

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

April 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. Randy Dallke, Comm. Kent Becker, 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 (by teleconference only), and members of the press.

COVID-19 UPDATE: Marion County Health Officer Diedre Serene updated the Board via teleconference regarding the COVID-19 pandemic. There are three confirmed positive cases, and 33 confirmed negative cases in Marion County. Serene has issued Marion County Emergency Public Health Order 20200406, extending the previous restriction on gathering size and closure of certain gathering facilities through April 30th.

- Serene encouraged everyone to do better about staying home except for essential travel.
- Emergency Management Dir. Randy Frank indicated that he may need to utilize some of his \$20,000.00 spending authority for personal protective equipment soon. In addition, thermometers and hand sanitizer are in short supply.
- After discussion, Gehring moved to approve the payment of cash overtime for the Emergency Preparedness Coordinator for work specifically related to COVID-19. Novak seconded and motion carried 5-0. It was noted that this overtime is reimbursable by FEMA. Information will be sent to the other departments regarding the justification for this employee receiving the paid overtime when others receive comp time.

ADMINISTRATIVE: Gehring moved to approve the minutes of March 31st as presented. Dallke seconded and motion carried 5-0.

- A change order affecting the 2019 tax roll was reviewed and signed by the Board.
- Salary change sheets were signed:
 - Jordan Trapp – new R&B Equipment Operator III at \$2,723.00/mo. effective 3/24/2020;
 - Christopher Stucky – new R&B Equipment Operator II at \$2,486.00/mo. effective 3/31/2020;
 - Evan Heidebrecht – new part-time seasonal employee for R&B at \$10.00/hour effective 4/6/2020;
 - Luke Dawson – new part-time seasonal employee for R&B at \$10.00/hour effective 4/6/2020;
 - Gwenda Rutherford – one year raise as EMT - from \$12.37/hour to \$12.50/hour effective 4/13/2020.
- Supplemental accounts payable were presented for approval: \$196,849.13 from R&B Fund and \$368.91 from Special Bridge Fund, totaling \$197,218.04. Checks #48367-#48398. Gehring moved to approve payables in the amount of \$197,218.04. Dallke seconded and motion carried 5-0.
- Disaster relief funding through North Central Kansas Community Foundation was discussed again with no action.

PARK & LAKE: Supt. Isaac Hett was present via teleconference for a quarterly update and to discuss the current situation at the Park & Lake due to COVID-19. Hett is checking with the State to verify that the current closure to out-of-county residents doesn't violate the requirements of the Community Fisheries Assistance Program (CFAP).

- No decision was made to reduce or refund rent for trailer owners due to the closure. The Board expressed no objections to loosening the rules regarding allowable length of stay should a trailer owner ask to stay at their trailer for the duration of the stay-home period. To date, no trailer owners have requested to do so.
- Hett has explained to lakeside property owners who reside out of county that they can come to their properties, but are asked to follow all rules of the stay at home order (social distancing) and avoid traveling back and forth between the two residences for non-essential purposes.
- The general consensus of the Board was not to immediately cancel the Bluegrass at the Lake event scheduled for June, but instead to wait until next month to decide (unless the committee has other feedback to consider).
- Hett said he will request a waiver of liability statement from Co. Counselor Brad Jantz for dock owners since they must allow public access to their docks when not in use by the owners.

CO. APPRAISER: Co. Appraiser Lisa Berg joined via teleconference. Updated re-list procedures due to the COVID-19 emergency were discussed. Instead of the staff knocking on doors, they will leave door hangers and send letters to limit face to face contact with the taxpayers.

- Division of staff and remote work options were discussed. Berg noted that she is working remotely and staff is taking turns working from home. Gehring encouraged Berg to consider daily virtual staff meetings.

WEED/HHW/TRANSFER STATION/RECYCLING: Dir. Josh Housman was present by teleconference for a recycling update. No bill has been received yet from Stutzman in Hutchinson. Housman noted that a load is being taken every other week, averaging about 12-14 tons per load. We are being charged \$98.50/ton. Gehring suggested the establishment of an additional "recycling fee" to be assessed in order to continue the program. Cities will be contacted for a potential agenda discussion on April 20th.

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ROAD & BRIDGE: Co. Engineer Brice Goebel joined via teleconference. The County has been cited by the Kansas Department of Agriculture for removing some bridges and changing drainage without permits. The violation occurred several years ago. Goebel presented a letter outlining the County's response for Board review. The plan of correction includes taking steps to close portions of 300th and 310th. Gehring moved to approve the response. Crofoot seconded and motion carried 5-0. The letter was signed by the Commission.

- An agreement between Marion County and Diepenbrock Farms for the County to utilize ground for storage of road materials was reviewed by the Board. The agreement is for two years. Gehring moved to approve the agreement. Becker seconded. Motion carried 5-0.
- Purchasing fuel on contract was discussed with no action.
- After a lengthy discussion about rock, the overall direction given to Goebel was to continue to haul the rock needed to get people in and out of their homes and fields, to take conservative measures in regard to the budget, and to temporarily suspend contract hauling of hard rock for test strips. Gehring suggested that the situation be reassessed at a later date.

EMPLOYEE HEALTH INSURANCE: Blue Cross options and potential employee contributions / rate structure scenarios were reviewed. Gehring moved to go with BCBS Option 3 (and staying with BCBS for dental), with a reduced employee premium to help offset the increased out-of-pocket cost. Novak seconded. Motion failed 2-3 with Crofoot, Becker, and Dallke opposed. After additional discussion, Gehring moved to go with BCBS Option 2 and to keep BCBS dental (with employee rates based upon percentages paid under option two of the current plan). Dallke seconded and motion carried 4-1 with Novak opposed.

THE RESTORATION CENTER BUDGET ALLOCATION REQUEST FOR 2020: Information regarding the number of clients served and other funding sources was reviewed. The budget allocation request for 2020 is \$12,000.00. After discussion, Dallke moved to allocate an amount double to last year's allocation. Crofoot seconded and motion carried 5-0.

CO. COUNSELOR: Co. Counselor Brad Jantz asked for clarification on several points in order to finalize the annual lease between the County and Dale Koop for use of road right-of-way on a closed road.

- Dual office holding was discussed. Jantz said that even though his approach is generally more conservative, there is no express prohibition of an individual serving on the County Planning Commission and a Township Board simultaneously. He noted that if the Board wishes further review, he can request a specific ruling from the Attorney General.
- Jantz said he prefers different wording for the agreement previously approved between the County and Diepenbrock Farms. Gehring moved to strike the agreement and wait for Jantz' version. Dallke seconded. Motion carried 5-0.
- Dallke moved to extend Jantz' contract as County Counselor for Marion County for one year (effective April 1, 2020) with no changes. Becker seconded and motion carried 5-0.
- Gehring moved to recess into executive session to discuss current litigation for five minutes with Jantz and the Board present pursuant to K.S.A. 75-4319b (2) for attorney/client consultation with open session to resume at 1:06 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.
- Gehring moved to recess into executive session to discuss potential litigation with the Board, Planning/Zoning/Environmental Health Dir. Sharon Omstead (by phone), and Jantz present for 30 minutes pursuant to K.S.A. 75-4319b (2) for attorney/client consultation with open session to resume at 1:40 p.m. Becker seconded and motion carried 5-0. Open session resumed with a motion by Gehring to recess into executive session for 10 minutes to discuss potential litigation with the Board, Omstead, and Jantz present pursuant to K.S.A. 75-4319b (2) for attorney/client consultation with open session to resume at 1:55 p.m. Dallke seconded and motion carried 5-0. Open session resumed with no action.

CO. APPRAISER: Co. Appraiser Lisa Berg asked for clarification regarding staffing and department head expectations during the COVID situation. The Board noted that departments should facilitate the ability (to the extent possible) for staff to be rotated between the office and working from home. Department heads can work remotely as long as they are present in the office to the extent necessary for continuation of services and proper staff supervision and communication. Daily interaction with all staff was recommended.

COMMISSIONER COMMENTS: Dallke said thank you to the individuals who suggested an alternate location close to the transfer station project to use for land farming of soil containing diesel fuel contaminants. Becker expressed disappointment in the engineering firm assisting with the project for not discovering the issue prior to demolition and construction, and said he would like the engineer to answer to the Board about it.

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COMMISSIONER COMMENTS, CONTINUED: Gehring reiterated that department heads should make efforts to communicate with all staff members daily during the COVID-19 situation.

- Gehring noted that there is disaster relief network funding for improved internet service, and wanted to be sure that Randy Frank is aware of it and pursuing it for Marion County.
- Gehring reminded the Commission to look at the road in Eastshore subdivision which was petitioned for closure prior to the middle of May.
- Gehring stated that he is looking at the budget to try to find a way to pay for a County Administrator without raising the budget. Novak and Becker both commented in support.

After discussion, Dallke moved to purchase 500 masks from Western Associates (for use by County departments). Gehring seconded and motion carried 5-0 with Crofoot abstaining due to conflict of interest. (Abstention counted with majority prevailing.).

Becker moved to adjourn. Dallke seconded and motion carried 5-0. Meeting adjourned at 2:22 p.m.

Jonah Gehring, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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April 6, 2020, Continued



**Marion County
Health
Department
504 S. Roosevelt
Marion KS 66861**

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Marion County Emergency Public Health Order 20200406

REFERENCE: KSA 65-119 and KSA 65-129b

ORDER:

WHEREAS the Local Health Officer is authorized and required, pursuant to KSA 65-119 and KSA 65-129b to immediately exercise and maintain supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine, and disinfection are duly enforced: and

WHEREAS, the Local Health Officer is appointed by the Board of County Commissioners and is authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to KSA 65-129b; and

WHEREAS, on March 16, 2020, the Chairman of the Board of County Commissioners of Marion County, Kansas found that a disaster occurred or the threat thereof was imminent within Marion County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States and Kansas, and

WHEREAS, COVID-19, a respiratory disease that spreads easily from person-to-person and may result in severe illness or death, has been confirmed in Kansas resulting in severe illness and at least two deaths to date in Kansas: and

WHEREAS, such conditions endanger health, safety and welfare of persons and property within the border of Marion County Kansas; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Marion County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings: and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Marion County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace.

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April 6, 2020, Continued

SUBJECT: Marion County Emergency Public Health Order 20200406

NOW, THEREFORE, BE IT ORDERED by the LOCAL HEALTH OFFICER, pursuant to the above authorities, that:

1. All large public gatherings of people in the County are prohibited. Large public gatherings are those with more than ten (10) people in attendance or anticipated to attend, both indoor and outdoor, except for governmental functions, judicial functions, and all deemed essential industries as defined by US Homeland Security.
2. Religious services, funerals, and memorial services, as defined by the Internal Revenue Service, are authorized to have more than ten (10) people in attendance but must ensure appropriate social distancing of at least 6 feet between non-cohabiting members.
3. All restaurants, dining facilities, bars, taverns, clubs, auditoriums, bowling alleys, fitness centers, swimming pools, and any public gathering locations or special events in Marion County, Kansas are hereby ordered closed to the public effective at 8:00 a.m. on Tuesday, April 7, 2020 until April 30, 2020, except that any such establishment may continue to provide carryout, drive-through, and delivery food and beverage services. In all areas, establishments must follow the guidance provided by the Center for Disease Control and Prevention (CDC), federal, state, and local public health officials for social distancing and infection control measures.
4. This order may be supplanted or modified as required for the effective and efficient management and control of the Coronavirus epidemic in the County by further order or direction of the Marion County Board of Public Health or by the Marion County Local Health Officer.

IT IS SO ORDERED THIS 6th DAY OF April 2020



Diedre Serene, RN, MSN
Director/Health Officer
Marion County