

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

July 6, 2020

Commission met in regular session in Commission chambers at the Marion County Courthouse at 9:00 a.m. with Chr. Jonah Gehring, Comm. Kent Becker, Comm. Randy Dallke, Comm. Dave Crofoot, and Comm. Dianne R. Novak present. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, members of the public and members of the press.

**PUBLIC COMMENTS:** Mike Beneke commented that it has been a year since the flood and some road damage has still not been fixed.

**ADMINISTRATIVE:** Gehring moved to approve early check #49103 in the amount of \$32,119 (to Midway Motors) for a budgeted vehicle (to be paid from General/Sheriff). Novak seconded and motion carried 5-0. Becker noted that warranty work from this vendor must be completed out of County.

- Salary sheets were signed: Lindsey Buckbee – part time, seasonal Election Clerk at \$12.50/hour effective 6/21/2020; Marcy Hostetler – part time, seasonal Election Clerk (for Election night only) at \$12.50/hour effective 6/21/2020; Max Svoboda – part time, seasonal Road & Bridge at \$10.00/hour effective 6/23/2020. A salary sheet for Kaitlyn Christensen (change from part time to full time Legal Assistant) was tabled until July 13<sup>th</sup>.
- Crofoot moved to approve the job description for County Attorney Legal Assistant. Gehring seconded and motion carried 4-1 with Dallke opposed.
- An incident response plan was provided for review and is slated for approval on July 13<sup>th</sup>.
- Crofoot moved to disband the video (Commission meeting viewing area) in the hallway after the July 13<sup>th</sup> meeting due to lack of participation. Gehring seconded and motion carried 5-0.
- Resolution 2020-20 (authorized on July 2<sup>nd</sup>) was reviewed by the Board and signed by Chr. Gehring.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel reported that KDOT will announce the recipients of cost share funds on Thursday, July 9<sup>th</sup>.

- Goebel was directed by the Board to begin providing a monthly report of completed work (including number of miles rocked, rebuilt, chip sealed, etc.).

**CO. APPRAISER:** Co. Appraiser Lisa Berg provided a quarterly department update.

**WEED/HHW/TRANSFER STATION/RECYCLING:** Dir. Josh Housman asked for guidance regarding a minimum charge for recycling. After discussion, Gehring moved to charge a flat fee of \$5.00 for 100 pounds or less of recycling. Dallke seconded and motion carried 5-0.

**CONSERVATION DISTRICT 2021 BUDGET ALLOCATION REQUEST:** Lori Siebert, Greg Bowers, and Bruce Schroeder were present to report on current programs and request an allocation of \$39,500.00 for the 2021 budget. No decisions were made. Session recessed until 10:45 a.m.

**CO. COUNSELOR:** Co. Counselor Brad Jantz and the County's tax sale attorney, Susan Robson, joined the session. Gehring moved to recess into executive session to discuss current litigation pursuant to K.S.A. 75-4319b (2) for attorney/client consultation with the Board, Jantz, Robson and Spencer present for five minutes until 10:55 a.m. Becker seconded and motion carried 5-0. Open session resumed with no action.

- Gehring moved to recess into executive session to discuss contract negotiation pursuant to K.S.A. 75-4319b (2) for attorney/client consultation with the Board and Jantz present for 30 minutes until 11:30 a.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.
- Jantz was directed to contact Planning and Zoning and schedule a discussion on the July 13<sup>th</sup> agenda regarding the status of Enel's conditional use permit, and the status of a potential claim against the company's letter of credit.

**PUBLIC COMMENTS:** None

**COMMISSION COMMENTS:** Dallke commented about employees watching the Commission meetings and whether they should be allowed to comment during the public comment portion. (No decision was made.) Dallke also commented that at this time the expectation of the Board is that all department heads are working from the office (not from home).

- Crofoot asked what resources needed to be available for the work session at 1:00 p.m.
- Dallke, Novak and Crofoot commented about communication received from the City of Marion regarding trash around the transfer station. Novak noted that Josh Housman indicated he has taken care of the problem.
- Crofoot moved to adjourn. Gehring seconded and motion carried 5-0. Regular meeting adjourned at 11:54 a.m.

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

July 6, 2020, Continued

**SPARK FUNDING WORK SESSION:** Session resumed at 1:00 p.m. with a work session about the SPARK funding that will be available to the County. The main points of discussion were regarding the contact person(s) for the County and the formation of a work group (task force) to assist with planning and compliance.

After discussion, it was determined that Co. Treasurer Jeannine Bateman would be listed as the County's primary contact with Co. Clerk Tina Spencer as first alternate and Health Officer Diedre Serene as second alternate. A task force structure was generally agreed upon:

1. County Treasurer (finance)
2. County Clerk (finance)
3. Health Department (public health also to include long term care facilities, assisted living, hospitals, etc.)
4. Emergency Management (emergency services/emergency management)
5. Public Education
6. Post-Secondary Education (Tabor)
7. Faith based organizations
8. Economic Development
9. Connectivity / IT

No official actions were taken. A special meeting was scheduled for Wednesday, July 8<sup>th</sup> at 8:00 a.m. to appoint members and take care of any other pertinent tasks to move forward.

Chr. Gehring adjourned the work session at 2:09 p.m.

\_\_\_\_\_  
Jonah Gehring, Chairman

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

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

July 6, 2020, Continued

**RESOLUTION NO. 2020-20**

**A RESOLUTION OF THE COUNTY COMMISSION OF MARION COUNTY REGARDING ENFORCEMENT OF CRIMINAL OR CIVIL PENALTIES PURSUANT TO EXECUTIVE ORDER NO. 20-52 EXECUTED BY KANSAS GOVERNOR LAURA KELLY REQUIRING MASKS OR OTHER FACE COVERINGS IN PUBLIC.**

**WHEREAS**, the Board of County Commissioners of Marion County, Kansas, (hereinafter referred to as "the Board") is the governing body for Marion County, Kansas and is charged with certain duties, including, in consultation with the Local Health Officer, the Marion County Health Department, and the Office of Emergency Management for Marion County, the public health of residents of Marion County, Kansas; and

**WHEREAS**, due to the novel coronavirus (commonly referred to as COVID-19) pandemic, the Governor has executed Executive Order 20-52, mandating the wearing of masks in public places through the State of Kansas; and

**WHEREAS**, HB 2016 was passed in the legislative session of 2020 and is currently in effect; and

**WHEREAS**, HB 2016 Section 36 amends K.S.A. 48-939, imposing a civil penalty of up to \$2,500 per violation of any order of the Governor promulgated under K.S.A. 48-924; and

**WHEREAS**, HB 2016, Section 33, amends K.S.A. 48-925; and

**WHEREAS**, 48-925(h), as amended, allows for the Board of County Commissioners of each County to promulgate orders less stringent than that of an executive order declared under K.S.A. 48-924, upon the findings to be included in the less stringent order:

**THAT** the Board has consulted with the Local Health Officer or other local health officials regard the Governor's executive order, and

**THAT** following such consultation, the Board finds that the implementation of the full scope of the provisions in the Governor's executive order are not necessary to protect the public health and the safety of the County, and

**THAT** all other relevant findings to support the Board's decision are included; and

**WHEREAS**, the Board has consulted with the Local Health Officer, the Local Health Department, and the Office of Emergency Management; and

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

July 6, 2020, Continued

(Resolution 2020-20 continued)

**WHEREAS**, Marion County, Kansas has a limited number of confirmed cases of coronavirus and no indication of an imminent widespread outbreak;

**WHEREAS**, in the event that Executive Order 20-52 provides for the civil penalty found in K.S.A. 48-939, after such consultation the Board of County Commissioners finds that the implementation of the civil penalty is not necessary to protect the health and safety of the County.

**NOW THEREFORE, IT IS HEREBY RESOLVED, PROCLAIMED DIRECTED, AND ORDERED** by the Board of Commissioners of Marion County, Kansas:

**THAT**, in the event that Executive Order 20-52 provides for the civil penalties found in K.S.A 48-939, The Board orders that they shall not be enforced in the County; and

**THAT** the Board strongly encourages its citizens to wear a mask, practice social distancing, practice basic principles of hygiene, to follow all other recommendations for this pandemic as issued by the Center of Disease Control, and to comply with the guidelines of Executive Order 20-52 of the Governor of the State of Kansas, but that none of these measures will be compelled by the force of law.

**THAT** individual merchants or business owners may require any or all of the requirements of Executive Order 20-52 on their premises and as to the public and patrons.

**PASSED AND APPROVED** this 2<sup>nd</sup> day of July, 2020, authorizing the same to be signed for the Board by the Chairman of the Board of Marion County Commissioners.

Adopted on this 30<sup>th</sup> day of June, 2020.



BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, KANSAS

  
Chairman

This Resolution was passed unanimously by an affirmative vote of 5-0.

Attest:

  
County Clerk