

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

January 31, 2017

Commission met for payday and other business at 8:30 a.m. The session began at 320th and Goldenrod for a road/driveway viewing with Chr. Randy Dallke, Comm. Dianne R. Novak, and Comm. Lori L. Lalouette present. Also present were Road & Bridge Supt. Jesse Hamm, Planning & Zoning Dir. Emma Tajchman and property owner Tim Koehn. Koehn wishes to build a new home in the location, but there is concern about locating the driveway within an area that is commonly damaged by high water. No decision was made. Hamm and Tajchman were instructed to put together a list of issues to be addressed, including the cost of road materials that would be involved if the home site is approved. The Board will review at a future date.

The session recessed and reconvened at the Marion County Courthouse at 9:30 a.m. with Chr. Randy Dallke, Comm. Dianne R. Novak, and Comm. Lori L. Lalouette present. Also present were Co. Clerk Tina Spencer and members of the press. Mike Beneke was present for portions of the session.

MINUTES: Novak moved to approve the minutes of January 23rd as presented. Dallke seconded and motion carried 3-0.

ADMINISTRATIVE: Change orders affecting the 2016 tax year were reviewed by the Board and signed by Chr. Dallke. The agenda item scheduled for 1:20 p.m. was canceled.

Upcoming meetings were noted, including the Marion City Planning Commission meeting on February 2nd where the conditional use permit application for the Straub building will be reviewed, and a Road & Bridge work session scheduled for February 3rd at 1:00 p.m.

Clerk Spencer asked if the Board has any interest in televising its meetings. Tri-County Telephone Company has offered to film and broadcast the meetings on the local municipal channel. Dallke instructed Spencer to find out more specific information about the broadcast area.

Notice has been received from Improvement District #2 that they will cancel an agreement for use of the district's generator, which has been in place since 2004. The generator has not been used in an emergency capacity by the County. The Board had no objections to terminating the agreement.

Lalouette moved to appoint Gordon Christiansen to fill the vacant Durham Park Township Trustee position. Dallke seconded and motion carried 3-0.

CO. CLERK: Clerk Spencer reported that an employee in the County Clerk's Office has been unable to use 44 hours of vacation before their anniversary date, and requested that those hours be carried over. Dallke moved to carry over 44 hours of vacation for an employee in the Clerk's office (Cherry Miller) to be used as soon as possible. Lalouette seconded and motion carried 3-0.

SALES TAX: Sales tax for the month of November 2016, has been received in the amount of \$54,490.32. The special half cent sales tax distribution for the construction of the jail has been received in the amount of \$47,630.89. Spencer noted that the Board should consider whether they would like to request a change in the current legislation to allow the County to finance other types of buildings in the future through a continuation of the special ½ cent sales tax once the jail is paid in full. The Board has been discussing the possibility of a new Transfer Station, EMS Building and storage building. If a change in legislation is granted, the matter would still be put forth as a ballot question for approval by the voters.

PAYDAY: Department head time sheets and the cumulative comp time report were reviewed. A detailed list of expenditures by fund was reviewed. The warrant register was approved and signed for a payday figure of \$1,203,896.74, including payroll at \$477,899.75. Checks #43987-44248. Voided checks # 44020, 44023.

The monthly purchasing card report was reviewed.

ADMINISTRATIVE: The League of Kansas Municipalities responded to the County's request for lower dues with a denial. After discussion about the services provided by the League, Dallke moved to continue the membership for one year and then evaluate the cost vs. benefit. Novak seconded and motion carried 3-0.

Dallke moved to enter executive session for seven minutes to discuss personnel/performance. Novak seconded and motion carried 3-0. (10:13 a.m. to 10:20 a.m.) Open session resumed with no action.

**RECORD OF PROCEEDINGS
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MARION COUNTY, KS**

January 31, 2017, Continued

ROAD & BRIDGE: Supt. Jesse Hamm presented area fuel bids for review:

	Area 1	Area 2	Area 3	Total
	<u>1,400 gals.</u>	<u>1,950 gals.</u>	<u>1,950 gals.</u>	
Cardie Oil, Tampa	1.9150	1.9150	1.9350	\$10,188.50
Cooperative Grain, Hillsboro	1.9165	1.9165	1.9565	\$10,235.46

Lalouette moved to accept the bid from Cardie Oil for all three areas at a total cost of \$10,188.50. Dallke seconded and motion carried 3-0.

Transport fuel bids were reviewed:

	Tank #3	Tank #1	Unleaded	Total
	<u>5,000 gals.</u>	<u>3,000 gals.</u>		
Cardie Oil, Tampa	2.0430	1.8770	-0-	\$15,846.00
Cooperative Grain, Hillsboro	2.0090	1.6480	-0-	\$14,985.00

Novak moved to accept the bid from Cooperative Grain in the amount of \$14,985.00. Dallke seconded and motion carried 3-0.

Hamm noted that a company from Omaha, NE has expressed interest in bidding on transport fuel. This was discussed at length. The consensus of the Board was to allow them to submit a bid, with the understanding that the Board will not be obligated to select the low bidder. The decision was made in the interest of competition, but with a desire to support local businesses whenever feasible.

Hamm asked whether the Board would like to have a plaque on Bridge 224 naming the Board members, R&B Supt., and including information about the bridge and when it was built. The consensus was that the information would be useful, but asked Hamm to see if the plaque could be developed without the Commissioners' names.

A used 2013 Caterpillar 120M2 motor grader is available for sale. The unit has 1,980 hours of use and is listed at \$174,000.00. After discussion, the Board gave Hamm permission to investigate further, including checking on trade-in allowances for older units owned by the Department. Hamm said he would like to focus on purchasing dump trucks in 2017, but wanted to bring the information forward.

Topics such as road projects, culverts, equipment purchases, department staffing/structure and hiring will be discussed at the work session February 3rd.

Hamm reported that he has hired a new truck driver and an equipment operator for the culvert crew.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Emma Tajchman, Gavin Shields, Kenneth Shields, Linda Green, Roger Holter and David Yearout were present for this portion of the session.

Shields/Green Cleanup – Request for Extension: Gavin Shields asked for additional time to clean up the salvage materials located on property at the edge of Lincolnvillle which is owned by Linda Green and her husband. The deadline given for cleanup has arrived, and the property has not been brought into compliance. Tajchman reminded the Board that the compliance letter sent previously established a deadline for the task to be completed with a possible 60 day extension if progress was made. G. Shields said that he will need at least six months to remove items from the property and also questioned which items could remain. Dallke said the County could come clean up the property and charge the landowner. Both Shields and Green stated they do not want the situation to get to that point.

Novak said that she has no problem with granting a six month extension, but would expect no further extension be requested after that point. Shields asked if he could leave the two semi-trailers with a locked gate between and asked whether metal on racks might remain. Lalouette suggested taking some time to come up with specific information for Shields on what items he may leave at the site. The consensus of the Board was to grant the extension, and to follow up with Shields within a couple of weeks to specify which items will be allowed to stay on the property.

**RECORD OF PROCEEDINGS
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MARION COUNTY, KS**

January 31, 2017, Continued

PLANNING/ZONING/ENVIRONMENTAL HEALTH CONTINUED: City of Marion – Flood Maps: Tajchman reported that new preliminary flood maps for Marion and the surrounding area have been released by FEMA. The Department of Water Resources (DWR) is likely to move forward with remapping the entire County. This may affect homeowners with current Letters of Map Amendment (LOMA) on file. An informational meeting on the countywide project is scheduled for February 15th at 1:30 p.m. at the Marion City Building. Consultant David Yearout commented that the only thing the County needs to do is to stay active in the flood insurance program.

Straub Building: Tajchman reminded the Board that the Marion Planning Commission will be reviewing the County's conditional use permit application for the Straub building on Thursday, February 2nd at 7:00 p.m.

Variance Requests: Tajchman presented two post construction wastewater permit variance requests. Property owners constructed wastewater systems without going through the permitting process, and neither meets current County setback requirements. The first property owner installed a lagoon to replace a failing septic system. Tajchman asked the Board to grant a variance to allow a 50' setback from the property line. The other alternative would be to require the homeowner to remove the lagoon and relocate it. Several other properties in the area have similarly placed systems, according to Tajchman. Dallke moved to allow a 50' setback for the lagoon located at 1541 Hwy K-15. Novak seconded and motion carried 3-0.

A second property owner is installing a septic system. Tajchman said she will be requiring an additional line be added to the system, and asked for a variance to allow a 20' setback for the laterals on the property. Lalouette moved to allow a 20' setback requirement for the lateral system for a property located at 2041 Hwy 168. Dallke seconded and motion carried 3-0.

Tajchman suggested that the County update its sanitation code to be less restrictive at some point in the future.

Comprehensive Plan: Consultant David Yearout presented a proposal to assist the County with updating the Comprehensive Plan document at a cost of \$9,500.00. The last revision was in 2003. After discussion, Dallke moved to enter an agreement with Yearout to update the Marion County Comprehensive Plan for a set fee of \$9,500.00 with the specific fund to be determined at a later date. Novak seconded and motion carried 3-0. The agreement was signed by the Board and Yearout. The Planning Commission would like the project to be completed by September 2017.

Tajchman reported that she has been experiencing computer problems recently, and the department was unable to access its files during that time. She expressed the need for a server in order to facilitate continuous access of necessary information. A stand-alone server would cost approximately \$2,000.00. The other option is to be hosted on the Courthouse server at a cost of a few hundred dollars. Internet speeds could be a problem. After discussion, the consensus of the Board was to attempt the Courthouse option for now and perhaps switch to a stand-alone unit when more is known about which offices will be relocated to the Straub building.

SHERIFF: Sheriff Craft asked the Board when they would like to hold the information meeting with other agencies regarding the upgrade to 800 MHz radios.

A small grant is available which could cover up to 15% or \$35,000.00 of the County department cost. Cities can apply separately. City Administrator Roger Holter confirmed that the City of Marion has applied for a grant, and he noted that the funds have just been made available and are on a first come first served basis. Holter recommended moving quickly if the County wishes to be considered for grant funding.

Dallke moved to pursue the grant funding and to allow the Chairman to sign all pertinent documents. Lalouette seconded and motion carried 3-0.

A meeting was tentatively set for February 9th at 6:00 p.m. in the Marion Community Center Ballroom.

Craft requested an executive session for five minutes to discuss personnel/time off. Dallke moved to enter executive session with Craft for five minutes to discuss personnel/time off. Lalouette seconded and motion carried 3-0. (12:23 p.m. to 12:28 p.m.) Open session resumed with a motion by Dallke to carry over 70 hours of vacation for Undersheriff Dave Huntley until June 1st. Lalouette seconded and motion carried 3-0.

**RECORD OF PROCEEDINGS
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MARION COUNTY, KS**

January 31, 2017, Continued

WEED/HHW/TRANSFER STATION/RECYCLING:

- Dir. Bud Druse reviewed the required sections of ground to be surveyed for noxious weeds this calendar year. The State requires his department to survey ten sections each year.
- A property with a musk thistle infestation has been sprayed. Druse will follow up later in the year to determine whether additional measures are needed.
- The annual report for the Noxious Weed Department was reviewed and signed by the Board. The report outlines which areas were surveyed during the year as well as the spraying and other functions performed by the department. It is submitted to the State.
- Druse presented the 2017 Weed Management Plan for approval by the Board. Dallke moved to approve the Weed Management Plan for 2017. Novak seconded and motion carried 3-0.
- Druse noted that Emma Tajchman and Sharon Omstead have been appointed to the Solid Waste Management Committee, replacing Tonya Richards and Eileen Sieger, respectively.
- Druse will bring bids in for crane repair, skid steer tires and a tire cutting machine at a future date.

Druse asked whether the Board wished to continue the noxious weed cost-share certificate program. The program allows landowners to purchase chemicals from vendors in the county at a discounted rate with the County picking up a portion of the cost. A list of property owners utilizing the program in the preceding year was reviewed. Druse noted that the cost share program utilizes funds he would use to purchase chemicals if the program were not in place.

After discussing the program, Dallke moved to continue the program for the year 2017 with a maximum program cost of \$5,000.00 and with a maximum of \$500.00 being offered to any individual. Novak seconded and motion carried 3-0. A resolution was prepared to that effect. Dallke moved to adopt Resolution 2017-04 establishing a dealer participating cost-share certificate program in the amount of \$5,000.00, with \$500.00 per individual limit. Novak seconded and motion carried 3-0.

Druse said that a resolution is required for the County to finalize its membership in the Big Lakes Regional Household Hazardous Waste Program. Dallke moved to adopt Resolution 2017-05, to join the Big Lakes Regional HHW Program. Novak seconded and motion carried 3-0.

Druse proposed having a metal plate fabricated to cover the hole in the basement floor of the Transfer Station. A 7'x12' sheet of 5/8" thick metal would cost \$1,802.00 at Salina Steel or \$1,965.00 at Marion Manufacturing. The Board directed Druse to order the metal from Salina Steel to address the immediate safety concern. The new metal plate will be supported by metal beams that are in place.

The solid waste assessment fee was discussed. The current rate of \$81.00/year for each residence has been in place for many years and has never been increased. The need for major upgrades to the transfer station was noted. The Board will consider raising the fee.

Dallke moved to adjourn. Lalouette seconded and motion carried 3-0. Meeting adjourned at 1:25 p.m.

Randy Dallke, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

January 31, 2017, Continued

RESOLUTION 2017- 04

By the Board of County Commissioners of Marion County, Kansas. Be it resolved by the undersigned Board of County Commissioners of Marion County, Kansas that they are desirous of establishing a dealer-participating cost-share certificate program within Marion County, Kansas for the year 2017, in accordance with K.S.A. Article 13, Chapter 2-1314 to K.S.A. 2-1333. Specific reference is made to K.S.A. 2-1333(a)(b)&(c).

Pursuant to the above mentioned statutes, the Board of County Commissioners of Marion County, Kansas do hereby resolve and determine, that \$5,000.00 may be used from the Noxious Weed fund to provide for the control and eradication of noxious weeds on privately owned lands through the cost-share certificate program with the stipulation that no individual receive more than \$500.00 through the program during the plan year.

It is further resolved that certain guidelines will be adopted to facilitate the implementation of this resolution.

Done this 31st day of January, 2017.

BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, KANSAS

Randy Dallke

Randy Dallke, Chairman

Dianne Novak

Dianne Novak, Member

Lori Lalouette

Lori Lalouette, Member



ATTEST

Tina D. Spencer
Tina D. Spencer, County Clerk

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

January 31, 2017, Continued

RESOLUTION NO. 2017-05
RESOLUTION TO JOIN THE BIG LAKES REGIONAL HOUSEHOLD
HAZARDOUS WASTE PROGRAM

WHEREAS, the Board of Commissioners of Marion County, Kansas, is authorized by K.S.A. 12-2901, et seq. to cooperate with other counties on the basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best geographic, economic, population and other factors influencing the needs and development of local communities;

WHEREAS, on January 7, 2002, the following Kansas counties entered in to an interlocal agreement forming the Big Lakes Regional Household Hazardous Waste Program, they are: Clay County, Dickinson County, Geary County, Marshall County, Morris County, Nemaha County, Pottawatomie County, Riley County, Wabunsee County and Washington County;

WHEREAS, the above-listed counties have passed the necessary resolutions to allow Marion County to join as a member of the Big Lakes Regional Household Hazardous Waste Program;

WHEREAS, it is in the best interest of Marion County that they join, as a member, the Big Lakes Regional Household Hazardous Waste Program; Further Marion County, by adopting this resolution agrees to execute any further documents necessary to become a member of the Big Lakes Regional Household Hazardous Waste Program;
Further Marion County agrees to be bound by the terms of the interlocal agreement and other documents that have been executed by the member counties.

NOW THEREFORE, BE IT RESOLVED BY the Board of County Commissioners of Marion County, Kansas:

SECTION 1. The Board of Commissioners of Marion County, Kansas hereby agrees to join and participate as a member of the Big Lakes Regional Household Hazardous Waste Program.

SECTION 2. This resolution shall take effect and be in force from and after its publication once in the official county newspaper.

ADOPTED this 31st day of January, 2017.

BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, KANSAS

Randy Dalk
Randy Dalk, Chair

Dianne R. Norak
Dianne R. Norak, Member

Loft L. Lalouette
Loft L. Lalouette, Member



ATTEST:

Tim D. Spencer
Tim D. Spencer, Marion County Clerk

APPROVED AS TO FORM:

Susan C. Robson
Susan C. Robson
Marion County Counselor