

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

March 23, 2020

Commission met in regular session in Commission chambers at the Marion County Courthouse at 9:00 a.m. with Vice Chr. Randy Dallke, Comm. Kent Becker, Comm. Dave Crofoot, and Comm. Dianne R. Novak present in person and Chr. Jonah Gehring present by teleconference. 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.

**COVID-19 UPDATE:** Marion County Health Officer Diedre Serene, Dr. Don Hodson (Medical Advisor), and Emergency Mgmt. Dir. Randy Frank were present via teleconference. Serene issued Public Health Order 20200323, effective Tuesday, March 24<sup>th</sup> at 8:00 a.m. Serene read the order, which prohibits social gatherings of more than 10 people (with some exceptions) and forces the temporary closure of restaurants and dining facilities (except for carryout or delivery), bars, taverns, clubs, auditoriums, bowling alleys, fitness centers, swimming pools, and any public gathering locations and mandates the cancellation of all special events in Marion County, Kansas through April 7, 2020.

- Serene reminded everyone that individuals who have traveled to certain states are MANDATED to enter quarantine for 14 days upon their return. The Kansas Department of Health and Environment (KDHE) website has the most up-to-date information regarding travel restrictions.
- Serene noted that her office is recommending that individuals who have traveled to Johnson or Wyandotte Counties self-quarantine upon their return.
- Frank reported that the Emergency Operations Center (EOC) has been activated.
- Small business loans are being made available from SBA.

**ADMINISTRATIVE:** Salary sheets were signed for Mackenzie Young, part-time custodian at \$10.50/hour effective 2/24/2020 and Ivy Jellison, six-month raise as Communications Operator from \$14.48/hour to \$14.62/hour effective 2/26/2020.

- Early check #48163 in the amount of \$105,235.28 to Nelson-Fowles Construction for Pay Estimate #1 on the Transfer Station building project was approved for processing from the Transfer Station Capital Project fund.
- **Transfer Station update:** Dallke reported additional fill material will be needed for the building project due to additional soil contamination that has been found onsite.

**WEED/HHW/TRANSFER STATION/RECYLING:** Dir. Josh Housman reported that Fort Riley is no longer accepting our recycling due to the COVID-19 pandemic. We are currently hauling to Hutchison. Housman was instructed to bring the subject back to the Board every 14 days for re-evaluation.

- Scheduled training for Housman has been cancelled. A grace period has been extended for him to complete his certifications.

**PLANNING/ZONING/ENVIRONMENTAL HEALTH:** Dir. Sharon Omstead attended via teleconference and presented a road vacation request initiated by Marion County Rural Water District #2, owners of Block G, Eastshore Plat. The road vacation petition is for the 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. The vacation was recommended for approval with existing utility easements preserved. Discussion ensued. Chr. Gehring indicated that he has heard from some residents that the real estate parcel involved is likely to sell, and they would like the option for the utility easement to be vacated after the sale.

- Richard Meisinger commented via teleconference that he has concerns about the potential for future vacation of the utility easement. Meisinger indicated he was okay with the recommendation of the Planning Commission as long as the utility easement is maintained.
- Comm. Becker indicated a conflict of interest in the matter and stated he will abstain from voting.
- Brad Gorsuch spoke on behalf of RWD#2 and suggested that the Commission follow the Planning Commission's recommendation. Gorsuch explained that the requested road vacation is necessary to allow the real estate parcel which used to be used for the water tower to be considered a buildable lot. Novak questioned whether Gorsuch should be allowed to comment because he recused himself from the discussion during the Public Hearing.
- Omstead explained that Gorsuch had recused himself as a member of the Planning Commission because he was speaking as the applicant at the hearing.
- Gehring moved to table the matter until the middle of May. Novak seconded and motion carried 4-1 with Crofoot opposed and Becker abstaining. (Abstention counted with majority prevailing.)

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March 23, 2020, Continued

**ROAD & BRIDGE:** Co. Engineer Brice Goebel presented bids for a hydraulic jack:

Car Quest, Hillsboro      \$1,049.03

Marion Auto, Marion      \$1,111.50

Becker moved to purchase from Car Quest for \$1,049.03. Crofoot seconded and motion carried 5-0.

After discussion, Crofoot made a motion to move forward with a two-inch overlay on 90<sup>th</sup> from K-15 west (2 miles) to the County Line at a cost of \$239,263.50. Becker seconded and motion carried 5-0. Goebel said he would pay for the overlay from the blacktop project line item of the Road & Bridge budget.

Goebel said that Union Pacific Railroad is planning to install cross arms at Diamond north of Lehigh. There is no cost to the County. Dallke moved to approve project #57 X3090-01 crossing of the Union Pacific Railroad Company's tracks and Diamond Road in Marion County, Kansas DOT #602911s. Becker seconded and motion carried 5-0. Dallke signed the project agreement.

Goebel requested guidance regarding hauling hard rock, because a hauling contractor had been halted by a County Commissioner. Discussion ensued. Several Board members were not satisfied with the amount of mid-sized aggregate present in the rock being hauled to a certain area of the County. Goebel indicated he will look for a different product that is more in-line with the Board's expectation. Becker said the Board needs to stop micromanaging Goebel and allow him to do his job.

Novak requested an executive session to discuss personnel / performance with the Board and Goebel present. Dallke moved to recess into executive session to discuss personnel/performance pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with Goebel and the Board present for 10 minutes with open session to resume at 11:00 a.m. Gehring seconded and motion carried 5-0. Open session resumed with no action.

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

**PUBLIC COMMENT:** Mike Beneke said that roads where hard rock was spread over existing new rocks are extremely passible, and where there is only the layer of hard rock they are not passable. Beneke said he spent two days working on County roads and hauled in rock that he paid for personally to help his neighbors.

Linda Peters was present by teleconference. She indicated that she had reported the problem with rock being hauled in on Falcon to Becker, Gehring and Dallke because they shared jurisdiction over the road. She questioned why the County would get rock from a quarry if it wasn't appropriate for the County's needs. Peters said they had personally bought rock from both quarries, and the Melvern clean rock and the Hartford rock ended up being about the same price after hauling (about \$22.00/ton). She asked what the qualifications are for Equipment Operator levels 1, 2, and 3.

**COMMISSIONER COMMENTS:** Becker indicated he is concerned about potentially changing employee health insurance during the pandemic. Novak disagreed. A special meeting may be scheduled later in the week depending upon when proposals are received from United and Aetna.

Dallke moved to adjourn. Becker seconded and motion carried 5-0. Meeting adjourned at 12:04 p.m.

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

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

**BOARD OF COMMISSIONERS  
MARION COUNTY, KS**

March 23, 2020, Continued



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

**MEMORANDUM FOR DISTRIBUTION**

**SUBJECT:** Marion County Emergency Public Health Order 20200323

**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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March 23, 2020, Continued

SUBJECT: Marion County Emergency Public Health Order 20200320

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, March 24, 2020 until April 07, 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 23<sup>rd</sup> DAY OF MARCH 2020



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