

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

March 31, 2020

Commission met for payday and other business in Commission chambers at the Marion County Courthouse at 9:25 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 regarding the COVID-19 pandemic. There are still no confirmed positive cases in Marion County. Serene indicated that she is waiting for legal counsel to review an order to close the Marion County Park & Lake to out-of-county visitors. The Board was in favor of only allowing in-county patrons to utilize the Park & Lake at this time. Serene noted that the order will give those who own property at the Lake to decide whether they will stay at the lake residence during the “stay at home” period covered by the Governor’s order, or whether they will stay at their out-of-county home. They should not be traveling back and forth between counties.

- With potential loss of tax revenue due to the COVID-19 emergency, the Board noted that large capital purchases by departments should be deferred.
- Possible furlough of certain employees was discussed with no action. Departments will be asked to provide a staffing plan and potential personnel cuts to the Board.

SALES TAX: Sales tax for the month of January, 2020 has been received in the amount of \$54,769.72.

PAYDAY: A detailed list of expenditures by fund was reviewed. A report showing payments to Western Associates was reviewed. Gehring moved to approve vouchers for Western Associates totaling \$501.67. Dallke seconded and motion carried 4-1 with three in favor, Crofoot abstaining due to conflict of interest, and Novak opposed. (Abstention counted with majority prevailing).

- Gehring moved to approve the payday figure of \$791,584.62 (including payroll at \$506,563.61). Becker seconded and motion carried 5-0. Checks #48164-48366; voided checks #48298-48299.

ADMINISTRATIVE: Novak moved to approve the minutes of March 16th as presented. Becker seconded and motion carried 5-0.

- Novak moved to approve the minutes of March 20th as presented. Dallke seconded and motion carried 5-0.
- The minutes of March 23rd were discussed. Dallke asked that the sentence, “Crofoot expressed concern that he had not received all the same information as the rest of the Board” be clarified, because Crofoot agreed later during that meeting that he had received the information. Spencer removed the sentence from the minutes. Gehring moved to approve the minutes of March 23rd as amended. Novak seconded. Motion carried 5-0.
- Change orders affecting 2019 and prior years’ tax rolls were reviewed and signed by the Board.

TRANSFER STATION UPDATE: Randy Purdue of Kaw Valley Engineering joined via teleconference. Change order #2 (reflecting the additional charges to excavate the unknown footings) in the amount of \$20,561.75 was presented for approval. Gehring moved to approve change order #2 in the amount of \$20,561.75. Dallke seconded and motion carried 5-0.

- Kaw Valley invoices were reviewed: \$15,376.15 for regular project contract services and \$2,862.00 for additional work associated with Change Order #2. Dallke moved to approve invoice #A45354 in the amount of \$2,862.00. Becker seconded and motion carried 5-0.
- Purdue indicated that the cost to bring in additional fill and land-farm contaminated soil will cost about \$37,048.00. After discussion, Gehring moved to entertain a secondary option for a land-farm location closer to the project site, but if that can’t be accomplished within two days to approve the contractor to perform the work for a total not to exceed \$37,048.00. Becker seconded and motion carried 5-0.
- Gehring moved to approve payment to Kaw Valley Engineering for invoice #A45338 in the amount of \$15,376.15. Dallke seconded and motion carried 5-0.

ROAD & BRIDGE: Co. Engineer Brice Goebel joined by teleconference. Area fuel bids were reviewed:

	Area 1	Area 2	Area 3
	1,400 gals.	1,950 gals.	1,950 gals.
Epp’s Service, Elbing	1.1765 = \$1,647.10	1.3550 = \$2,642.25	1.1865 = \$2,313.68
MFA Oil, Tampa	1.3500 = \$1,890.00	1.3000 = \$2,535.00	1.3700 = \$2,671.50
Coop Grain, Hillsboro	1.2450 = \$1,743.00	1.3350 = \$2,603.25	1.2450 = \$2,427.75

Goebel’s recommendation was to award areas one and three to Epp’s Service and area two to MFA Oil. Gehring moved to accept Goebel’s recommendation. Dallke seconded and motion carried 5-0.

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March 31, 2020, Continued

ROAD & BRIDGE, CONTINUED: Transport fuel bids were reviewed:

	Tank #3 5,000 gals.	Tank #1 1,000 gals.	Unleaded 2,000 gals.	Total
Epp's Service, Elbing	1.3840	1.1250	0.7290	\$9,503.00
MFA Oil, Tampa	1.4203	1.1635	0.7777	\$9,820.40
Coop Grain, Hillsboro	1.4210	1.1650	0.7614	\$9,792.80

Goebel's recommendation was to accept the bid from Epp's Service. Gehring moved to accept Goebel's recommendation. Becker seconded and motion carried 5-0.

- Goebel presented a packet of information, including plans for proposed chip seal and gravel road rebuilds for the next several years. No decisions were made.
- Goebel requested an executive session to discuss potential litigation later in the session.

EMPLOYEE HEALTH INSURANCE: Sally Tatro with Gallagher Benefit Services, Inc. presented insurance information via teleconference. Rates from United and Aetna for comparable coverage to our current plan were not reasonable. Some alternate plans through United were reviewed in more detail, including a qualified high deductible health plan. Tatro also discussed flexible spending accounts and optional benefit packages. At the end of the presentation, Tatro recommended that the County stay with Blue Cross Blue Shield, but switch to the Blue Edge coverage with a \$1,500.00 deductible and to change the dental coverage provider to Delta Dental. The topic will be placed on the agenda for April 6th for a final decision.

COVID-19 POLICY DISCUSSION: Gehring moved to adopt Resolution 2020-10 establishing compliance with the Families First Coronavirus Response Act for employees of Marion County, Kansas. Becker seconded. Motion carried 5-0.

- Spencer requested (on behalf of Emergency Management Dir. Randy Frank) that the Emergency Preparedness Coordinator position be paid cash overtime in lieu of comp time for this specific COVID-19 incident. After discussion, the Board did not agree to change the position to be paid cash overtime. No action was taken.
- The possible establishment of a County disaster relief fund through the North Central Kansas Community Foundation was discussed with no action.
- Gehring moved to extend the Courthouse closure to correspond with the State's Stay At Home Order until 5:00 p.m. on April 20th, continuing with the current procedures. Dallke seconded and motion carried 5-0.
- Gehring moved that the Board of Commissioners endorse the order (expected to be issued) by the County Health Officer, closing the Marion County Park & Lake to out-of-county visitors. Becker seconded and motion carried 5-0.

CO. COUNSELOR: A counter-offer from Enel Green Power in the amount of \$241,146 (cash payment to the County), with PILOT payments reduced by \$520,005.00 was reviewed. Dallke mentioned his previous motion to file a claim against the letter of credit. No decision was made.

PUBLIC COMMENTS: There were no public comments. Gehring suggested that anyone wishing to speak during public comment please contact the County Clerk's Office prior to the meeting (if possible) to indicate that they wish to comment. If they leave their phone number / contact information, the Commission could take steps to call them or otherwise assure them the chance to comment if there are technical difficulties with future teleconference meetings.

COMMISSION COMMENTS: Engineer Brice Goebel joined the session. Dallke commented again about the hard rock that has been purchased by the County for use on the roads, and the expectation that it not be full of mud balls or "fines". The rock budget was also discussed. The consensus of the Board was to phase out contract hauling for now, and have County crews haul available material to problem spots. Novak said that the Road & Bridge Department is doing the best they can with what they have right now.

CO. COUNSELOR, CONTINUED: Gehring moved to recess into executive session to discuss potential litigation pursuant to K.S.A. 75-4319b (2) for attorney/client business with the Board, Jantz, Goebel, and Planning/Zoning/Environmental Health Dir. Sharon Omstead present (by phone) for five minutes. Becker seconded and motion carried 5-0. Open session resumed with no action.

Gehring moved to adjourn. Dallke seconded and motion carried 5-0. Meeting adjourned at 2:24 p.m.

Jonah Gehring, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

**RECORD OF PROCEEDINGS
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March 31, 2020, Continued

RESOLUTION 2020-10

**A RESOLUTION ESTABLISHING COMPLIANCE WITH THE FAMILIES FIRST
CORONAVIRUS RESPONSE ACT FOR EMPLOYEES OF MARION COUNTY, KANSAS**

WHEREAS, on 3/18, 2020, the Families First Coronavirus Response Act (FFCRA) was passed in response to the COVID-19 pandemic in the United States; and

WHEREAS, Marion County, Kansas is a public agency subject to FFCRA;

THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Marion County, Kansas that Marion County will comply with all requirements of set forth for paid and unpaid employee leave pursuant to the requirements established through the FFCRA beginning April 1, 2020 through such time that said requirement terminate under the FFCRA.


ADOPTED on this 31st day of March, 2020.

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

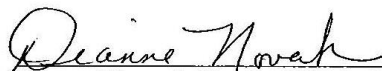
Yea ☒
Nay ☐
Abstain ☐


Jonah Gehring, Chairman – District 5


Yea ☒
Nay ☐
Abstain ☐


Comm. Kent Becker – District 1


Yea ☒
Nay ☐
Abstain ☐


Comm. Dianne R. Novak – District 2

Yea ☒
Nay ☐
Abstain ☐


Comm. Randy Dallke – District 3

Yea ☒
Nay ☐
Abstain ☐


Comm. Dave Crofoot – District 4



ATTEST:

Tina D. Spencer, County Clerk