

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

August 28, 2023

Commission met in regular session at 11:00 a.m. in Commission chambers at the Marion County Courthouse with Chr. David Mueller, Comm. Jonah Gehring, Comm. Kent Becker, and Comm. Randy Dallke present. Comm. Dave Crofoot joined at 11:02 a.m. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, Co. staff, members of the public, and members of the press.

**EMPLOYMENT INTERVIEW:** Mueller moved to recess into executive session to conduct an employment interview for the Road & Bridge Director position pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Hudson, and an applicant present with Spencer invited to join if needed for 45 minutes until 11:45 a.m. Becker seconded and motion carried 4-0. Commissioner Crofoot joined at 11:02 a.m. Open session resumed with no action.

- Mueller moved to recess into executive session to discuss the applicant pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Hudson present for 10 minutes until 12:00 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action. Meeting recessed until 12:30 p.m.

**PUBLIC FORUM:** There were no public comments.

**ADMINISTRATIVE:** Gehring moved to approve the minutes of August 21<sup>st</sup>. Becker seconded and motion carried 5-0.

- Supplements affecting the 2023 valuation were reviewed. Change orders affecting 2022 and prior years' taxes were reviewed and signed by the Board.
- After discussion, Mueller moved to adopt Resolution 2023-17 Approving Certain Text Amendments by Reference of the August 2023 Edition of the Zoning and Subdivision Regulations for All of the Unincorporated Portion of Marion County, Kansas. Gehring seconded and motion carried 4-1 with Dallke opposed.
- Mueller moved to approve utility permit 2023-21 for Rural Water District #1 to install water service at 2935 Mustang in Section 7/18/03. Becker seconded and motion carried 5-0.

**WEED/HHW/TRANSFER STATION/RECYCLING:** Housman presented tire bids for eight tires:

Rod's Tire	Firestone 663	\$447.00 each x 8 = \$3,576.00
	Westlake 980	\$252.00 each x 8 = \$2,016.00
56 Express	Goodyear	\$569.48 each x 8 = \$4,555.84
	Toyo	\$489.34 each x 8 = \$3,986.72

Dallke moved to purchase the Firestone tires from Rod's for \$3,576.00. Gehring seconded and motion carried 5-0. Dallke said that in the past there have been some problems with non-domestic brands.

- Housman presented updates to the five-year regional solid waste management plan for approval. Gehring moved to accept the five-year solid waste management plan changes as presented. Crofoot seconded and motion carried 5-0.
- Mueller moved to recess into executive session to discuss the job performance of an individual employee pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Housman present for 10 minutes until 1:07 p.m. Becker seconded and motion carried 5-0. Open session resumed with no action.

Co. Counselor Brad Jantz joined the meeting.

**EMERGENCY MANAGEMENT:** Dir. Marcy Hostetler presented a proclamation for National Preparedness Month and distributed a community calendar on the topic. Gehring moved to adopt a proclamation declaring September National Preparedness Month for Marion County, Kansas. Mueller seconded and motion carried 5-0.

**PARK & LAKE:** Supt. Isaac Hett reported that the contractor in charge of the dam repairs thinks that the grass seed that was placed will grow if there is rain in September. If it does not grow, the estimated cost to re-seed will be about \$5,000.00.

- 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, Hett, and Spencer for five minutes until 1:35 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.
- The outdoor storage rental space was discussed. A new agreement is needed. Jantz will draft one and send to Hett for review and then to the Board for final approval. The consensus was to allow storage of boats with trailers in the space. Dallke moved to raise the rent for the outdoor storage to \$50.00 per month effective January 1, 2024. Gehring seconded and motion carried 4-1 with Crofoot opposed.
- Other needs are rental agreements for the lake hall and shelter houses, and additional research and policy decisions about dock usage.

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August 28, 2023, Continued

**ROAD & BRIDGE:** Darin Neufeld with EBH Engineering presented a contract for engineering services on the 290<sup>th</sup> Economic Development Project from Highway 77 to Remington Road. After discussion, Mueller moved to approve the agreement (Survey, design and bidding not to exceed \$60,000.00 and not to exceed \$80,888.00 on construction engineering, inspection, and testing services). Gehring seconded and motion carried 5-0.

- Neufeld said he will locate and resubmit the most recent cost-share grant application for 290<sup>th</sup> from Nighthawk to Remington for the new grant cycle.
- Session recessed until 2:00 p.m.

**HEALTH DEPARTMENT PLANNING MEETING:** Chris Tillison and Rachel Gordon of Alloy Architecture, Darin Neufeld of EBH Engineering, and Health Department Dir. Krista Schneider joined the meeting. Goals and space needs for the new facility were discussed. The next steps for evaluating the proposed site were reviewed. A working group comprised of architectural staff, Schneider, Dallke, and Crofoot will meet soon for further planning.

**CO. COUNSELOR:** EMS Dir. 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 10 minutes until 3:32 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 consultation with our attorney in matters deemed privileged under attorney/client privilege with the Board, Jantz, and Spencer present for 10 minutes until 3:42 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

**PUBLIC FORUM:** There were no public comments.

**COMMISSION COMMENTS:** Gehring said that Elcon Services will complete extra work on the Commission room audio/visual upgrade to keep the project moving forward. Meeting recessed until 4:30 p.m.

**EMPLOYMENT INTERVIEW:** Mueller moved to recess into executive session to conduct an employment interview for the Road & Bridge Director position pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Hudson, and an applicant present with Spencer invited to join if needed for 45 minutes until 5:15 p.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

- Mueller moved to recess into executive session to discuss the applicant pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board and Hudson present for 15 minutes until 5:32 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

Mueller moved to adjourn. Gehring seconded and motion carried 5-0. Meeting adjourned at 5:32 p.m.

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David Mueller, Chairman

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

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BOARD OF COMMISSIONERS  
MARION COUNTY, KS**

August 28, 2023

**RESOLUTION NO 23- 17**

**A RESOLUTION APPROVING CERTAIN TEXT AMENDMENTS AND THE ADOPTION BY REFERENCE OF THE AUGUST 2023 EDITION OF THE ZONING AND SUBDIVISION REGULATIONS FOR ALL OF THE UNINCORPORATED PORTION OF MARION COUNTY, KANSAS.**

**WHEREAS**, a public notice calling for a public hearing by the Marion County Planning Commission on proposed text amendments to the Marion County Zoning and Subdivision Regulations was properly given by publication in the official County newspaper on July 5, 2023; and,

**WHEREAS**, good and proper written notification to all cities within Marion County was given in accordance with K.S.A. 12-743; and,

**WHEREAS**, on July 27, 2023, the Marion County Planning Commission held public hearings to address proposed amendments to the Marion County Zoning and Subdivision Regulations concerning City Notification Areas and Sign Postings in Article 24-103 –Referral of Amendments to Cities, Article 24-104 – Posting of Signs, and the addition of Appendix A; and,

**WHEREAS**, the Marion County Planning Commission, by a majority vote of all its members, has recommended that the Governing Body of Marion County, Kansas, adopt said amendments to the Zoning and Subdivision Regulations concerning said Article 24-103, Article 24-104 and addition of Appendix A, as proposed and reflected in the August 2023 Edition of the Marion County, Kansas, Zoning and Subdivision Regulations; and,

**WHEREAS**, the Marion County Planning Commission has prepared in book form an update to the Marion County Zoning and Subdivision Regulations for all of Unincorporated Marion County, Kansas; and,

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

**Section 1.** Changes to 24-103 - Referral of Amendments to Cities:

**Proposed new language:**

In order to protect the area around all incorporated cities within Marion County from untimely, premature, or inappropriate development, all proposed changes in a zoning district (rezonings) or requests for a Conditional Use Permit within the unincorporated portion of Marion County and within the designated notification area of all cities within Marion County, if such notification area is established, shall be submitted to said city for official review and recommendation. Written notice of such proposed rezoning and/or Conditional Use shall be mailed by First Class U.S. mail, postage prepaid, at least 20 days before the public hearing.

The City Notification Area for each participating city shall be illustrated by maps prepared by the county. Maps of said City Notification Areas are provided in Appendix A of the Zoning Regulations.

The City Notification Areas may be revised by the County Commission, or by mutual agreement with each participating city, at any time following a public hearing conducted by the Marion County Planning Commission. Upon written request of the city, or a request by the Board of County Commissioners, the Zoning Administrator shall establish a time and date for a hearing before the Marion County Planning Commission, and will notify the mayor or planning commission of any affected city, the Marion County Planning Commission, and the Board of County Commissioners of the date, time, and

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place of said hearing. After consideration of the evidence and arguments presented at the hearing, the Marion County Planning Commission shall recommend approval, approval with modifications, or disapproval of the proposed change to the City Notification Areas. The action of the County Commission on any proposed change to a City Notification Area boundary shall be final.

The Zoning Administrator shall submit the application, along with all supporting documentation and any development plans, to the appropriate city once the application has been determined to be complete. Said city may review such proposed rezoning or Conditional Use request and, prior to review by the Marion County Planning Commission, may submit an official written recommendation regarding said application to the Marion County Planning Commission for its consideration; or may appear before the Marion County Planning Commission and present its recommendation in person; or may elect to make no comments regarding said request. Any recommendation submitted may be from either the Planning Commission or the Governing Body, whichever said city so chooses. If the city does not respond regarding an application within thirty (30) days it will be considered a de facto recommendation of approval; provided, however, representatives of the city may still appear at any public hearing or meeting regarding the proposed rezoning and present comments or testimony, as can any member of the public.

Notwithstanding any other provision of these Regulations or of state law; and in addition to all other rights granted to the applicant and to adjoining landowners; in the event a participating city recommends that a rezoning or Conditional Use proposed within said City Notification Areas be denied before thirty (30) days following notification of the city of the proposed rezoning; then a resolution of approval of such request shall not be passed except by three-fourths majority vote of all members of the Board of County Commissioners; provided, however, if the Board of County Commissioners returns the case to the Marion County Planning Commission for further consideration, upon return to the County Commission approval shall only require a simple majority vote.

**Section 2.** Changes to Article 24-104 - Posting of Sign:

**Proposed new language:**

Eliminate section entirely.

**Section 3.** Addition of Appendix A – City Areas of Influence

**Section 4.** The proposed August 2023 Edition of the Zoning and Subdivision Regulations for all of the unincorporated portion of Marion County, Kansas, are hereby adopted pursuant to K.S.A. 12-741 et seq, as amended.

- a. That said August 2023 Edition of the Zoning and Subdivision Regulations for all of the unincorporated portion of Marion County, Kansas, were prepared in book form by the Marion County Planning Commission under the date of July 27, 2023, and the same is hereby declared to be approved and incorporated by reference as fully as if set out herein pursuant to K.S.A. 12-3301, as amended, and K.S.A. 12-3303 through 12-3305.

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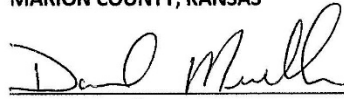
August 28, 2023

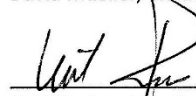
- b. That not less than three (3) copies of the August 2023 Edition of the Zoning and Subdivision Regulations shall be filed with the County Clerk marked "Official Copy as Incorporated by Resolution Number 2023-17 and to which there shall be attached a published copy of this Resolution, said copies to be open for inspection and available to the public at all reasonable hours.
- c. That any provision of this Resolution which shall be declared invalid shall not affect the validity and authority of any other sections.
- d. That previous resolutions and any parts of resolutions in conflict with this Resolution are hereby repealed.

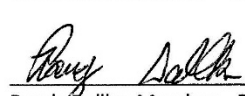
**Section 5.** That this Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

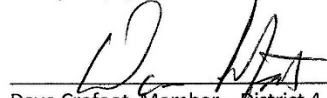
**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS** of Marion County, Kansas, this 28<sup>th</sup> day of August, 2023.


**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

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

August 28, 2023

**PROCLAMATION**

**DECLARING SEPTEMBER NATIONAL PREPAREDNESS MONTH FOR MARION COUNTY, KANSAS**

**WHEREAS**, the month of September is recognized as "National Preparedness Month" and creates an opportunity for every resident of Marion County to prepare their homes, businesses, and communities for emergencies and natural disasters; and

**WHEREAS**, the 2023 National Preparedness Month theme from FEMA is "Preparing for Older Adults" and

**WHEREAS**, during an emergency, every second counts, and emergency preparedness programs educate individuals and families on how to prepare before, during, and after a disaster; and

**WHEREAS**, these programs address threats of severe weather and other potentially life-threatening circumstances to make our communities better prepared, resilient, and safer; and

**WHEREAS**, the Marion County Emergency Management Department leads efforts to promote an all-hazards approach to emergency preparedness by providing ongoing services to include outreach, education, training, and planning to ensure that localities are engaging the community on how to prepare, respond, recover, and mitigate against disasters; and

**WHEREAS**, emergency preparedness is the responsibility of every resident who is urged to make preparedness a priority and work together to ensure that individuals, families, and communities are prepared for disasters and emergencies of any type; and

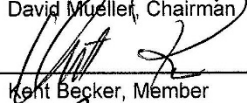
**WHEREAS**, all residents are encouraged to participate in preparedness activities and become more prepared by making a plan, building a kit, and staying informed;

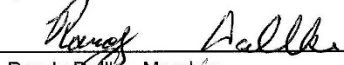
**NOW, THEREFORE**, the County Commissioners of Marion County, Kansas do hereby proclaim the month of September as National Preparedness Month in Marion County, Kansas. The Marion County Commission calls upon all government officials, parents, teachers, school administrators, caregivers, business leaders, non-profit organizations, and all residents of Marion County to observe this month with training, events, and activities to educate the public on Emergency Preparedness.

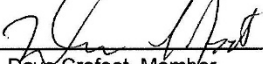
Proclaimed this 28<sup>th</sup> day of August 2023.


BOARD OF COUNTY COMMISSIONERS MARION COUNTY,  
KANSAS

  
David Mueller, Chairman

  
Kent Becker, Member


  
Randy Dalke, Member

  
Dave Crofoot, Member

  
Jonah Gehring, Member



ATTEST:

  
Tina D. Spencer, County Clerk