

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

November 19, 2012

Commission met in regular session at 9:00 a.m. with Chr. Holub and Fleming present. Dallke arrived at 9:35 a.m.

**ADMINISTRATIVE:** It was noted that the County Clerk's Office will be advertising for an Accounts Payable Clerk.

Budget reports for October were reviewed and there were no questions.

The Board was asked to begin thinking about the raises budgeted for 2013. A decision on the amount and type of pay increases will be needed in the next few weeks.

Information regarding the insurance claim for the recent lightning strike at the courthouse was reviewed. Damage invoices paid by the County are in excess of \$30,000.00. No insurance proceeds have been received to date. However, the claim should be settled within the next few weeks.

**LAW ENFORCEMENT FACILITY:** An invoice was received from Treanor Architects. The invoice reflects a credit balance of \$-19,513.27 due to an adjustment to a previous billing. A deposit paid by the County was not recorded properly.

**PLAN/ZONE-ENVIRONMENTAL HEALTH:** Written information from Tonya Richards, Dir., was reviewed. It was noted that Richards will no longer be able to publish legal notices in multiple newspapers due to a change in the rates being charged by the Marion County Record. The County is no longer receiving a discounted rate for additional publications.

Fleming moved to adopt Res. 12-18 approving a conditional use to re-establish a retail Christmas Tree Farm operating as Pine Creek Farm on property located at 994 Meridian, Newton, KS owned and operated by Wynn and Ardith Schroeder. Holub seconded and motion carried 2-0.

Holub moved to sign and forward a letter to a property owner with an illegal dumpsite on their property. Fleming seconded and motion carried 2-0. The property owner was given a December 30, 2012 deadline to correct the nuisance conditions.

**HILLCREST MOTEL DELINQUENT REAL ESTATE TAXES:** Delores Dalke, Hillsboro Mayor and Charles Hui Yang appeared before the Board. County Treasurer, Jeannine Bateman was present for a portion of the session. Yang asked the Board for assistance in handling the delinquent tax situation on his property, the Hillcrest Motel in Hillsboro. Yang sold the property to an out of state buyer several years ago, and the taxes were not paid. Yang took the property back when the buyer defaulted on the purchase agreement. The outstanding property taxes are \$22,899.46 from 2008-2012. Yang stated that he did not know about the delinquent taxes, and that they should be the responsibility of the owner during those years. Tax sale proceedings have already begun on the property. The Board encouraged Mr. Yang to hire an attorney to handle the matter. Yang stated that he could not afford an attorney and that if he loses the property his family will suffer. Holub offered to do some research to see if Mr. Yang has any other options. A letter will be sent to Yang with any information that is gathered.

Randy Dallke joined the session at 9:35 a.m.

**DEPARTMENT HEAD EVALUATIONS:** Fleming moved to enter executive session for 10 minutes to complete a department head employee evaluation from 9:55 a.m. – 10:05 a.m. Dallke seconded and motion carried 3-0.

**SHERIFF/LAW ENFORCEMENT FACILITY:** Sheriff Robert Craft gave the Board an update on the timeline with the communications tower. Loyd Builders will be here on November 20 to prepare the access point for the communications tower. The tower is due to be constructed on November 26. If everything goes well the dispatch department should be ready to move to the new facility during the first week of December. There will be no gap in service during the move.

Once Dispatch has been moved a ribbon cutting and flag raising ceremony will be planned.

A discussion was held regarding some basic landscaping that needs to be done. Sheriff Craft would like to have decorative stone placed in the areas between the building and the sidewalks to eliminate mud being splashed onto the building during inclement weather.



PC Binder  
Nov. 2012

4192

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MARION COUNTY

November 19, 2012 Continued

RESOLUTION NUMBER 12-18

PC-12-05

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO RE-ESTABLISH A RETAIL CHRISTMAS TREE FARM CURRENTLY OPERATING AS PINE CREEK FARM IN THE "A" AGRICULTURAL DISTRICT ON PROPERTY LOCATED AT 994 MERIDIAN, NEWTON, KS OWNED AND OPERATED BY WYNN & ARDITH SCHROEDER.

WHEREAS, a public notice of above said proposed conditional use was properly given including publication in the official County newspaper of a public hearing on October 3, 2012; and

WHEREAS, on the 25<sup>th</sup> day of October, 2012, the Marion County Planning Commission held a public hearing to consider the above said proposed conditional use; and

WHEREAS, the Marion County Planning Commission has recommended approval of a conditional use permit for a retail Christmas tree farm at 994 Meridian; and

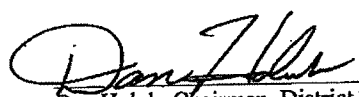
WHEREAS, the Marion County Planning Commission has determined that the conditions include: 1) All State of Kansas operational permits be obtained and maintained 2) that signage be limited to one four-foot by eight-foot non-illuminated sign 3) and that parking be provided on-site in accordance with the requirements of the Marion County Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that a conditional use is hereby approved for a retail Christmas tree farm on property as presented for the following described property:


S19, T21, R01, ACRES 25.1, PRT NW/4 BEG NW/C NW/4 E 1496. 73' ALG N LI S 784.19' W 1481.02' TO W LI NW/4 N 784.44 TO POB LESS ROW

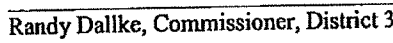
BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

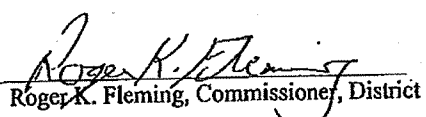
This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 19th day of November, 2012.

  
Dan Holub, Chairman, District 2

Attest:

  
Carol Maggard, County Clerk

  
Randy Dallke, Commissioner, District 3

  
Roger K. Fleming, Commissioner, District 1



**RECORD OF PROCEEDINGS  
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November 19, 2012 Continued

**NOXIOUS WEED-HHW-TRANSFER STATION-RECYCLING CONTINUED:** Tire bids were presented for the 1 ton weed truck:

The Station, Goessel	Hankok Dynapro ATM	\$235.00 each
	Mastercraft Courser A/T2	\$199.89 each
	Mastercraft Courser AXT	\$212.00 each
	Cooper AT3	\$220.00 each
	Hercules Terra Trac AT	\$228.00 each
	Toyo Open Country AT2	\$210.00 each
	Firestone Transforce AT	\$232.00 each
Rod's Tire, Hillsboro	Firestone Transforce AT	\$193.98 each
Cardie Tire, Marion	Mastercraft Courser AXT	\$230.30 each

Fleming moved to accept the bid from Rod's Tire for 4 Firestone Transforce AT tires at \$193.98 each for a total of \$775.92. Holub seconded and motion carried 2-0.

Chemical bids were reviewed for 5 - 120 gallon shuttles (600 gallons total) 2,4-D Amine:

Markley Service, Marion	\$15.96/gal	\$9,576.00
Ag Service, Hillsboro	\$13.94/gal	\$8,364.00

Fleming moved to accept the bid from Ag Service for \$8,364.00. Holub seconded and motion carried 2-0.

Schmidt noted that a state-wide sweep for dioxin is being conducted.

**ROAD & BRIDGE:** Randy Crawford, Supt., was present for department business. Road crossing permits were signed for Ditch Diggers to bore under 220<sup>th</sup> and Pawnee to place pipe.

**ADMINISTRATIVE:** Fleming made a motion to approve an agreement between Marion County and Countryside Feed, LLC for the rental of storage space. The one year lease is for 2,400 square feet and will commence December 1, 2012. The cost to the County is \$250.00 per month. Holub seconded and motion carried 2-0. The lease agreement will be taken to Lyman Adams, Manager, Country Side Feed, LLC for signature. The Board will sign the agreement on November 26, 2012.

**MINUTES:** Fleming moved to approve the minutes of October 31<sup>st</sup> as written. Holub seconded and motion carried 2-0. Fleming moved to approve the minutes of November 12<sup>th</sup> as written. Holub seconded and motion carried 2-0.

**PENDING LEGISLATION:** Holub noted that SB317 is being considered now. This gives large tax exemptions to businesses. KAC calculates the fiscal impact for Marion County to be over \$370,000.00 in tax dollars.

Holub moved to adjourn. Fleming seconded and motion carried 2-0.

Meeting adjourned at 12:14 p.m.

\_\_\_\_\_  
Daniel Holub, Chairman

ATTEST: \_\_\_\_\_  
Carol A. Maggard, County Clerk