

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

May 1, 2023

Commission met in regular session in Commission chambers at the Marion County Courthouse with Chr. David Mueller, Comm. Jonah Gehring, Comm. Kent Becker, Comm. Dave Crofoot, and Comm. Randy Dallke present. Also present was Co. Clerk Tina Spencer. Present for portions of the meeting were Co. Counselor Brad Jantz, County staff, members of the public, and members of the press.

**PUBLIC FORUM:** There were no public comments.

**ADMINISTRATIVE:** The Board expressed thanks to the County Clerk's Office staff and Health Department Administrative Assistant Kim Ross for helping with the employee lunch on April 28<sup>th</sup> and expressed special thanks to Atmos Energy for use of their grill.

- Gehring moved to approve the minutes of the April 24<sup>th</sup> special and regular meetings. Becker seconded and motion carried 5-0.
- A salary sheet was signed for Loretta Turk, from \$2,647.00/mo. to \$3,794.00/mo. – change from Treasurer's Administrative Specialist I to Department on Aging Benefits/Program Director effective May 1, 2023.
- Mueller moved to approve a budgeted transfer from the Road & Bridge Fund to the Special Equipment Fund in the amount of \$116,666.67. Gehring seconded and motion carried 5-0.
- Mueller moved to approve budgeted transfers from the General Fund to the Capital Improvement Fund:
  - Road & Bridge Sales Tax to Capital Improvement \$112,492.00
  - Road Maintenance Mill Levy to Capital Improvement \$178,583.00.
 Gehring seconded and motion carried 5-0.
- Mueller moved to approve the Notice to Township Board for a new Cereal Malt Beverage Application for Last Chance Bait in Gale Township. Gehring seconded and motion carried 5-0.
- Gehring moved to approve the list of firms to distribute the Request for Proposals (RFP) for executive search services. Becker seconded and motion carried 5-0.
- Mueller moved to accept a proposal from GSI Engineering for water well testing / monitoring at the former Marion County Landfill (in the amount of \$2,200.00 per year). Gehring seconded and motion carried 5-0.

**REGISTER OF DEEDS:** Register of Deeds Rebecca Wingfield joined the session. Mueller 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 the Board, Wingfield, and Spencer present for five minutes until 12:57 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 no action.

- Salary sheets were presented and signed: Jo Ottensmeier from \$3,342.00/mo. to \$15.25/hour – change from Deputy Register of Deeds to part-time Administrative Specialist I – effective 5/2/2023; Hannah Branson from \$2,647.00/mo. to \$3,179.00/mo. – change from Administrative Specialist I to Deputy Register of Deeds effective 5/2/2023.

**OUTSIDE BOARD REPORT – SCKEDD:** Comm Becker provided an update regarding the South-Central Kansas Economic Development District (SCKEDD).

**CO. TREASURER:** Co. Treasurer Susan Berg joined the session. Mueller moved to recess into executive session to discuss personnel/performance and vacation carryover pursuant to K.S.A. 75-4319b (1) for personnel matters of non-elected personnel with the Board, Berg, and Spencer present for five minutes until 1:10 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 a motion to carryover 80 hours of vacation for Julie Ensminger to be used by September 20<sup>th</sup>. Gehring seconded and motion carried 5-0.

**CO. APPRAISER:** Co. Appraiser Nikki Reid updated the Board about upcoming and ongoing department activities, training, and timelines.

- Reid requested permission to attend the IAAO conference in Iowa, carpooling with two other County Appraisers. The conference cost is \$350.00 plus hotel and travel costs. The Board had no objections.
- Mueller moved to recess into executive session to discuss contract negotiation pursuant to K.S.A. 75-4319b (3) for contract negotiation with the Board, Reid, and Spencer present for five minutes until 1:29 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.

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May 1, 2023, Continued

**SHERIFF:** Sheriff Jeff Soyez reported that several department vehicles are requiring multiple expensive repairs. Soyez is reviewing various replacement options.

**ROAD & BRIDGE:** Co. Engineer Brice Goebel reported on upcoming and ongoing department activities and projects.

- Goebel presented Area Fuel Bids for review:

|                       | Area 1             | Area 2             | Area 3             |
|-----------------------|--------------------|--------------------|--------------------|
|                       | <u>1,400 gals.</u> | <u>1,950 gals.</u> | <u>1,950 gals.</u> |
| MFA Oil, Lincolnville | 3.400 = \$4,760.00 | 3.350 = \$6,532.50 | 3.400 = \$6,630.00 |
| Epp's Service, Elbing | 2.999 = \$4,198.60 | 3.049 = \$5,945.55 | 2.999 = \$5,848.05 |

Gehring moved to approve the bid from Epp's Service for all three areas. Becker seconded and motion carried 5-0.

County Counselor Brad Jantz joined the meeting.

**DOYLE CREEK WATERSHED REQUEST:** Contracting Officer Brian Lang and Board members Lewis Unruh and Jim Philpott joined the session. Lang explained that the district is trying to make progress on a project to build a dam structure. To receive some of their requested federal funding, the district must qualify for mitigation credits. The district suggested that if the County were to put up a 24' span bridge on 80<sup>th</sup> the district would receive 70% of the required mitigation credits, of which the District could potentially contribute a portion to the County, reducing the County's overall out of pocket cost for the bridge. The Commission had concerns about the cost of a new bridge in that area because it is a dirt road not frequently travelled. After a lengthy discussion, the Board agreed that a low water crossing is an option worth pursuing if it could be accomplished at a lower cost.

**ROAD & BRIDGE:** A cancellation of agreement was signed for KDOT Project 57C5070-01 for the bridge on Eagle Road because the road is pending closure.

- Mueller 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 the Board, Jantz, Goebel, and Spencer present for 10 minutes until 3:31 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.

**CO. COUNSELOR:** Co. Counselor Brad Jantz presented a draft resolution with findings and next steps for the fence viewing conducted near 70<sup>th</sup> and Remington. The Board requested that a survey requirement be added, and the resolution was revised. Mueller moved to adopt Resolution 2023-10 – ordering and confirming a fence viewing with findings of the Marion County Commission pursuant to K.S.A. 29-304. Gehring seconded and motion carried 5-0.

- Jantz updated the Board regarding ongoing legal work and litigation matters.

**COMMISSION COMMENTS:** Gehring commented that Marion County has a local apparel company that is operating nationwide.

Crofoot moved to adjourn. Gehring seconded and motion carried 5-0. The meeting was adjourned at approximately 3:55 p.m.

\_\_\_\_\_  
David Mueller, Chairman

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

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BOARD OF COMMISSIONERS  
MARION COUNTY, KS**

May 1, 2023, Continued

**RESOLUTION NO. 2023-10**

**RESOLUTION ORDERING AND CONFIRMING A FENCE VIEWING WITH FINDINGS  
OF THE MARION COUNTY COMMISSION  
(Pursuant to K.S.A. 29-304)**

**WHEREAS**, on Monday, April 17, 2023, Lyle Leppke, Wilbur Leppke, and Larry Andres, all property owners in Marion County, Kansas appeared before the Board of Commissioners to express concerns about a neighboring landowner and his lack of proper fence maintenance to contain livestock resulting in both inconvenience and damage to their respective properties. requested of the Board of Marion County Commissioners a fence view; and,

**WHEREAS**, after discussion, Lyle Leppke requested a statutory fence viewing , pursuant to Kansas Statutes Annotated, (hereinafter referred to as K.S.A.), Chapter 29, and specifically under the authority of K.S.A. 29-304; and,

**WHEREAS**, it appears there is a legitimate dispute between the parties, and that certain fences, should be viewed particularly as to composition, condition, and maintenance by the Board of Marion County Commissioners; and,

**WHEREAS**, consistent with the presented controversy and authority granted to the Marion County Board of Commissioners pursuant to K.S.A. 29-201 et. seq., a fence viewing will be undertaken on it appears there is a legitimate dispute between the parties, and that certain fences, should be viewed particularly as to composition, condition, and maintenance by the Board of Marion County Commissioners; and,

**WHEREAS**, Marion County Board of Commissioners have, by majority vote, determined to view the fences, as requested, at 70<sup>th</sup> and Remington (and around Sections 1 and 2 of Peabody Township) all within Marion County, Kansas at 9:00 a.m. on Thursday, April 20<sup>th</sup>, 2023 (weather permitting); and,

**WHEREAS**, on April 20<sup>th</sup>, 2023, due to inclement weather, the scheduled fence viewing was rescheduled to April 24<sup>th</sup>, 2023 at 10:00 a.m. and such fence viewing did, in fact occur at that time at 70<sup>th</sup> and Remington (and around Sections 1 and 2 of Peabody Township) all within Marion County, Kansas.

**NOW THEREFORE BE IT RESOLVED** by the Board of Marion County Commissioners that at the regular meeting of the Marion County Board of County Commissioners held on April 24<sup>th</sup>, 2023 lawfully convened and beginning at 12:30 p.m., the results of the previously conducted fence viewing were reviewed by the Board of County Commissioners. It was determined that certain fences were inadequate.

**NOW THEREFORE BE IT FURTHER RESOLVED** by the Board of Marion County Commissioners that the property owner upon whom the duty to remedy the

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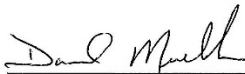
observed deficiencies had undertaken initial remedial measures having retained a contractor to effect repairs and construction of adequate fences.


**NOW THEREFORE BE IT FURTHER RESOLVED** by the Board of Marion County Commissioners that it is advisable to grant additional time to effect the needed construction and remedial measures and the Board of Commissioners therefore will grant an additional six (6) months to complete the final needed construction and repairs to achieve needed compliance, and that a survey be undertaken by a licensed surveyor to be filed of record to establish proper fence location.


**NOW THEREFORE BE IT FURTHER RESOLVED** by the Board of Marion County Commissioners that this matter shall be reviewed for progress and continuing adequate efforts toward compliance. This matter shall be reviewed at a regular session of the Marion County Commission on June 5<sup>th</sup>, 2023 as a scheduled agenda item during the regular meeting.


**ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, on this 1 day of May, 2023.**


BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, KANSAS

  
David Mueller, Chairman – District 2  
 Yea  
 Nay  
 Abstain

  
Kent Becker, Member – District 1  
 Yea  
 Nay  
 Abstain

  
Randy Dallke, Member – District 3  
 Yea  
 Nay  
 Abstain

  
Dave Crofoot, Member – District 4  
 Yea  
 Nay  
 Abstain

  
Jonah Gehring, Member – District 5  
 Yea  
 Nay  
 Abstain



ATTEST:

  
Tina D. Spencer, County Clerk