful to the faith community and could lead to accidents and even fatalities, and that there are many in the County that have problems with alcohol.

Mueller moved to adjourn. Dallke seconded and motion carried 5-0. Meeting adjourned at 3:58 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

May 22, 2023

RESOLUTION NO. 2023-11

A RESOLUTION TO CLOSE/VACATE COUNTY BRIDGE #70 AND AN ADJOINING SECTION OF COUNTY ROADWAY ON EAGLE ROAD BETWEEN 230TH AND 220TH IN LEHIGH TOWNSHIP IN MARION COUNTY, KANSAS.

WHEREAS, the Board of Commission of Marion County, Kansas, having heard testimony and having reviewed all documentation, finds that legal notice has been given by publication as required by law; and

WHEREAS, a public hearing was held at which time concerned persons had the opportunity to speak on this issue; and

WHEREAS, the public will suffer no major loss or inconvenience resulting from the action, and in consideration of the request that has been made, an order should be granted pursuant to K.S.A. 68-102 et seq.

THEREFORE, it is ordered by the governing body of Marion County, Kansas, that the following described roadway be closed/vacated to wit:

- 1.) A section of Eagle Road to include County Bridge #70 (National Bridge Inventory #0057-827005204) beginning approximately 150' North of 220th including Bridge 70, and continuing to a point approximately 20' South of 230th. Said bridge and section of roadway is located between sections 13-19-01 and 14-19-01 in Lehigh Township, Marion County, Kansas.

All easements of record of any kind or character shall remain and be preserved.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS,
on this 22 day of May, 2023

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Signature page follows.

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BOARD OF COMMISSIONERS
MARION COUNTY, KS

May 22, 2023

RESOLUTION 2023-11 SIGNATURE PAGE

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS

David Mueller ☒ Yea
[] Nay
[] Abstain
David Mueller, Chairman – District 2

Kent Becker ☒ Yea
[] Nay
[] Abstain
Kent Becker, Member – District 1

Randy Dalke ☒ Yea
[] Nay
[] Abstain
Randy Dalke, Member – District 3

Dave Crofoot ☒ Yea
[] Nay
[] Abstain
Dave Crofoot, Member – District 4

Jonah Gehring ☒ Yea
[] Nay
[] Abstain
Jonah Gehring, Member – District 5



ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk