

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

July 3, 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. Randy Dallke, and Comm. Dave Crofoot present. Also present were Co. Clerk Tina Spencer and Co. Counselor Brad Jantz. Present for portions of the meeting were County staff, members of the public, and members of the press.

PUBLIC FORUM: There were no public comments.

ADMINISTRATIVE: Becker moved to approve the minutes of June 26th and June 30th. Gehring seconded and motion carried 5-0.

- A salary sheet was signed for Erin Hein – change from Safe Kids Coordinator to Safe Kids / CDRR Program Coordinator from \$17.35/hour to \$18.01/hour effective 7/1/2023.
- Gehring moved to transfer the 6' strip of property at the Marion County Park & Lake (CEL0105a) owned by the County to the Marion County Land Bank. Dallke seconded and motion carried 5-0. Chr. Mueller signed the deed.
- A budget allocation request from Marion County CORE Community was discussed with no action.

ROAD & BRIDGE: Co. Engineer Brice Goebel presented area fuel bids for review:

	Area 1 1,400 gals.	Area 2 1,950 gals.	Area 3 1,950 gals.
Epp's Service, Elbing	2.849 = \$3,988.60	2.999 = \$5,848.05	2.849 = \$5,555.55
MFA Oil, Lincolnville	2.930 = \$4,102.00	2.900 = \$5,655.00	2.930 = \$5,713.50

Goebel recommended Epp's for Areas 1 and 3 and MFA for Area 2. Mueller moved to accept Goebel's recommendation. Gehring seconded and motion carried 5-0.

- Goebel indicated that landowners on Eagle Road have not yet gated the vacated section of roadway. Co. Counselor Jantz said he will send a letter instructing them to do so and setting a time limit.
- Goebel reported on upcoming and ongoing department activities and projects and provided a transition report to potentially bring a new employee up to speed.

EXECUTIVE SEARCH FIRM – FINALIST INTERVIEWS: Pracademic Partners, Dr. Ian Coyle: Ian Coyle with Pracademic Partners discussed his proposal to perform executive search services for the Co. Administrator position with the Board and answered questions. No action was taken.

CO. COUNSELOR: Jantz presented Resolution 2023-13; addressing and calling for regulation of commercial bitcoin activities, commercial cryptocurrency mining, Ethereum miners or mining, Ethereum block chains, digital tokens or any other related activities regarding bitcoin or cryptocurrency mining in Kansas, and potentially in or near Marion County, Kansas. Becker moved to adopt Resolution 2023-13. Gehring seconded and motion carried 5-0.

EXECUTIVE SEARCH FIRM – FINALIST INTERVIEWS: League of Kansas Municipalities, John Deardoff: John Deardoff with the League of Kansas Municipalities discussed his proposal to perform executive search services for the Co. Administrator position with the Board and answered questions. No action was taken.

CO. COUNSELOR: Mueller moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board, Jantz, Spencer, and Planning/Zoning Dir. Sharon Omstead for 10 minutes until 2:00 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Mueller moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board, Jantz, Spencer, and Omstead present for five minutes until 2:09 p.m. Becker seconded and motion carried 5-0. Comm. Dallke left the meeting prior to the executive session. Open session resumed with no action.
- Mueller moved to recess into executive session to discuss contract negotiation pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board, Jantz, and Spencer present for 10 minutes until 2:22 p.m. Gehring seconded and motion carried 4-0. Open session resumed with no action.
- Mueller moved to recess into executive session to discuss (current/active) litigation pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board, Jantz, and Spencer present for 15 minutes until 2:37 p.m. Gehring seconded and motion carried 4-0. Open session resumed early with no action.

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July 3, 2023, Continued

CO. COUNSELOR, CONTINUED: Mueller moved to authorize a settlement agreement and release of claims between Stonebridge Holdings, L.L.C. and Roger Buller and the Marion County Commissioners and the Marion County Board of Zoning Appeals. Gehring seconded and motion carried 4-0.

- Mueller moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 79-4315b (2) for attorney/client business with the Board, Jantz, and Spencer present for five minutes until 2:44 p.m. Becker seconded and motion carried 4-0. Open session resumed with no action.
- Gehring moved to approve resolution 2023-14 authorizing Sunday sales of alcoholic liquor and cereal malt beverages in the original package within Marion County, Kansas. Crofoot seconded. Becker indicated that the Board should consider a charter Resolution instead. Motion carried 3-1 with Becker opposed.

COMMISSION DISCUSSION – EXECUTIVE SEARCH CANDIDATES: The Board discussed the two finalists for the executive search process. The Board agreed that both candidates were highly qualified. Gehring noted that with other factors fairly equal, the price would need to be considered. Gehring moved to utilize John Deardoff with the League of Kansas Municipalities to search for candidates for the Marion County Administrator Mueller seconded and motion carried 4-0.

COMMISSION COMMENTS: Comm. Crofoot congratulated the staff at the Marion County Park & Lake for a successful fireworks event over the weekend and thanked them for their hard work.

Mueller moved to adjourn. Gehring seconded and motion carried 4-0. Meeting adjourned at 2:59 p.m.

David Mueller, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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

July 3, 2023, Continued

Resolution No. 2023-13

A RESOLUTION ADDRESSING AND CALLING FOR REGULATION OF COMMERCIAL BITCOIN ACTIVITIES, COMMERCIAL CRYPTOCURRENCY MINING, ETHEREUM MINERS OR MINING, ETHEREUM BLOCK CHAINS, DIGITAL TOKENS OR ANY OTHER RELATED ACTIVITIES REGARDING BITCOIN OR CRYPTOCURRENCY MINING, IN KANSAS, AND POTENTIALLY IN OR NEAR, MARION COUNTY, KANSAS;

WHEREAS IT APPEARS that there has been an increased interest in data center development to include specific novel industry uses, including but not limited to commercial bitcoin activities, commercial cryptocurrency mining, Ethereum miners or mining, Ethereum block chains, Digital Tokens or any other related activities regarding bitcoin or cryptocurrency mining, in Kansas, and potentially in or near, Marion County, Kansas;

WHEREAS, the Board of County Commissioners desires that the Marion County Planning and Zoning Department draft and submit regulations to address the building of structures, facilities, commercial power operations, and other fixtures and land use related to data center development to include specific novel industry uses, including but not limited to commercial cryptocurrency mining and bitcoin marketing, in Marion County, Kansas;

WHEREAS, it is anticipated that the process of drafting, submitting, and approving said regulations will be completed within twelve months of the passage of this Resolution; and

WHEREAS, all pending applications regarding land use for data center development and commercial cryptocurrency mining and local bitcoin activities have been withdrawn as of consideration of this Resolution.

NOW THEREFORE, BE IT RESOLVED, that the building, construction, operation, or installation, either in whole or in part, of any structures, facilities, commercial power operations, and other fixtures and land use related to data center development to include specific novel industry uses, including but not limited to bitcoin activities, commercial cryptocurrency mining, Ethereum miners or mining, Ethereum block chains, Digital Tokens or any other related activities are hereby prohibited in Marion County, Kansas, for a period of twelve months from and after the passage of this Resolution, or until the Board of County Commissioners adopts above referenced regulations, whichever first occurs.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, on this 3 day of July, 2023.

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

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MARION COUNTY, KS**

July 3, 2023, Continued

RESOLUTION NO. 2023-13 SIGNATURE PAGE

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

☒ Yea
☐ Nay
☐ Abstain

David Mueller
David Mueller, Chairman – District 2

☒ Yea
☐ Nay
☐ Abstain

Kent Becker
Kent Becker, Member – District 1

☒ Yea
☐ Nay
☐ Abstain

Randy Dallke
Randy Dallke, Member – District 3

☒ Yea
☐ Nay
☐ Abstain

Dave Crofoot
Dave Crofoot, Member – District 4

☒ Yea
☐ Nay
☐ Abstain

Jonah Gehring
Jonah Gehring, Member – District 5

ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk



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

July 3, 2023, Continued

RESOLUTION NO. 2023-14

**A RESOLUTION AUTHORIZING SUNDAY SALES OF ALCOHOLIC
LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE
WITHIN MARION COUNTY, KANSAS.**

WHEREAS, the 2005 Legislative Session as well as the 2021 Legislative Session of the State of Kansas amended existing laws regarding regulation of businesses selling cereal malt beverages and alcoholic liquors; and

WHEREAS, said amendments to existing law were contained in the House Substitute for Senate Bill 298 in 2005 and House Bill 2137 in 2021 and subsequently contained in Kansas Statutes Annotated 41-2911; and

WHEREAS, the Board of Marion County Commissioners desires to adopt a resolution in continuing consistency with the intent of the Kansas State Legislature regarding the days and hours in which certain establishments may sell cereal malt beverages and intoxicating liquors.

BE IT NOW THEREFORE RESOLVED by the Board of County Commissioners of Marion County, Kansas, that:

1. Marion County shall expand the days of sale at retail of cereal malt beverage in the original package to allow such sale within the unincorporated area of the county on any Sunday, except Easter, between the hours of 9 a.m.

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and 8:00 p.m. and expand the days of sale at retail of alcoholic liquor in the original package, if licensing of such sale of alcoholic liquor is authorized within the unincorporated area of the county, to allow such sale within the unincorporated area of the county on any Sunday, except Easter, between the hours of 9 a.m. and 8 p.m.

2. All definitions for words and phrases in this Resolution shall be as provided in Kansas Statutes Annotated 41-102 as currently in effect at the time of application.

**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF
MARION, KANSAS, on this 3 day of July, 2023.**

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS

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July 3, 2023, Continued

RESOLUTION NO. 2023-14 SIGNATURE PAGE

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

☒ Yea
☐ Nay
☐ Abstain


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



ATTEST:


Tina D. Spencer, County Clerk