

OCT 2012
PC Binder

4179

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

October 15, 2012

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

ADMINISTRATIVE: Carol Maggard, County Clerk, reported all paperwork has been completed on the lease purchase of two Caterpillar motor graders with Cottonwood Valley Bank in the amount of \$169,760.00. The check for that amount has been electronically transferred to Merchants Capital. The lease is for five years and the first payment will be in 2013.

LAW ENFORCEMENT FACILITY: Commissioners reviewed two documents related to the new facility. They are the Certificate of Substantial Completion and Change Order No. 3. The Certificate of Substantial Completion shows a date of September 4, 2012. Holub moved to accept and sign the document. Dallke seconded and motion carried 3-0.

Change Order No. 3 was reviewed. The total change to the contract shall be an increase of \$39,056.00. Commissioners questioned one item which is the replacement of the flagpoles for \$3,832.00. It was their understanding the shorter flagpole would be exchanged for a much taller one and the difference in cost would be adjusted at the architect's expense. Andy Pitts, Treanor Architects, was not available by telephone for clarification. Change Order No. 3 was signed by Chr. Holub.

ADMINISTRATIVE: The 2011 Tax Year Personal Property delinquent list was reviewed and approved by the Board of County Commissioners this date.

A letter from the Kansas Emergency Management Association was read in part notifying the Commissioners that Marion County Emergency Management was one of 13 agencies to receive a Special Recognition Certificate at the 2012 KEMA Conference for their actions during the Tornado Outbreak on April 14, 2012. The original certificate was accepted at the conference by Dan D'Albini, E/M Director.

COUNTY ATTORNEY: A memo from Susan Robson, County Attorney, stated that Christine Ladner of the Attorney General's Office will be prosecuting Marion County on Case No. 12-CR 136.

ADMINISTRATIVE: Fleming moved to fund Kansas Legal Services in the amount of \$4,000.00 for the year 2012. Dallke seconded and motion carried 3-0.

COUNTY APPRAISER: Cindy Magill, County Appraiser, reviewed a Neighborhood Revitalization application from Gary and Janie Fritzier. Magill noted they applied in June of 2010 under the 10 year plan. Part A was received in January of 2011. Nothing was received after that date. After contacting the Fritzier's they reported new plans had to be drawn as the first ones could not be used. They also noted the lot next door has been purchased. The question to the Commissioners was due to the fact the home has not been completed, may the Fritzier's stay in the program? Mr. Fritzier stated they do have set plans to start construction in the spring of 2013 and complete by the end of that year.

Fleming moved to allow the Fritzier's to stay in the 10 year plan as long as construction starts by May 1, 2013, and is completed by December 31, 2013, otherwise they will fall into the 5 year plan, must reapply and pay the difference on the application fee. Holub seconded and motion carried 3-0.

PLAN/ZONE-ENVIRONMENTAL HEALTH: Tonya Richards, Dir., reviewed the recommendation from the Plan/Zone Board to approve proposed changes to the zoning regulations in regard to special exceptions to authorize relocation of non-compliant manufactured homes in Marion County. This is in direct relation to existing homestead sites that do not have direct frontage on an existing county road and is only accessible by an access easement. Commissioners asked for some further clarification regarding the width of the easement. Changes will be brought back for further consideration.

Rollin Schmidt, Transfer Station Dir., joined Richards to discuss possible health issues for Transfer Station personnel in the disposal of asbestos waste. Richards thought they should have the right to refuse the load, however; Schmidt felt he would be satisfied with proof of an asbestos inspection before acceptance by commercial haulers and private individuals would be given instructions for handling and turned back for special attention.

NOXIOUS WEED-HHW-TRANSFER STATION-RECYCLING: Rollin Schmidt, Dir., distributed a tonnage report for the month of September. The total average weight per load was shown to be 20.59 tons. The cost per ton was noted at \$41.10 per ton which includes fuel, driver and tipping fees.

RESOLUTION NUMBER _____

A RESOLUTION APPROVING ZONING TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION REGULATIONS FOR MARION COUNTY.

WHEREAS, a public notice of above said proposed zoning and subdivision text changes was properly given including publication in the official County newspaper of a public hearing on September 5, 2012; and

WHEREAS, on the 27th day of September, 2012, the Marion County Planning Commission held a public hearing to address proposed language concerning special exceptions to authorize relocation of non-compliant manufactured homes elsewhere in Marion county and accommodations for the creation of noncompliant lots surrounding an existing homestead area that does not have direct frontage on an existing county road, and which will only be accessible by reason of an access easement; and

WHEREAS, the Marion County Planning Commission has recommended approval of amendments to the zoning and subdivision regulations, a full copy of which is on file at the Planning & Zoning office; and

NOW THEREFORE BE IT RESOLVED that the amendments to the zoning and subdivision regulations are hereby approved:

This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 15th day of October, 2012.

Daniel Holub, Chairman, District 2

Attest:

Randy Dallke, Commissioner, District 3

Carol Maggard, County Clerk

Roger K. Fleming, Commissioner, District 1