

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

February 21, 2017

Commission met in regular session at the Marion County Courthouse at 9:00 a.m. with Chr. Randy Dallke and Comm. Dianne Novak present. Comm. Lori L. Lalouette joined at 9:03 a.m. Also present were Co. Counselor Susan Robson, Co. Clerk Tina Spencer and members of the press. Kent Becker, Tom Britain, and Mike Beneke were present for portions of the meeting.

ATTORNEY/CLIENT BUSINESS: Co. Counselor Susan Robson requested an executive session for 10 minutes to include Spencer for attorney/client business pertaining to property acquisition. Dallke moved to enter executive session with Robson and Spencer for 10 minutes to discuss attorney/client business pertaining to property acquisition. Lalouette seconded and motion carried 3-0. (9:05 a.m. to 9:15 a.m.) Open session resumed with a motion by Dallke to approve the purchase of land for road right of way on the 190th project from Rexana Siebert at a cost of \$3,500.00, and to authorize the issuance of an early check prior to the next regularly scheduled Commission meeting. Novak seconded and motion carried 3-0.

MINUTES: Dallke moved to approve the minutes of February 13th and February 17th as presented. Novak seconded and motion carried 3-0. Novak moved to approve the minutes of February 9th as presented. Dallke seconded and motion carried 3-0.

ADMINISTRATIVE - Request for reimbursement for purchase of road rock: Information from past minutes was provided for review in regard to a citizen request for the County to reimburse part of the cost of rock personally purchased and spread on their road. Novak stated that a standard policy should be made and applied to all in the future. Lalouette noted that if a large farming/ranching/business operation causes excessive wear and tear on a road, pursuant to K.S.A. 8-1901, they should be responsible for some of the repair and maintenance of the road and a road agreement should be developed.

The invoice in the amount of \$3,412.37 was submitted by Gary Diepenbrock. In January, 2015, Diepenbrock received reimbursement for rock with the stipulation that if a future request was ever to be made there would need to be prior approval by the Board. No approval was sought prior to the purchase and application of the rock for which reimbursement is currently being requested. Diepenbrock is requesting reimbursement for half of the amount of the invoice. Novak stated that if he is paid anything that it should only be the amount the County would normally pay for rock purchased locally. In addition, if the County does reimburse any amount, a letter should be sent outlining the existing expectation of pre-approval and noting that a policy is being developed for the future. Lalouette noted that Diepenbrock has been good to work with in the past. Several options were discussed. R&B Supt. Jesse Hamm joined the session and reported that the current cost of rock typically used by the County is \$8.95 per ton. At the tonnage applied by Diepenbrock the cost for the local rock would have been about \$1,250.00. Dallke suggested reimbursing Diepenbrock \$1,000.00. Novak moved to reimburse Diepenbrock \$1,000.00 with a letter being sent outlining the procedure for the future and noting that an official policy is being developed. Lalouette seconded and motion carried 3-0.

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

	Tank #3 4,000 gals.	Tank #1 2,000 gals.	Unleaded 2,000 gals.	Total
Agri Trails Coop, Hope, KS	1.9800	1.7200	1.8700	\$15,100.00
Cardie Oil, Tampa, KS	1.9890	1.7340	1.8510	\$15,126.00
Coop Grain & Supply, Hillsboro, KS	1.9450	1.6880	1.8225	\$14,801.00
Epp's Service, Elbing, KS	1.9674	1.7089	1.8385	\$14,964.40
Fauser Energy, Lincoln, NE	1.9508	1.6948	1.8702	\$14,933.20

Lalouette moved to accept the bid from Cooperative Grain & Supply, Hillsboro, KS in the amount of \$14,801.00. Dallke seconded and motion carried 3-0.

Culvert bids were discussed. Bill Rumback of J&J Drainage Products and Garry Montre of Welborn Sales were both present. Hamm explained that when he sought culvert bids, Welborn Sales did not bid all culverts in the sizes requested. Hamm mistakenly told J&J Drainage that they would be receiving the bid award. Later Hamm learned that Welborn Sales could bid the culverts in the exact sizes specified. However, Hamm had disclosed information about the overall bid total. Hamm apologized, stating inexperience caused him to believe that he was able to approve the bid administratively without Commission approval. Hamm has since learned that the bids must be awarded by the Board. The Board discussed several options to try to fairly award the bid.

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ROAD & BRIDGE – Culvert Bids, Continued: Options considered were:

- Award the bid on all items bid to specifications and rebid the larger culverts which were initially bid to different specifications by the two companies;
- Award the bid in entirety to the company who bid all culverts according to specifications;
- Allow Welborn to submit a revised bid for the correct products;
- Start the entire bidding process over;
- Split the bid between the two companies.

Rumback noted that if portions of the original list are re-bid that the County will likely pay more. Companies bid as an entire package recognizing that on some culverts they will not make enough profit but on others they will do better, making the overall package profitable. If bids are split, it would result in additional freight being charged. Montre noted that if the bid process is redone that his company would withdraw. Montre explained that he bid according to industry standards and that some of the sizes requested were not commonly used. After a lengthy discussion, it was determined by the two companies that J&J would be satisfied with providing the larger culverts and charging additional freight with Welborn providing the remainder of the order. Both companies were agreeable to the arrangement. Lalouette stated that the County would like to keep a good working relationship with both companies in the future and moved to purchase the 46"x36"x30' and 46"x36"x40' culverts from J&J Drainage Products at a cost of \$14,508.00 plus freight and the remaining culverts from Welborn Sales, Inc. at a cost of \$34,267.62. Dallke seconded and motion carried 2-1. Novak opposed.

190th Erosion EWP Project: Hamm asked what in-kind services (if any) the County might wish to include toward the county-match portion of the grant. He suggested accepting the cement that will be hauled out of the project area and allowing it to be hauled to the south shop. The Board had no objections. Hamm is working on securing the necessary permits and the bid documents are being prepared.

Novak asked if the County has extra land near the Pilsen shop that could be sold. Hamm said that he plans to utilize any available land there for burning brush and stockpiling materials.

BURNING REGULATIONS: Fire Chiefs Mike Regnier, Lester Kaiser, Ben Steketee, Brad Pagenkopf, Fred Sheridan and Mark Penner joined the session to request permission to have Co. Counselor Robson draft a resolution to change the current standards for controlled burning in the County.

Several changes were discussed. Sheridan said that the proposed resolution would have more specific language for enforcement when individuals do not follow the correct protocol for a controlled burn. In addition, the Fire Chiefs would have authority to temporarily halt additional burn permits being issued in their jurisdiction if their resources are already committed to fighting fires in the area. The County Emergency Management Director would have authority to issue a temporary cessation of all burning within the County if multiple jurisdictions' resources are committed. Another change would be to utilize the fire index rating as the standard for whether controlled burns can be permitted instead of relying solely on wind speed.

Kaiser noted that the fire index rating takes into consideration multiple factors including wind speed, moisture, humidity and other factors. In addition, it is updated several times per day and can be applied separately to different areas within the County. Conditions may be favorable in one location but not another and the fire index rating takes that into account.

Sheridan noted that most individuals who are currently burning responsibly should not notice much difference. Dispatch will have better information on which to base the decision to allow or deny a controlled burn.

The proposed language is the result of a compromise between the Fire Chiefs representing different areas with input from some individuals engaged in agricultural burning. After the information is put into resolution format, the Chiefs would like to discuss it again and give final approval as well as consult with dispatch, law enforcement and emergency management departments. Robson asked for verification that the State Fire Marshall was on board with the proposed changes.

Dallke said he has received some pushback from the public about making some of the proposed changes. However, he liked the idea that dispatch could deny a request if all crews in the area are already committed to other fires.

After further discussion, Novak suggested that the process be allowed to proceed. Lalouette moved to allow the Chiefs to consult with Robson to develop the resolution and distribute it for final approval. Novak seconded and motion carried 3-0.

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BURNING REGULATIONS, CONTINUED: Kaiser asked what procedure could be used in the interim to implement a burn ban. Until a new policy is in place, the current format (contacting the Emergency Management Director and then having the Board of County Commissioners issue a proclamation) will remain in effect.

MARION COUNTY HEALTH INSURANCE PROPOSAL: Bruce Schultz of Blue Cross Blue Shield of Kansas presented renewal rates for employee health insurance. Due to high claims exposure the County is facing a significant rate increase. Several options were presented for review, including increased deductibles, copays and coinsurance. If the County keeps the same plan and stays grandfathered under the Affordable Care Act, the premium increase is 31%.

Lalouette asked whether discounts are available if the County implements a wellness plan. Schultz said that biometric screenings for employees might be able to be provided at no charge, but that there would be no discounted premiums. Over time claims would likely be reduced if more people were focusing on wellness and managing chronic conditions. Lalouette asked whether a vision plan could be added as an optional plan. Schultz noted that there is likely a plan that could be offered. Schultz also noted that high deductible plans coupled with health savings accounts and self-funded plans are options.

Commissioners discussed whether it would impact employees less to require a five percent premium contribution or to increase copays and deductibles. The estimated impact to employees will be evaluated further before a decision is made.

AMBULANCE: Dir. Ed Debesis reported that the Tampa ambulance has a circuit board which controls the emergency lights that needs to be repaired. The manufacturer of the circuit board is no longer in business. If it cannot be repaired or replaced he will need to consider replacing the ambulance. Debesis was asked if he could provide a replacement schedule for the ambulances for future planning. Debesis said he prefers to do three year leases on a rotating basis.

Lalouette asked to receive updated billing information.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Emma Tajchman presented information regarding an agricultural lot split requested by Eric & Clarissa Dutton, who recently lost their home to a fire and would like to rebuild. Chr. Dallke left the meeting and Vice Chr. Novak presided over this portion of the meeting.

Tajchman requested a rule exception to allow the lot split. The Duttons are asking for approval of a 20 acre homestead, and Marion County regulations set a 10 acre maximum. Tajchman noted that allowing the 20 acres will not affect any cropland in the area, and the split is needed in order for the Duttons to secure the financing necessary to rebuild their home. Their wish is to rebuild on the same foundation. Tajchman had no objections or concerns about granting the rule exception.

Lalouette moved to allow the rule exception and move forward with a 20 acre agricultural lot split for Eric and Clarissa Dutton on property located at 867 Indigo. Novak seconded and motion carried 2-0. Tajchman will bring the issue back for final approval after the survey is completed. Dallke rejoined the session.

ROAD & BRIDGE PAY BAND DISCUSSION: Supt. Jesse Hamm joined the session. Discussion ensued about whether the two supervisory positions directly under the R&B Superintendent should be included in pay band eight or pay band nine of the County's pay plan. The job descriptions, department staffing chart and pay plan were reviewed. Dallke moved to place both the positions in pay band eight. Motion died for lack of a second. Lalouette moved to place both positions in pay band nine. Novak seconded and motion carried 2-1. Dallke opposed. Current Bridge and Culvert Supervisor Larry Cushenbery will receive a salary adjustment retroactive to May 18, 2016.

ADMINISTRATIVE: Clerk Spencer reported on behalf of Health Dept. Adm. Diedre Serene that the Marion County Health Department will be closed on Wednesday, February 22nd so that staff can attend a training exercise.

Spencer asked whether the Board would like Marion County to continue to provide information and subscribe to KAC's salary survey web based service at an annual subscription cost of \$175.00. Novak moved to continue participation. Lalouette seconded and motion carried 3-0.

Spencer requested an executive session for two minutes to discuss personnel/FMLA request. Dallke moved to enter executive session with Spencer and Robson to discuss personnel/FMLA request. Novak seconded and motion carried 3-0. (1:31 p.m. to 1:33 p.m.) Open session resumed with a motion by Dallke to approve FMLA leave for an employee. Novak seconded and motion carried 3-0.

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ADMINISTRATIVE, CONTINUED: Spencer requested an executive session for five minutes to discuss personnel/hiring. Dallke moved to enter executive session for five minutes for personnel/hiring with Spencer and Robson. Novak seconded and motion carried 3-0. (1:35 p.m. to 1:40 p.m.) Open session resumed with a statement by Chr. Dallke that Health Dept. Adm. Diedre Serene is being granted permission to hire a full time nurse.

Spencer asked whether the Board would be in favor of her contacting our legislators to discuss broadening the County's legislative authority to levy special sales tax in the interest of reducing the impact of property taxes for funding future projects such as a transfer station, EMS station, and other large projects. The current ½ cent sales tax for the construction of the law enforcement facility may be able to be retired significantly earlier than planned. The broader legislative authority would allow the public to vote whether or not they would like to continue the current tax to fund additional projects. The Board agreed that taking the first step by obtaining broader legislative authority could benefit the citizens. All were in favor.

Economic Development Task Force: Novak stated that the task force is looking for a strong commitment from the County so that they can approach the cities stating that they have the full support of Marion County. While the members of the Board are committed to backing the group, Dallke said that some basic information should be provided in the interest of transparency about how the group determined the requested allocation. Novak disagreed, saying that she has no issue supporting them at the requested amount even without questioning the basic operating expenses and allocation amount.

Novak said that the five year commitment requested will begin with the 2018 budget year, but they would also appreciate any funding that they can receive from the County in the current year.

PUBLIC COMMENT: Mike Beneke encouraged the Board to keep moving forward.

Dallke moved to adjourn. Lalouette seconded and motion carried 3-0. Meeting adjourned at 1:57 p.m.

Randy Dallke, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk