

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

May 18, 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 (via teleconference), 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 (via teleconference), members of the public (by teleconference only) and members of the press.

**COVID-19 UPDATE/DISASTER DECLARATION EXTENSION:** Health Officer Diedre Serene reported that Marion County has had no new cases of COVID-19, and that Marion County is in line to follow the Governor's new phase 1.5 plan for reopening with no additional restrictions imposed locally.

- Serene reviewed written guidance she issued for restaurants.
- Serene reported receipt of a COVID-19 response grant from Blue Cross Blue Shield that will be used toward the wages of the registered nurse performing the disease investigations.
- Emergency Management Dir. Randy Frank reported that a \$750 grant has been received from the Peabody Community Foundation to provide personal protective equipment for Peabody area law enforcement and first responders.
- Frank requested approval of Resolution 2020-12, extending the state of local disaster emergency in Marion County for sixty days, effective May 14<sup>th</sup>. Gehring moved to approve Public Health Resolution 2020-12. Crofoot seconded and motion carried 5-0.

**ADMINISTRATIVE BUSINESS:**

- The April Clerk's report, budget reports, and quarterly financial statements were reviewed.
- Change orders affecting 2019 and prior years' tax rolls were reviewed and signed by the Board.
- Gehring moved to approve the minutes of May 11<sup>th</sup> as written. Becker seconded and motion carried 5-0.
- Pay estimate #3 for the transfer station project was presented for approval. Gehring moved to approve pay estimate #3 in the amount of \$87,556.59 to Nelson-Fowles. Dallke seconded and motion carried 5-0.
- A letter to Governor Laura Kelly encouraging local discretion for opening the economy was reviewed by the Board. Gehring moved to approve the letter. Becker seconded and motion carried 5-0. It was signed by the Board.
- A Cereal Malt Beverage license for Last Chance Bait was presented for approval. Jantz recommended approval contingent on confirmation that the dealer has filed with TTB. Gehring moved to approve the license for Last Chance Bait contingent upon TTB confirmation. Novak seconded and motion carried 5-0.

**CO. COUNSELOR:** Co. Counselor Brad Jantz reported that the Hillsboro City Attorney is waiting on additional information from City officials before the agreement pertaining to a lot for the proposed Hillsboro EMS Station can be drafted.

- Jantz said he hopes to have an answer on a potential settlement offer from Diamond Vista by the May 26<sup>th</sup> meeting.
- Jantz requested an executive session to discuss current litigation. Gehring moved to recess into executive session to discuss current litigation pursuant to K.S.A. 75-4319b (2) for attorney/client consultation with Jantz and the Board present until 10:00 a.m. Crofoot seconded and motion carried 5-0. Open session resumed with no action.
- Dallke moved to allow the Planning and Zoning department and Jantz to utilize attorney Pat Hughes' firm for a specific case in which they are currently involved in with Jantz. Crofoot seconded and motion carried 4-1 with Novak opposed.
- Novak asked whether Marion County fire districts are set up to be able to apply for 501c3 status. Nathan Brunner commented via teleconference that Fire District #3 is applying for a grant that requires 501c3 status. Jantz said he can call to verify what is required, and that creation of a 501c3 is not difficult.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel presented a road crossing permit for Bluestem Telephone to replace 100 feet of copper cable along the west right-of-way of Bluestem Road 2,376 feet north of Highway 50. Gehring moved to approve permit number 2020-09 for Bluestem Telephone for communication line repair. Becker seconded and motion carried 5-0.

- Goebel presented a project programming request for the High Risk Rural Road project to improve the intersection of Nighthawk and 190<sup>th</sup> Rd. Gehring moved to approve the Nighthawk & 190<sup>th</sup> road intersection improvement with the County's share not to exceed \$58,000.00. Crofoot seconded and motion carried 5-0.

**PLANNING/ZONING/ENVIRONMENTAL HEALTH:** Planning/Zoning/Environmental Health Dir. Sharon Omstead joined the meeting by teleconference. The Board discussed a vacation request that had previously been tabled. Gehring moved to accept Planning and Zoning's recommendation regarding a road/easement vacation at 2160 Schlotthauer Rd. Crofoot seconded and motion carried 5-0.

**RECORD OF PROCEEDINGS  
BOARD OF COMMISSIONERS  
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May 18, 2020, Continued

**PLANNING/ZONING/ENVIRONMENTAL HEALTH, CONTINUED:** Resolution 2020-13 ordering the vacation of Schlotthauer north of Patricia/214<sup>th</sup> Terrace between Block D and Block G and the portion of Patricia/214<sup>th</sup> Terrace east of Schlotthauer between Block G and Block H and the triangle shaped area connecting the center points of those two named road rights-of-way up to the southwest corner of Block G and the platted building setbacks on Block G of the Eastshore Plat, Marion County, Kansas was presented for approval. Gehring moved to adopt Resolution 2020-13 for the road vacation of Schlotthauer and Patricia/214<sup>th</sup>. Becker seconded and motion carried 5-0.

**KANSAS TRAVEL GUIDE LISTINGS:** Marion Economic Development Dir. Randy Collett joined to discuss the Kansas Travel Guide listings. After discussion, Dallke moved to approve the use of transient guest tax to pay the full cost of (regular) business and event listings for the Kansas Travel Guide at a cost not to exceed \$4,400.00. Gehring seconded and motion carried 5-0.

- Crofoot moved to purchase a ½ page ad with the option for Hillsboro and Marion to collaborate to promote the County. After discussion, Crofoot withdrew the motion. Gehring suggested looking for other collaborative opportunities.

**WEED/HHW/TRANSFER STATION/RECYCLING:** Dir. Josh Housman joined by teleconference. Construction and demolition (C&D) disposal rates for several nearby counties were reviewed. After discussion, Becker moved to increase Marion County C&D rates from \$40.00/ton to \$50.00/ton effective August 1, 2020. Crofoot seconded. Motion carried 5-0.

- The Noxious Weed Eradication Report for 2019 reviewed last week was signed by the Board.

**ELECTION UPDATE:** Spencer reported that the return envelope for Advance ballots by mail is being redesigned for a higher level of privacy in anticipation of a larger number of voters utilizing the option of advance voting by mail in 2020.

- Federal funding not to exceed \$11,883.99 will be received by Marion County for specific election expenses related to COVID-19. In addition, the County will receive a limited supply of personal protective equipment from the Secretary of State for polling place use.
- Polling places will be open on Election Day and early, in person voting will still be offered at the Courthouse. Safety precautions will be implemented in regard to COVID-19.
- The candidate filing deadline is June 1<sup>st</sup> at Noon in the County Clerk's Office. That is also the deadline for party changes. Unaffiliated voters must declare a party before being issued a ballot if they vote in the Primary.
- A list of offices up for election was reviewed.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV):** The CDBG-CV grant program to assist businesses impacted by the COVID-19 pandemic was discussed and basic information was reviewed. Cities and counties are the only entities eligible to apply for the funds. One of the initial steps is to adopt a resolution certifying legal authority of the County to apply for the program and authorizing the Chairman to sign the grant application.

- Gehring moved to adopt Resolution 2020-14 certifying legal authority to apply for the CDBG program to get the ball rolling. Becker seconded and motion carried 5-0.
- Becker moved to utilize SCKEDD to apply for the grant funds on behalf of the County (at a cost of \$1,750.00). Crofoot seconded and motion carried 5-0.
- Gehring moved to solicit bids for grant administration services for the CDBG program. Novak seconded and motion carried 5-0.
- Gehring moved to hold the public hearing on May 26<sup>th</sup>. Becker seconded and motion carried 5-0.

**REOPENING PLANS FOR COUNTY OFFICES:** Gehring moved to extend the current public access (by appointment only) until Phase 2 is implemented by the Governor. Motion died for lack of a second.

- A potential plan to begin restricted public access with health and travel screening developed by County department heads and outlined by the County Clerk was reviewed. After discussion, Becker moved to open beginning May 19<sup>th</sup> under the plan presented by the County Clerk. Novak seconded and motion carried 5-0.

**PERSONNEL DISCUSSION:** Gehring moved to recess into executive session to discuss an employee performance review pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with only the Board present (for 15 minutes) until 11:55 a.m. Becker seconded and motion carried 5-0. Open session resumed with a motion by Gehring to recess into executive session to discuss an employee performance review pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with only the Board present (for 15 minutes) until 12:10 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

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**PUBLIC COMMENTS:** Janice Davis asked (by teleconference) about the status of her CMB License. Gehring commented that it was approved by the Board pending TTB confirmation. Davis noted that there is no process for TTB confirmation, and Gehring said he would stay on top of the issue.

A participant on the teleconference typed a question asking whether the public will be allowed to attend the Road & Bridge work session in person. Gehring answered that it would be a virtual meeting. Dallke suggested that people submit goals/suggestions in writing ahead of the meeting for Board review.

**COMMISSION COMMENTS:** Becker expressed concern about the continued closure of the Marion Reservoir. After discussion, Becker moved that the County Clerk draft a letter on behalf of the Board to the Corps of Engineers (expressing the County's concern, asking for an updated timeline on opening, and requesting a response from someone at the district level). Novak seconded and motion carried 5-0.

Gehring moved to adjourn. Becker seconded and motion carried 5-0. Meeting adjourned at 12:42 p.m.

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

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

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

May 18, 2020, Continued

**COVID 19 PUBLIC HEALTH EMERGENCY RESOLUTION 2020-12**

**WHEREAS**, on the 16<sup>th</sup> day of March, 2020, the Board of County Commissioners of Marion County, Kansas adopted Resolution 2020-09, declaring a state of local disaster emergency in Marion County, Kansas resulting in widespread and severe impact to the local jurisdiction, including but not limited to damage, injury or loss of life or property in Marion County, Kansas due to the COVID-19 Pandemic; and

**WHEREAS**, such conditions remain to create significant impact to everyday life and/or endanger the public health, safety and welfare of persons and property within the borders of Marion County, Kansas.

**WHEREAS**, pursuant to Marion County Resolution 2019-02 the Chairman of the Board of County Commissioners has been granted the authority to issue a verbal disaster declaration if necessary, which is to be reviewed and ratified by the full Board at their next official meeting.

**WHEREAS**, Commission Chairman Jonah Gehring issued such verbal declaration on the 14<sup>th</sup> day of May 2020, to extend the declaration set forth in Resolution 2020-09 for a period of 60 days beginning the 15<sup>th</sup> day of May, 2020. Said verbal declaration is hereby presented for ratification by the entire Board of County Commissioners of Marion County, Kansas.

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

That the verbal disaster declaration extension issued by the Chairman of the Board of Marion County, Kansas on the 14<sup>th</sup> day of May 2020 is hereby ratified by the full Board of Commissioners;

That the state of local disaster emergency in Marion County, Kansas declared on the 16<sup>th</sup> day of March, 2020, shall continue and remain in effect for an additional 60 days beginning on the 14<sup>th</sup> day of May, 2020;

That the response and recovery aspects of all local disaster plans which are applicable to Marion County, Kansas remain in place and shall initiate the rendering of aid and assistance there under;

That any rights or powers lawfully exercised or any actions taken pursuant to local disaster emergency plans shall continue and have full force and effect as authorized by law unless modified or terminated in the manner prescribed by law;

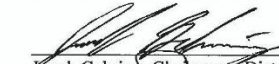
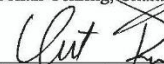
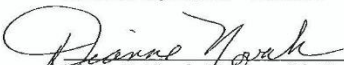
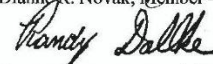
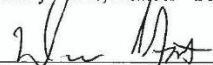
That, as of May 14, 2020 COVID- 19 PUBLIC HEALTH EMERGENCY RESOLUTION 2020-09 is hereby extended in its entirety and shall stay in effect for 60 days or until recalled.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS  
THIS 18<sup>th</sup> DAY OF MAY, 2020.**

Signature page follows.

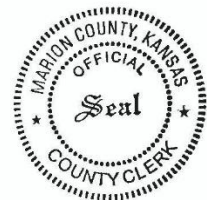
**RESOLUTION 2020-12 SIGNATURE PAGE**

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

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Jonah Gehring, Chairman – District 5	
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Kent Becker, Member – District 1	
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Dianne R. Novak, Member – District 2	
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Randy Dallke, Member – District 3	
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Dave Crofoot, Member – District 4	

ATTEST:

  
Tina D. Spencer, County Clerk



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

May 18, 2020, Continued

RESOLUTION NO. 2020-13

**A RESOLUTION ON THE PETITION AND REQUEST TO VACATE A PORTION OF SCHLOTTHAUER NORTH OF PATRICIA/214<sup>TH</sup> TERRACE, AND A PORTION OF PATRICIA/ 214<sup>TH</sup> TERRACE EAST OF SCHLOTTHAUER, AND THE AREA CONNECTING THE CENTER POINTS OF THESE TWO NAMED RIGHTS-OF-WAY UP TO THE SOUTHWEST CORNER OF BLOCK G, AND THE PLATTED BUILDING SETBACKS ON BLOCK G OF THE EASTSHORE PLAT, MARION COUNTY, KANSAS.**

WHEREAS, the Board of Commission of Marion County, Kansas, having heard testimony and having reviewed all documentation, finds that legal notice has been given by publication as required by law, pursuant to K.S.A. 58-2613 et seq; and

WHEREAS, a public hearing was held at which time concerned persons had the opportunity to speak on this issue; and

WHEREAS, the public will suffer no loss or inconvenience as a result of the action, and in consideration of the request that has been made, an order should be granted;

THEREFORE, it is ordered by the governing body of Marion County, Kansas, that the following described roadway be vacated, to wit:

All of the right-of-way for that portion of Schlotthauer north of Patricia/214<sup>th</sup> Terrace between Block D and Block G, and; the portion of Patricia/214<sup>th</sup> Terrace east of Schlotthauer between Block G and Block H, and' the triangle-shaped area connecting the center points of those two named road rights-of-way up to the southwest corner of Block G, and; the platted building setbacks on Block G, of the Eastshore Plat, Marion County, Kansas. All utility easements continue. New building setbacks are; 10 feet along the west boundary (abutting Block D), 30 feet across the front boundary (abutting road right-of-way), 6 feet along the south boundary (abutting Block H), 10 feet along the north rear boundary, and 20 feet along the east rear boundary of Block G of the Eastshore Plat, Marion County, Kansas. Furthermore, a utility access easement will be maintained on both sides of the centerline of the vacated road between Block G and Block H (totaling 12 feet between the two Blocks).


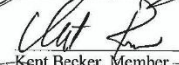
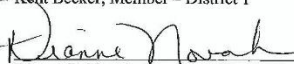
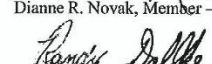
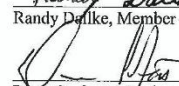
ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, on this 18 day of May, 2020.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, KANSAS

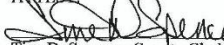
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RESOLUTION 2020-13 SIGNATURE PAGE

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

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Jonah Gehring, Chairman – District 5	
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Kent Becker, Member – District 1	
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Randy Dalke, Member – District 3	
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Dave Crofoot, Member – District 4	

ATTEST:

  
Tina D. Spencer, County Clerk



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

May 18, 2020, Continued

RESOLUTION NO. 2020-14

**CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE KANSAS COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM – CV-2020 FROM THE KANSAS DEPARTMENT OF  
COMMERCE AND AUTHORIZING THE CHAIRMAN OF THE BOARD OF COUNTY  
COMMISSIONERS TO SIGN AND SUBMIT SUCH AN APPLICATION**

WHEREAS, the County of Marion, Kansas is a legal governmental entity as provided by the laws of the State of Kansas, and

WHEREAS, the County of Marion, Kansas intends to submit an application for assistance from the 2020 Community Development Block Grant Program – CV-2020.

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

The Applicant hereby certifies that the County of Marion, Kansas is a legal governmental entity under the status of the laws of the State of Kansas and thereby has the authority to apply for assistance from the 2020 Kansas Community Development Block Grant Program – CV-2020.

The Applicant hereby authorizes the Chairman of the Marion County Board of Commissioners to act as the applicant's official representative in signing and submitting an application for the assistance to the 2020 Community Development Block Grant Program – CV-2020.

ADOPTED this 18<sup>th</sup> day of May, 2020 by the Board of Marion County Commissioners.



[Signature]  
Jonah Gehring, Chairman – District 5

☒ Yea  
☐ Nay  
☐ Abstain

[Signature]  
Kent Becker, Member – District 1

☒ Yea  
☐ Nay  
☐ Abstain

[Signature]  
Dianne R. Novak, Member – District 2

☐ Yea  
☐ Nay  
☒ Abstain

[Signature]  
Randy Dalke, Member – District 3

☒ Yea  
☐ Nay  
☐ Abstain

[Signature]  
Dave Crofoot, Member – District 4

☒ Yea  
☐ Nay  
☐ Abstain

ATTEST:

[Signature]  
Tina D. Spencer, County Clerk