

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

August 14, 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 were Co. Clerk Tina Spencer and Co. Counselor Brad Jantz. Present for portions of the meeting were Co. staff, members of the public, and members of the press.

PUBLIC FORUM: There were no public comments.

ADMINISTRATIVE: Gehring moved to approve the minutes of August 7th. Becker 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 an early check (#51939) in the amount of \$255.45. Crofoot seconded. Motion carried 5-0.
- A salary sheet was signed for Courtney Haynes, new part-time Dispatcher at \$18.36/hour effective 7/31/2023.
- A draft position advertisement for the new County Administrator position was reviewed by the Board.

CO. TREASURER: Co. Treasurer Susan Berg provided an update on last week's tax sale. \$54,950.00 was collected. After discussion, Becker moved to proceed with a tax sale for 2018 and 2019 delinquent properties following timing consistent with the County's policy. Crofoot seconded and motion carried 5-0.

- The Commission indicated that they would like to have tax sale attorney Keyta Kelly attend a Commission meeting to answer questions and to present a proposal regarding fees for the next sale for Board consideration.

1240 COMMERCIAL BUILDING DISCUSSION: Planning/Zoning/Environmental Health Dir. Sharon Omstead, Emergency Management Dir. Marcy Hostetler, and Interim Road & Bridge Dir. Steve Hudson joined the session. A draft scope of work for an RFP for a general contractor was presented for Commission review. Crofoot moved to allow the three departments to proceed with the RFP for remodeling 1240 Commercial Drive. Gehring seconded and motion carried 5-0.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Sharon Omstead was present for department business. Two conditional use permit requests and a draft zoning text amendment were presented for consideration, with Resolutions to be provided later in the session.

- Omstead provided an update on the Sunflower Wind project.

HEALTH DEPARTMENT ARCHITECTURAL RFP: Dir. Krista Schneider joined the session. After discussion, Gehring moved to accept the proposal from Alloy Architecture for phases one and two. Crofoot seconded and motion carried 5-0. A building committee consisting of Commissioner Dallke, Commissioner Crofoot and Schneider was designated by Chr. Mueller.

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 in matters deemed privileged under attorney/client privilege with the Board, Jantz, and Spencer present for 15 minutes until 2:20 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

ROAD & BRIDGE GRANTS: After discussion, the Board agreed to schedule time on the next agenda with Darin Neufeld of EBH Engineering for a discussion about possible grant assistance for approved road & bridge projects.

PLANNING/ZONING/ENVIRONMENTAL HEALTH, CONTINUED: Mueller moved to approve Resolution 2023-15 granting a conditional use permit to establish a kayak rental business at 2607 Jade, Hillsboro, subject to stated conditions. Becker seconded and motion carried 5-0.

- Mueller moved to approve Resolution 2023-16 granting a conditional use permit to establish a short-term rental property at 3 Jerome, Marion, subject to stated conditions. Dallke seconded and motion carried 4-1 with Gehring opposed.

COMMISSION COMMENTS: there were no Commission comments. Mueller moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 2:37 p.m.

David Mueller, Chairman

ATTEST:

Tina D. Spencer, County Clerk

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

August 14, 2023

RESOLUTION NUMBER 2023- 15

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH A KAYAK RENTAL BUSINESS AT 2607 JADE, HILLSBORO, KANSAS.

WHEREAS, application has been made by Nathan Scott Forwalder, owner, requesting a Conditional Use Permit to establish a kayak rental business on property zoned "SR" Suburban Residential District, in the Southeast Corner of Section 27, Township 18 South, Range 2 East, Marion County, Kansas; and,

WHEREAS, following proper notification in the official County newspaper of a public hearing, on July 5, 2023, the Marion County Planning Commission held a public hearing on Case No. PC-23-03 on July 27, 2023 to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for establishment of a kayak rental business within the unincorporated portion of Marion County, Kansas, subject to certain conditions; and,

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, THAT:

1. The following described property is hereby granted a Conditional Use Permit to establish a kayak rental business, subject to the conditions and restrictions listed herein:

S27, T18, R02, ACRES 6.07, SE/4 SE/4 EXC THAT PRT SOLD TO US OF A IN DEEDS RECORDED IN BK 310, PG 41 & 44, MARION COUNTY, KS Deed Book/Page 349 /838 402 /65 402 /65 M190/735 0190/736 402 /375 M192/137 407 /854 06DM/8461


2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:
The CUP shall be reviewed every five years for compliance.
3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.


ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas on this 14th day of August, 2023.



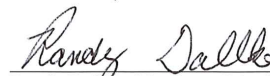
**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS**


David Mueller, Chairman – District 2


☒ Yea
☐ Nay
☐ Abstain


Kent Becker, Member – District 1


☒ Yea
☐ Nay
☐ Abstain


Randy Dalke, 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

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

August 14, 2023

RESOLUTION NUMBER 2023-16

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ESTABLISH A SHORT-TERM RENTAL PROEPRTY AT 3 JEROME, MARION, KANSAS.

WHEREAS, application has been made by Felix Ramirez, owner, requesting a Conditional Use Permit to establish a short-term rental on property zoned "LL" Marion County Lake Lot Residential District, in the Southwest Quarter of the Northwest Quarter of Section 10, Township 20 South, Range 4 East, Marion County, Kansas; and,

WHEREAS, following proper notification in the official County newspaper of a public hearing, on July 5, 2023, the Marion County Planning Commission held a public hearing on Case No. PC-23-04 on July 27, 2023 to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for establishment of a short-term rental property within the unincorporated portion of Marion County, Kansas, subject to certain conditions; and,

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, THAT:

1. The following described property is hereby granted a Conditional Use Permit to establish a short-term rental property, subject to the conditions and restrictions listed herein:

LAKESIDE (COUNTY LAKE), ACRES 0.11, LOT 18 LAKE SIDE, ADJACENT TO MARION COUNTY PARK & LAKE Plat Book/Page 2 /80
Lot Width: 005.0 Lot Depth: 010.0 Deed Book/Page 389 /120B 402 /958 420 /244

2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:
The CUP shall be reviewed every year for compliance and the property shall maintain an annual registration with the County.
3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas on this 14th day of August, 2023.



ATTEST:

Tina D. Spencer, County Clerk

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

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

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