

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

November 18, 2019

**CANVASS OF 2019 GENERAL ELECTION, CONTINUED:** The Official Canvass of the 2019 General Election was called back to order at 8:00 a.m. in Commission chambers at the Marion County Courthouse with Chr. Kent Becker and Canvassing Board Member Jo Ottensmeier present in person. Comm. Randy Dallke was present via telephone. Also present was Co. Clerk Tina Spencer, members of the public, and members of the press. Becker moved to certify the results of the November 5<sup>th</sup> General Election for County, City, School, Improvement District, and Statewide special question. Dallke seconded and motion carried 3-0. The certification paperwork was signed by those physically present. Becker moved to adjourn. Dallke seconded and motion carried 3-0. Canvass adjourned at 8:06 a.m.

New 4<sup>th</sup> District Commissioner Dave Crofoot and new 5<sup>th</sup> District Commissioner Jonah Gehring were sworn in at 8:30 a.m. in the main floor hallway of the Marion County Courthouse by Judge Michael Powers. A short reception followed.

Commission met in regular session at 9:00 a.m. in Commission chambers at the Marion County Courthouse with Chr. Kent Becker, Comm. Dianne R. Novak, Comm. Dave Crofoot, and Comm. Jonah Gehring present. Comm. Dallke joined the session at 1:00 p.m. Also present were Co. Clerk Tina Spencer, members of the public and members of the press.

**ADMINISTRATIVE:** Chr. Becker welcomed the two new Commissioners to office.

- Novak moved to approve the November 4<sup>th</sup> minutes as written. Becker seconded and motion carried 4-0.
- Information was presented about an upcoming appointment to the Marion County Senior Citizens Board.
- The Board received a reminder about Bud Druse's retirement on Wednesday, November 20<sup>th</sup>.
- The monthly Clerk's report for October and budget reports were reviewed and discussed. Novak asked for clarification on the Risk Management fund. Spencer will prepare additional information for review next week.
- Salary sheets were presented for signature: Brandon Meierhoff – one year raise as Planning/Zoning Assistant from \$2,102.00/mo. to \$2,142.00/mo. effective 11/13/2019; Jo Ottensmeier – change from Part time clerical help to full time Deputy Register of Deeds from \$10.00/hour to \$2,723.00/mo. effective 11/4/2019; Sheriff Dept. Office Manager Sarah Cope – 10 year longevity raise from \$2,832.00/mo. to \$2,936.00/mo. effective 11/2/2019; Peyton Heidebrecht – one year raise as Corrections Officer from \$13.33/hour to \$13.59/hour effective 10/22/2019. Leslie Meador – one year raise as Assistant Driver License Examiner/Clerk from \$2,102.00/mo. to \$2,142.00/mo. effective 11/5/2019; Montana Percell – one year raise as Appraiser 1 from \$1,914.00/mo. to \$1,952.00/mo. effective 11/19/2019 and Michella Klenda – one year raise as Personal Property Coordinator from \$2,102.00/mo. to \$2,142.00/mo. effective 10/24/2019.
- Becker moved to approve the use of the Marion County Tourism bus by a citizen for a special event on December 13<sup>th</sup>. Gehring seconded and motion carried 4-0. Road & Bridge will be asked to conduct a thorough check for road-worthiness to include all required lights.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel reported that the County was not the successful bidder for the flail mower listed on Purple Wave. Goebel intends to sell some County equipment on Purple Wave by the end of the year.

- The County was not awarded any funds from their recent application through the KDOT local projects grant program. Goebel asked the Board to consider whether to re-apply or to move forward with at least a portion of the project on Nighthawk with the County funding at 100%. No decision was made.
- Novak asked Goebel to check on an exposed culvert near 300<sup>th</sup> and Xavier.
- Purchasing fuel by annual contract instead of the current bid process was discussed briefly with no decision.

**PLANNING/ZONING/ENVIRONMENTAL HEALTH:** Dir. Sharon Omstead presented PC-19-03, which was recommended for approval by the Planning Commission for an electrical substation near Hillsboro. After discussion, Becker moved to adopt Resolution 2019-17 approving a conditional use permit to construct an electric substation on certain property generally located one-half mile south of US Highway 56 on the east side of Jade, near Hillsboro. Crofoot seconded and motion carried 4-0.

Omstead presented PC-19-05 for a communications tower near 1485 Kanza, which was recommended for approval by the Planning Commission. Charlie Loewen requested that five property owners receive an additional notification with a photo of the proposed location. Troy Held, agent for Rise Broadband, agreed to send additional information to property owners on the notification list. Becker moved to adopt Resolution 2019-18 approving a conditional use permit to establish a wireless communications tower on certain property generally located at 1485 Kanza, Hillsboro, with the caveat that the additional notification should occur as discussed. Crofoot seconded and motion carried 4-0. After discussion, the consensus of the Board was to have Omstead include a photo / map with future notification letters to better inform the public.

**RECORD OF PROCEEDINGS  
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MARION COUNTY, KS**

November 18, 2019, Continued

**PLANNING/ZONING/ENVIRONMENTAL HEALTH, CONTINUED:** Omstead presented PC case 19-06 for a communications tower near 1219 Quail Creek, which was recommended for approval by the Planning Commission. Becker moved to adopt Resolution 2019-19 approving a conditional use permit to establish a wireless communications tower on certain property generally located at 1219 Quail Creek, Peabody, Kansas. Gehring seconded and motion carried 4-0.

**ROSE LANE ROAD VACATION DISCUSSION:** Property owner Junette Bealby said she will not apply for vacation of the Rose Lane turnaround because she does not want to pay the fee with no guarantee of approval. The Board took no action.

**EXPEDITION WIND PROTEST PETITION REPORT:** Planning Consultant Russ Ewy reported that the protest petition filed against CUP #7 of the Expedition project is insufficient, containing only 9.6% of landowners' signatures.

**LEASE PURCHASE DISCUSSION FOR TRANSFER STATION PROJECT:** David Arteberry of Stifel, Nicolaus & Company, Inc., joined the session to explain the process and the timing for a potential lease purchase to fund the transfer station construction project. A resolution will need to be adopted; then the issue will be subject to a 30 day protest period. Proposals can then be sought from banks across the State. Arteberry suggested keeping the term of the lease-purchase at 15 years or less. The authorizing resolution will be prepared for possible action at the November 25<sup>th</sup> meeting.

**WEED/HHW/TRANSFER STATION/RECYCLING:** Dir. Bud Druse and Asst. Brandy Ankenman joined the session. Druse presented a budgeted transfer for approval. Becker moved to transfer \$5,000.00 from the Noxious Weed fund to the Noxious Weed Capital Outlay fund. Crofoot seconded and motion carried 4-0.

- Druse requested an executive session to discuss personnel performance (related to his upcoming retirement and the effect on remaining staff.) Becker 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 for 12 minutes with the Board, Druse, and Ankenman present from 10:48 a.m. until 11:00 a.m. with open session to resume in Commission chambers following the closed session. Novak seconded and motion carried 4-0. Open session resumed with a motion by Becker to appoint Brandy Ankenman as Interim Weed/HHW/Transfer Station/Recycling Dir. at \$2,950.00/mo. (pay band 7) effective 11/21/2019. Novak seconded and motion carried 4-0. A Nomination form for the Department of Agriculture was signed.

**REGISTER OF DEEDS:** Register of Deeds Rebecca Wingfield gave a brief overview of the functions of her office and reviewed technology needs.

**AMBULANCE:** Dir. Travis Parmley reported that Paramedic Luke Steele has returned from active military service and is being brought back into a full time position with the service.

- Parmley briefly discussed a new station in Hillsboro as a future goal of the department.

**PUBLIC COMMENT:** Tom Britain asked Chr. Becker if he favors wind farms in the Flint Hills. Becker said that if the boundaries for the Flint Hills moratorium area had not been established by the State, that he would consider the area for potential projects. Becker noted that he appreciates Britain's point of view, but that he has to do what is best for the entire County. Session recessed until 1:00 p.m.

**DEPARTMENT HEAD EVALUATION DISCUSSION:** Comm. Dallke joined the session. Becker moved to recess into executive session to prepare department head evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with only the Board present (for one hour) until 2:00 p.m. with open session to resume in Commission chambers following the closed session. Dallke seconded and motion carried 5-0. Open session resumed with a motion by Becker to recess into executive session to prepare department head evaluations pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with only the Board present (for 75 minutes) until 3:15 p.m. with open session to resume in Commission chambers following the closed session. Gehring seconded and motion carried 5-0. Open session resumed with no action.

Becker moved to adjourn. Dallke seconded and motion carried 5-0. Meeting adjourned at 3:17 p.m.

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Kent Becker, Chairman

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

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

November 18, 2019, Continued

RESOLUTION NUMBER 2019-17

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CONSTRUCT AN ELECTRIC SUBSTATION ON CERTAIN PROPERTY GENERALLY LOCATED ONE-HALF MILE SOUTH OF US HIGHWAY 56, ON THE EAST SIDE OF JADE, NEAR HILLSBORO, KANSAS.

WHEREAS, application has been made by Evergy, Inc, on behalf of the Mennonite Brethren Foundation, owners, requesting a Conditional Use Permit to establish an electric utility substation on property zoned "A" Agricultural District, in the Northwest Corner of the Southwest Quarter of Section 35, Township 19 South, Range 2 East, Marion County, Kansas; and,

WHEREAS, following proper notification in the official County newspaper of a public hearing, on October 2, 2019, the Marion County Planning Commission held a public hearing on Case No. PC-19-03 on October 23, 2019, to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for the establishment of an electric utility substation on certain property within the unincorporated portion of Marion County, Kansas, subject to certain conditions; and,

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

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

1. The following described property is hereby granted a Conditional Use Permit to establish an electric utility substation, subject to the conditions and restrictions listed herein:

S35, T19, R02, ACRES 6.69, PRT SW/4 COM NW/4 S ALG W LI SW/4 50' TO S LI RR ROW & POB S ALG  
W LI SW/4 590' E 540' 590' W ALG S LI RR ROW 540' TO POB LESS ROW

2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:

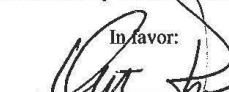
- A. A haul route is agreed upon by the applicant and the Marion County Road and Bridge Department Engineer for the construction phase of the project. A copy of the haul route will be kept on file with the Zoning Administrator.
- B. The Development Plan, as presented, is strictly adhered to.
- C. Prior to development of the project, all required local, state and federal permits shall be obtained and copies submitted to the County.

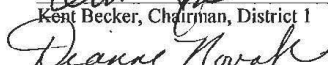
3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

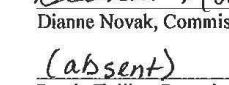
This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 18<sup>th</sup> day of November, 2019.


In favor:

  
Kent Becker, Chairman, District 1

  
Dianne Novak, Commissioner, District 2

*(absent)*  
Randy Dallke, Commissioner, District 3

  
Dave Crofoot, Commissioner, District 4

  
Jonah Gehring, Commissioner, District 5

Opposed:

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Kent Becker, Chairman, District 1

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Dianne Novak, Commissioner, District 2

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Randy Dallke, Commissioner, District 3

\_\_\_\_\_  
Dave Crofoot, Commissioner, District 4

\_\_\_\_\_  
Jonah Gehring, Commissioner, District 5

ATTEST:

  
Tina D. Spencer, Marion County Clerk



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

November 18, 2019, Continued

RESOLUTION NUMBER 2019- 18

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A WIRELESS COMMUNICATIONS TOWER ON CERTAIN PROPERTY GENERALLY LOCATED AT 1485 KANZA, HILLSBORO, KANSAS.

WHEREAS, application has been made by Rise Broadband, Troy Held, agent, on behalf of Arlen and Brenda Penner, owners, requesting a Conditional Use Permit to establish a wireless communications tower on property zoned "A" Agricultural District, in Section 26, Township 20 South, Range 2 East, Marion County, Kansas; and

WHEREAS, following proper notification in the official County newspaper of a public hearing, on October 2, 2019, the Marion County Planning Commission held a public hearing on Case No. PC-19-05 on October 23, 2019, to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for the establishment of a wireless communications tower, subject to certain conditions, and;

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

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

1. The following described property is hereby granted a Conditional Use Permit to establish a wireless communications tower, subject to the conditions and restrictions listed herein:

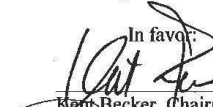
S26, T20, R02, ACRES 71.49, N/2 NE/4 EXC BEG NE/C NE/4 S 599.43' W 493.07' N 599.45' TO N LI NE/4 E 489.01' TO POB LESS ROW Deed Book/Page M193/18 414 /787

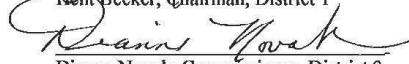
2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:
  - A) If unused for a period of twelve (12) months or more, the structure shall be declared abandoned and the applicant shall be required to remove the tower and appurtenances. Affected ground shall be restored to a use compatible with surrounding use;
  - B) Prior to development of the project, all required local, state and federal permits shall be obtained and copies submitted to the County.
3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

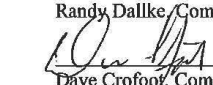
This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 18<sup>th</sup> day of November, 2019.

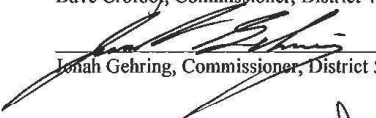
In favor:

  
Kent Becker, Chairman, District 1

  
Dianne Novak, Commissioner, District 2

*(absent)*  
Randy Dallke, Commissioner, District 3

  
Dave Crofoot, Commissioner, District 4

  
Jonah Gehring, Commissioner, District 5

Opposed:

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Kent Becker, Chairman, District 1

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Dianne Novak, Commissioner, District 2

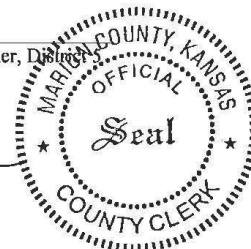
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Randy Dallke, Commissioner, District 3

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Dave Crofoot, Commissioner, District 4

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Jonah Gehring, Commissioner, District 5

ATTEST:

  
Tina D. Spencer, Marion County Clerk



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

November 18, 2019, Continued

RESOLUTION NUMBER 2019-19

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A WIRELESS COMMUNICATIONS TOWER ON CERTAIN PROPERTY GENERALLY LOCATED AT 1219 QUAIL CREEK, PEABODY, KANSAS.

WHEREAS, application has been made by Rise Broadband, Troy Held, agent, on behalf of David Tharp, owner, requesting a Conditional Use Permit to establish a wireless communications tower on property zoned "A" Agricultural District, in Section 2, Township 21 South, Range 3 East, Marion County, Kansas; and

WHEREAS, following proper notification in the official County newspaper of a public hearing, on October 2, 2019, the Marion County Planning Commission held a public hearing on Case No. PC-19-06 on October 23, 2019, to consider the above said proposed conditional use, and;

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for the establishment of a wireless communications tower, subject to certain conditions, and;

WHEREAS, the Board of County Commissioners of Marion County, Kansas, having reviewed the record of such hearing and the recommendation of the Marion County Planning Commission and determining the protest time has expired for such case declares it has proper jurisdiction to act upon said recommendation.

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

1. The following described property is hereby granted a Conditional Use Permit to establish a wireless communications tower, subject to the conditions and restrictions listed herein:

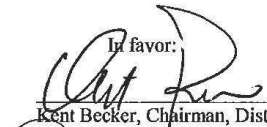
S02, T21, R03, ACRES 79.24, E 80 AC SE/4 LESS ROW Deed Book/Page 357 /197 414 /845 414 /847 420 /724

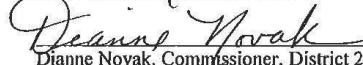
2. The Conditional Use Permit herein granted shall be subject to the following conditions and restrictions:
  - A) If unused for a period of twelve (12) months or more, the structure shall be declared abandoned and the applicant shall be required to remove the tower and appurtenances. Affected ground shall be restored to a use compatible with surrounding use;
  - B) Prior to development of the project, all required local, state and federal permits shall be obtained and copies submitted to the County.
3. This resolution shall be in full force and effect from and after publication in the official county newspaper.

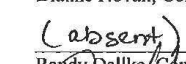
BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

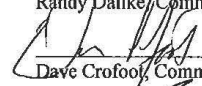
This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 18<sup>th</sup> day of November, 2019.

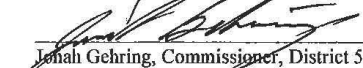
In favor:

  
Kent Becker, Chairman, District 1

  
Dianne Novak, Commissioner, District 2

  
(absent)  
Randy Dallke, Commissioner, District 3

  
Dave Crofoot, Commissioner, District 4

  
Jonah Gehring, Commissioner, District 5

Opposed:

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Kent Becker, Chairman, District 1

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Dianne Novak, Commissioner, District 2

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Randy Dallke, Commissioner, District 3

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Dave Crofoot, Commissioner, District 4

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Jonah Gehring, Commissioner, District 5

ATTEST:

  
Tina D. Spencer, Marion County Clerk

