

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

June 30, 2020

Commission met for payday and other business in Commission chambers at the Marion County Courthouse at 9:00 a.m. with Chr. Jonah Gehring, Comm. Kent Becker, Comm. Randy Dallke, and Comm. Dave Crofoot present. Comm. Dianne R. Novak joined at approximately 10:15 a.m. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting was Co. Counselor Brad Jantz. Also present were members of the public and members of the press.

**COVID-19 UPDATE:** The meeting began with the Board serving as the Board of Public Health. Health Officer Diedre Serene provided a update regarding active cases in Marion County and reported that the Governor is issuing an Executive Order to require masks in public within the State of Kansas. Medical Advisor Don Hodson and Serene both encouraged the Board of Public Health to support the wearing of masks in public. Gehring, Dallke and Becker expressed a preference to encourage mask wearing, but not mandate it. Crofoot said that mandating masks to be worn in public and allowing kids to get used to this would help to prepare everyone for school reopening in the fall. It was noted that, depending on the wording of the Executive Order, the Board may need to adopt a resolution if Marion County intends to opt out. No action was taken. Board of Public Health adjourned.

**CITIZEN CONCERN:** Robert Schmidt of Florence expressed frustration regarding high taxes in Marion County.

**SALES TAX:** Sales tax for the month of April was received in the amount of \$66,188.24.

**PAYDAY:** Becker moved to approve an expenditure to Elcon Electric in the amount of \$91.50. Crofoot seconded and motion carried 4-0 with three in favor and Gehring abstaining. (Abstention counted with majority prevailing.)

- Gehring moved to approve the grand total payday figure in the amount of \$1,210,937.62. Dallke seconded and motion carried 4-0. (Checks #48875-49102; voided checks #48920, 48970, 49086, 49020.)

**ADMINISTRATIVE:** Crofoot moved to approve the minutes of the June 18<sup>th</sup> budget work session. Becker seconded and motion carried 4-0.

- Dallke moved to approve the minutes of June 22<sup>nd</sup>. Gehring seconded and motion carried 4-0.
- Gehring moved to approve a Code of Conduct pertaining to CDBG grants. Dallke seconded. Motion carried 4-0.
- Becker moved to adopt a Procurement Policy pertaining to CDBG grants. Crofoot seconded and motion carried 4-0.
- Gehring moved to adopt Resolution 2020-17, correcting the address (of a property in Lost Springs previously approved for clean-up through an agreement with KDHE – 106 S. Berry). Becker seconded and motion carried 4-0.
- Gehring moved to adopt Resolution 2020-18 (regarding the clean-up of 103 E. Crane, Lost Springs). Dallke seconded and motion carried 4-0.
- Gehring moved to adopt Resolution 2020-19 (regarding the clean-up of a vacant lot in Lost Springs). Becker seconded and motion carried 4-0.
- Becker moved to authorize the chairman to sign new agreements (for the KDHE clean up mentioned in the resolutions) to extend the deadline until December 31<sup>st</sup>. Crofoot seconded and motion carried 4-0.

**KCAMP:** Larry Sharp presented an annual review of services available to KCAMP members. Commissioner Novak joined the meeting.

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

	Area 1	Area 2	Area 3
	1,400 gals.	1,950 gals.	1,905 gals.
Epp's Service, Elbing	1.3240 = \$1,853.60	1.4520 = \$2,831.40	1.3140 = \$2,562.30
Coop Grain, Hillsboro	1.3410 = \$1,877.40	1.4510 = \$2,829.45	1.3410 = \$2,614.95
MFA Oil, Tampa	1.5700 = \$2,198.00	1.5700 = \$3,061.50	1.5900 = \$3,100.50

Dallke moved to approve the bid from Epp's Service for Areas one and three and the bid from Cooperative Grain for Area two. Becker seconded and motion carried 5-0.

Transport fuel bids were reviewed:	Tank #3	Tank #1	Unleaded	Total
	4,000 gals.	2,000 gals.	2,000 gals.	
Epp's Service, Elbing	1.5225	1.2672	1.4602	\$11,544.80
Coop Grain, Hillsboro	1.5121	1.2560	1.4621	\$11,484.60
MFA Oil, Tampa	1.5179	1.2670	1.2832	\$11,172.00

Gehring moved to accept the bid from MFA Oil in the amount of \$11,172.00. Crofoot seconded and motion carried 5-0.

- Dallke moved to approve a budgeted transfer from Road & Bridge to Special Equipment in the amount of \$133,333.34. Becker seconded and motion carried 5-0.

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

June 30, 2020, Continued

**CITIZEN CONCERN:** Janice Davis was present to seek reimbursement for damage to her basement which she said was caused when the Road & Bridge department broke a pipe connected to her sewer system. The consensus of the Board was to have Ms. Davis submit a claim to KCAMP for a determination regarding liability.

Co. Counselor Brad Jantz joined the session at 10:52 a.m.

**PUBLIC COMMENTS:** None

**COMMISSION COMMENTS:** Novak commented that she has heard from members of the public that the current method of attending Commission meetings is not working well for people. Crofoot moved to continue the current method (social distancing in the room, online meeting offered, and viewing area in the hallway) for 30 days, through July 31<sup>st</sup>. Becker seconded and motion carried 4-1 with Novak opposed.

**CO. COUNSELOR:** Co. Counselor Brad Jantz requested an executive session to discuss contract negotiation. Gehring moved to recess into executive session to discuss contract negotiation pursuant to K.S.A. 75-4319b (2) for attorney/client consultation for 15 minutes with the Board and Jantz present with open session to resume at 11:37 a.m. Dallke 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 10 minutes with open session to resume at 11:52 a.m. Novak seconded and motion carried 5-0. Open session resumed with no action.

Novak moved that the County pursue any and all legal action necessary to conform with the signed contracts that we have in place to recoup our losses for the northern wind farm – the Diamond Vista / Enel project. Gehring seconded. Motion failed 2-3 with Novak and Gehring in favor and Crofoot, Dallke and Becker opposed.

Dallke moved that, in the case against the Enel wind farm, to accept the most recent payment offered by Enel to finalize the agreement and move ahead with accomplishing something, (noting that the previous motion made was valid, but would be expensive due to additional legal fees and time). Crofoot seconded. Upon further discussion, Co. Counselor Jantz clarified that the most recent offer is for \$241,496.00 cash payment with the County's PILOT payment being offset by \$520,005.00. Motion failed 0-5 with all Board members opposed.

Jantz will prepare a summary of the most recent offer and contact previous legal counsel regarding the agreement and the Board can consider next steps at the July 6<sup>th</sup> meeting.

Session recessed until 12:30 p.m.

**BUDGET WOK SESSION:** Scot Loyd and Tifanie Becker of Swindoll, Janzen, Hawk & Loyd were present for an additional budget work session. No decisions were made. Another work session will be held on July 27<sup>th</sup>.

Chr. Gehring adjourned the meeting at 3:00 p.m.

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Jonah Gehring, Chairman

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

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

June 30, 2020, Continued

BEFORE THE COUNTY COMMISSION OF  
MARION COUNTY, KANSAS

RESOLUTION NO. 2020-17

A RESOLUTION REGARDING THE CLEANUP OF THE PROPERTY DESCRIBED AS:  
BEGINNING 20' SOUTH OF THE SOUTHWEST CORNER LOT 11, BLOCK 27; SOUTH 90';  
EAST 131.2'; NORTH 90'; WEST 131.2' TO POINT OF BEGINNING, ORIGINAL TOWN, LOST  
SPRINGS, KNOWN AS 106 S. BERRY, LOST SPRINGS, KANSAS, AND PROVIDING FOR  
COOPERATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT IN  
ACHIEVING SAID REPAIR AND CLEANUP **AND REPEALING RESOLUTION 2020-16.**

WHEREAS, the County Commission after study and review has determined as follows, to-wit:

THAT the property located at 106 S. Berry, Lost Springs, Kansas, is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a).

THAT, K.S.A. 65-3415a(c)(7) authorizes the Secretary of KDHE to take corrective action where the release of solid waste presents an actual or potential threat to human health or the environment if the owner or operator has not been identified or is unable or unwilling to perform corrective action.

THAT, K.S.A. 65-3415a(d) requires that the person(s) responsible for the operation or long-term care of a disposal area whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are responsible for repayment of those funds and the Secretary shall take the appropriate action to recover those funds.

THAT, the Secretary has determined that the site presents an actual or potential threat to human health or the environment and the owner or operator is unable or unwilling to perform the necessary corrective action. The Secretary has further determined that the person(s) responsible for the long-term care of the site has not violated the solid waste act, rules, regulations, or permit conditions resulting in the determination that funds should be expended and therefore is not responsible for repayment of funds expended.

THAT, the City of Lost Springs and Marion County should enter into an agreement to remediate the human health or environmental hazards at the site located in Marion County, Kansas known as 106 S. Berry, Lost Springs, Kansas, as the same represents a threat to the safety of the citizens of the City of Lost Springs and Marion County, Kansas.

THAT, the Secretary has determined that it is most cost effective for the County to contract for performance of the tasks necessary to remediate the site.

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Therefore, be it RESOLVED that the Marion County Commission **hereby repeals Resolution 2020-16**, and authorizes the Chairman on behalf of the County Commission to enter into an agreement with the Kansas Department of Health and Environment for the repair and cleanup of 106 S. Berry, Lost Springs, Kansas, and to provide for a work plan for said repair and clean up, and to perform all acts necessary to contract for the performance of the tasks necessary to accomplish the same and to enter into a reimbursement agreement with KDHE to recover the actual costs associated in performing said services.

This Resolution shall take effect upon its passage by the Marion County Commission.

Passed this 30 day of June, 2020.

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

[Signature]  
Jonah Gehring, Chairman – District 5  
☒ Yea  
☐ Nay  
☐ Abstain

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

Absent  
Dianne R. Novak, Member – District 2  
☐ Yea  
☐ Nay  
☐ Abstain

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

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



ATTEST:  
[Signature]  
Tina D. Spencer, County Clerk

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

June 30, 2020, Continued

BEFORE THE COUNTY COMMISSION OF  
MARION COUNTY, KANSAS

RESOLUTION NO. 2020-18

A RESOLUTION REGARDING THE CLEANUP OF THE PROPERTY DESCRIBED AS: SECTION 23, TOWNSHIP 17, RANGE 04 – BEGINNING 60' SOUTH and 112' EAST OF THE SOUTHWEST CORNER BLOCK 28; SOUTH 387.2'; EAST 112.5'; NORTH 387.2'; WEST 112.5' TO POINT OF BEGINNING, KNOWN AS 103 E. CRANE, LOST SPRINGS, KANSAS, AND PROVIDING FOR COOPERATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT IN ACHIEVING SAID REPAIR AND CLEANUP.

WHEREAS, the County Commission after study and review has determined as follows, to-wit:

THAT the property located at 103 E. Crane, Lost Springs, Kansas, is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a).

THAT, K.S.A. 65-3415a(c)(7) authorizes the Secretary of KDHE to take corrective action where the release of solid waste presents an actual or potential threat to human health or the environment if the owner or operator has not been identified or is unable or unwilling to perform corrective action.

THAT, K.S.A. 65-3415a(d) requires that the person(s) responsible for the operation or long-term care of a disposal area whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are responsible for repayment of those funds and the Secretary shall take the appropriate action to recover those funds.

THAT, the Secretary has determined that the site presents an actual or potential threat to human health or the environment and the owner or operator is unable or unwilling to perform the necessary corrective action. The Secretary has further determined that the person(s) responsible for the long-term care of the site has not violated the solid waste act, rules, regulations, or permit conditions resulting in the determination that funds should be expended and therefore is not responsible for repayment of funds expended.

THAT, the City of Lost Springs and Marion County should enter into an agreement to remediate the human health or environmental hazards at the site located in Marion County, Kansas known as 103 E. Crane, Lost Springs, Kansas, as the same represents a threat to the safety of the citizens of the City of Lost Springs and Marion County, Kansas.

THAT, the Secretary has determined that it is most cost effective for the County to contract for performance of the tasks necessary to remediate the site.

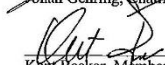


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Therefore, be it RESOLVED that the Marion County Commission authorizes the Chairman on behalf of the County Commission to enter into an agreement with the Kansas Department of Health and Environment for the repair and cleanup of 103 E. Crane, Lost Springs, Kansas, and to provide for a work plan for said repair and clean up, and to perform all acts necessary to contract for the performance of the tasks necessary to accomplish the same and to enter into a reimbursement agreement with KDHE to recover the actual costs associated in performing said services.

This Resolution shall take effect upon its passage by the Marion County Commission.

Passed this 30 day of June, 2020.

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

	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Jonah Gehring, Chairman – District 5	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Kent Becker, Member – District 1	
<u>Absent</u>	<input type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Dianne R. Novak, Member – District 2	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Randy Dalkic, Member – District 3	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Dave Crofoot, Member – District 4	



ATTEST:  
  
Tina D. Spencer, County Clerk

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

June 30, 2020, Continued

BEFORE THE COUNTY COMMISSION OF  
MARION COUNTY, KANSAS

RESOLUTION NO. 2020-19

A RESOLUTION REGARDING THE CLEANUP OF THE PROPERTY DESCRIBED AS: SECTION 23, TOWNSHIP 17, RANGE 04 – BEGINNING 60' SOUTH OF THE SOUTHWEST CORNER BLOCK 28; EAST 112'; SOUTH 387'; WEST 112'; NORTH 387' TO POINT OF BEGINNING (VACANT LOT), LOST SPRINGS, KANSAS, AND PROVIDING FOR COOPERATION WITH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT IN ACHIEVING SAID REPAIR AND CLEANUP.

WHEREAS, the County Commission after study and review has determined as follows, to-wit:

THAT the property at the above described location in the City of Lost Springs, Marion County, Kansas is an illegal solid waste dumping area pursuant to K.S.A. 65-3415(a).

THAT, K.S.A. 65-3415a(c)(7) authorizes the Secretary of KDHE to take corrective action where the release of solid waste presents an actual or potential threat to human health or the environment if the owner or operator has not been identified or is unable or unwilling to perform corrective action.

THAT, K.S.A. 65-3415a(d) requires that the person(s) responsible for the operation or long-term care of a disposal area whose failure to comply with the solid waste act, rules and regulations or permit conditions resulted in the determination that expenditures from the solid waste fund are responsible for repayment of those funds and the Secretary shall take the appropriate action to recover those funds.

THAT, the Secretary has determined that the site presents an actual or potential threat to human health or the environment and the owner or operator is unable or unwilling to perform the necessary corrective action. The Secretary has further determined that the person(s) responsible for the long-term care of the site has not violated the solid waste act, rules, regulations, or permit conditions resulting in the determination that funds should be expended and therefore is not responsible for repayment of funds expended.

THAT, the City of Lost Springs and Marion County should enter into an agreement to remediate the human health or environmental hazards at the site described above, located in the City of Lost Springs, Marion County, Kansas, as the same represents a threat to the safety of the citizens of the City of Lost Springs and Marion County, Kansas.

THAT, the Secretary has determined that it is most cost effective for the County to contract for performance of the tasks necessary to remediate the site.

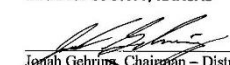
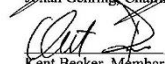
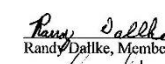

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Therefore, be it RESOLVED that the Marion County Commission authorizes the Chairman on behalf of the County Commission to enter into an agreement with the Kansas Department of Health and Environment for the repair and cleanup of the above described property, Lost Springs, Kansas, and to provide for a work plan for said repair and clean up, and to perform all acts necessary to contract for the performance of the tasks necessary to accomplish the same and to enter into a reimbursement agreement with KDHE to recover the actual costs associated in performing said services.

This Resolution shall take effect upon its passage by the Marion County Commission.

Passed this 30 day of June, 2020.

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

	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Jonathan Gehring, Chairman – District 5	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Kent Becker, Member – District 1	
	<input type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Dianne R. Novak, Member – District 2	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Randy Dalka, Member – District 3	
	<input checked="" type="checkbox"/> Yea <input type="checkbox"/> Nay <input type="checkbox"/> Abstain
Dave Crofoot, Member – District 4	



ATTEST:  
  
Tina D. Spencer, County Clerk