

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

March 26, 2018

Commission met in regular session at 9:00 a.m. with Chr. Dianne Novak, Comm. Kent Becker, and Comm. Randy Dallke present. Also present were Co. Clerk Tina Spencer and members of the press. Present for portions of the meeting were Yvonne Cushenbery, Tom Britain, Patricia Nystrom, Carl Stovall, Rocky Hett, Dina Vogel, Anthony Roy, Margaret Wilson, Eileen Sieger, Mike Beneke, William Kroupa, Mike Regnier, Linda Kroupa, Rex Savage, Carolyn Savage, Melissa Riddle, and EMS Personnel: Kim Ross, Sue Wadkins, Brian Whiteside, Greg Holub, Robert Church, Ben Steketee, Larry Larsen, Dale Westbrook, Kyle Isaac, Katie Eberle, Kevin Marler, Luke Steele, Nathan Brunner, Jamie Shirley, and Dir. Ed Debesis.

MINUTES: After discussion, Novak moved to approve the minutes of March 19th as presented. Dallke seconded and motion carried 2-0. Becker abstained due to absence. Dallke moved to approve the minutes of March 21st as presented. Becker seconded and motion carried 3-0.

ADMINISTRATIVE: A change order affecting the current year tax roll was reviewed and signed by the Board.

- Salary change sheets were signed: Noah Richter, new part-time Corrections Officer at \$10.20/hour effective 3/18/2018 and Kaylan Miles – six month raise as Corrections Officer from \$13.08/hour to \$13.33/hour effective 3/11/2018.
- A list of the properties sold at the tax sale was provided for Board review.
- The Public Water Supply Permit Application for the utility upgrade project at the Marion County Park & Lake was signed by Chr. Novak.
- A photograph release form was signed by the Board to allow the Marion County Historical Society to use a photograph from the County website.
- A citizen statement about the recent countywide burn ban was reviewed, along with the current regulations, which allow either the Board of Commissioners or the Emergency Management Director to issue a countywide ban.

EMS DIRECTOR RESIGNATION: Dir. Ed Debesis reported that the Hillsboro ambulance was in an accident. Debesis also clarified that the state ambulance inspection for the current year has not been scheduled as reported at the last meeting.

Debesis' resignation was discussed. Larry Larsen, Brian Whiteside, Patricia Nystrom, Ben Steketee, and Kim Ross spoke in support of Debesis and the department. Dina Vogel gave an opposite viewpoint. After additional discussion, Dallke moved to hold a meeting with Debesis to discuss the Director position. Becker seconded and motion carried 2-1. Novak opposed.

ROAD & BRIDGE: Supt. Jesse Hamm presented road crossing permits for the Diamond Vista project, which were signed by Chr. Novak.

- The issue of the driveway culvert near K-15 tabled last week was discussed again. Hamm will research further.
- The drainage / ditch issue presented last week by Duane Duerksen was discussed, and the consensus of the Board was that the County will perform the work.
- Use of County equipment by employees for personal projects was discussed. Hamm indicated that he has learned of a recent incident, which will be addressed.

TRANSFER STATION REPORT: Transfer Station Director Bud Druse joined the session. Jack Chappelle, Engineering Solutions and Design, presented the final report related to the cost/benefit analysis regarding the transfer station, and answered additional solid waste related questions pertaining to construction/demolition and municipal solid waste landfills.

TRANSFER STATION OPTION: Keith Beatty with Kaw Valley Engineering presented another transfer station option: removing a portion of the current facility and building a new tipping floor, workshop and office on the east side of the current building, then reinforcing the current tipping floor and utilizing the current trash processing area for recycling in the future. This option could include a pull-through area for the public. The project could be designed and built in a relatively short time, and would likely be significantly less expensive than other options reviewed to date.

HEALTH DEPARTMENT: Dir. Diedre Serene presented the local aid grant application, which was signed by Chr. Novak. Serene will attend a preparedness conference out of state April 16-18, with associated costs paid by the region.

RADIO DISCUSSION: Sheriff Rob Craft, Emergency Management Director Randy Frank, and Mark Grabar with TBS Electronics joined the session to answer questions about programming and radio signal reception issues that have been reported to the Board. Grabar indicated that the programming preference issues are in the process of being resolved, and options are still being researched to help with the reception issues. More information on possible solutions and the associated costs will be presented as they become available.

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March 26, 2018, Continued

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Dir. Emma Tajchman and consultant Russ Ewy joined the session. The new Comprehensive Plan was presented for adoption. The Board requested that a page clarifying the source of the comments on the last two pages be added. Novak moved to adopt Resolution 2018-09 Adopting the Comprehensive Plan for all of the Unincorporated Portion of Marion County, Kansas. Becker seconded and motion carried 3-0.

Novak moved to adopt Resolution 2018-10 Approving Text Amendments to the Subdivision Regulations (eliminating the 10 acre maximum on agricultural lot splits) of Marion County, Kansas. Dallke seconded and motion carried 3-0.

Novak moved to adopt Resolution 2018-11 Approving Text Amendments to the Zoning Regulations (Article 27) of Marion County, Kansas. Becker seconded and motion carried 3-0.

DOYLE WIND PROJECT: Rex Savage introduced Pat Pelstring, President of National Renewable Solutions, who is working to develop a wind energy conversion system project north of Highway 50. Pelstring indicated that there is a large company who will be purchasing the project.

PUBLIC COMMENT: A letter from a landowner requesting less frequent road grading was reviewed.

Mike Beneke advised against purchasing used salt trucks due to excessive rust and reported that the drainage project near his house is complete and expressed appreciation to the County employees.

Novak moved to adjourn. Dallke seconded and motion carried 3-0. Meeting adjourned at 12:46 p.m.

Dianne R. Novak, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

March 26, 2018, Continued

RESOLUTION NO 2018-09

A RESOLUTION CONCERNING THE ADOPTION BY REFERENCE OF THE COMPREHENSIVE PLAN FOR ALL OF THE UNINCORPORATED PORTION OF MARION COUNTY, KANSAS.

WHEREAS, the Marlon County Planning Commissslon has prepared in book form an update to the Comprehensive Plan for all of unincorporated Marlon County, Kansas; and,

WHEREAS, the Marlon County Planning Commissslon has conducted public hearings on said proposed Comprehensive Plan for all of unincorporated Marlon County, Kansas; and,

WHEREAS, said public hearings were conducted pursuant to K.S.A. 12-741 et seq, as amended, following published notification; and,

WHEREAS, good and proper written notification to all cities within Marlon County was given in accordance with K.S.A. 12-743; and,

WHEREAS, the Marlon County Planning Commissslon has, by a majority vote of all its members, recommended that the Governing Body of Marlon County, Kansas, adopt said Comprehensive Plan for all of unincorporated Marlon County, Kansas, as proposed;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, KANSAS, that:

1. The proposed Comprehensive Plan for all of the unincorporated portlon of Marlon County, Kansas, are hereby adopted pursuant to K.S.A. 12-741 et seq, as amended.
2. That said Comprehensive Plan for all of the unincorporated portlon of Marlon County, Kansas, were prepared in book form by the Marlon County Planning Commissslon under the date of March 26, 2018, and the same is hereby declared to be approved and incorporated by reference as fully as if set out herein pursuant to K.S.A. 12-3301, as amended, and K.S.A. 12-3303 through 12-3305.
3. That not less than three (3) coples of the Comprehensive Plan shall be filed with the County Clerk marked "Official Copy as Incorporated by Resolution Number 2018-09" and to which there shall be attached a published copy of this Resolution, said coples to be open for inspection and available to the public at all reasonable hours.
4. That any provision of this Resolution which shall be declared invalld shall not affect the valldity and authority of any other sections.
6. That previous resolutions and any parts of resolutions in conflict with this Resolution are hereby repealed.
7. That this Resolution shall be in full force and effect from and after publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marlon County, Kansas, this day of 26 March, 2018.

Dianne Novak
Dianne R. Novak, Chairman, District #2

Kent Becker
Kent Becker, Commissioner, District #1

Randy Ballke
Randy Ballke, Commissioner, District #3



ATTEST:

Tina Spencer
Tina Spencer, County Clerk

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

March 26, 2018, Continued

RESOLUTION NUMBER 2018-10

A RESOLUTION APPROVING TEXT AMENDMENTS TO THE SUBDIVISION
REGULATIONS OF MARION COUNTY, KANSAS.

WHEREAS, a public notice calling for a public hearing by the Marion County Planning Commission on proposed text amendments to the Marion County Subdivision Regulations was properly given by publication in the official County newspaper on the 24th day of January, 2018; and

WHEREAS, on the 8th day of March, 2018, the Marion County Planning Commission held a public hearing to address proposed amendments to the Marion County Subdivision Regulations concerning modifications in Article 3, Lots Splits and Boundary Shifts; and,

WHEREAS, the Marion County Planning Commission, by a majority vote of the Commission, has recommended approval of amendments to the subdivision regulations concerning said Article 3.

NOW THEREFORE BE IT RESOLVED that the Marion County Zoning Regulations shall be amended as follows:

Section 1. Changes to Section 3-105 as follows:

Existing Language:

3-105 Agricultural Lot Splits: The creation of up to one (1) additional lot, for a total of two (2) lots including the original parent tract, in the unincorporated portion of Marion County on properties zoned and used as agricultural shall be permitted without requiring either a rezoning or a plat. The intent of this provision is to accommodate those divisions of agricultural lands for creation of an additional building site, as well as those that are necessary because of mortgage or lending requirements. This process is established; provided:

- 3. All lots created shall maintain the minimum lot frontage on a public road as required under the provisions of the Marion County Zoning Regulations for properties in the appropriate Agricultural Zoning District as closely as possible. Further, the smallest lot created shall not be less than three (3) acres in size and the largest lot created shall not be greater than ten (10) acres.

Proposed new Language:

3-105 Agricultural Lot Splits: The creation of up to one (1) additional lot, for a total of two (2) lots including the original parent tract, in the unincorporated portion of Marion County on properties zoned and used as agricultural shall be permitted without requiring either a rezoning or a plat. The intent of this provision is to accommodate those divisions of agricultural lands for creation of an additional building site, as well as those that are necessary because of mortgage or lending requirements. This process is established; provided:

- 3. All lots created shall maintain the minimum lot frontage on a public road as required under the provisions of the Marion County Zoning Regulations for properties in the appropriate Agricultural Zoning District as closely as possible. Further, the smallest lot created shall not be less than three (3) acres in size.

Section 2. This Resolution shall be in full force and effect from and after it publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas, this 26th day of March, 2018.

Dianne R. Novak
Dianne R. Novak, Chairman, District 2

Kent Becker
Kent Becker, Commissioner, District 1

Randy Dalke
Randy Dalke, Commissioner, District 3

Attest:
Tina Spencer
Tina Spencer, County Clerk



RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

March 26, 2018, Continued

RESOLUTION NUMBER 2018-11

A RESOLUTION APPROVING TEXT AMENDMENTS TO THE ZONING REGULATIONS OF MARION COUNTY, KANSAS.

WHEREAS, a public notice calling for a public hearing by the Marion County Planning Commission on proposed text amendments to the Marion County Zoning Regulations was properly given by publication in the official County newspaper on the 24th day of January, 2018; and

WHEREAS, on the 3rd day of March, 2018, the Marion County Planning Commission held a public hearing to address proposed amendments to the Marion County Zoning Regulations concerning modifications in Article 27, Wind Energy Conversion System Overlay District; and,

WHEREAS, the Marion County Planning Commission, by a majority vote of the Commission, has recommended approval of amendments to the zoning regulations concerning said Article 27.

NOW THEREFORE BE IT RESOLVED that the Marion County Zoning Regulations shall be amended as follows:

Section 1. Changes to Section 27-106 as follows:

Existing Language:

27-106 Special Regulations Applicable for Conditional Use Permit for WECS: Evidence of a market for the electric generating capacity of the WECS shall be submitted to the Zoning Administrator prior to turbine construction and the issuance of a construction permit. Developmental rights, and any other rights granted by the issuance of the Conditional Use Permit will continue under any extensions, reissuances, renewals or assignments of the original lease as long as the Zoning Administrator is provided with documentation that a lease for the project was continuously maintained in effect. Also, as noted elsewhere in this Article, the "timeline" restrictions in Article 12 and Article 19 are not applicable to a WECS project because of the overall time for the development and construction thereof. With respect to a WECS project approved after the adoption of this section:

1. For all Conditional Use Permits approved for a WECS project, a construction permit must be applied for within two (2) years of the approval of the CUP. If construction cannot be commenced within that two (2) year period, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason(s) for a delay and the plan for commencing construction within the one-year extension period.
2. For all Conditional Use Permits approved for a WECS project, such permit shall be allowed to continue, as long as all conditions placed on it are met. However, if the WECS project use ceases to exist for a period of two (2) years, the CUP will forfeit its Development Plan and will not be allowed to exist again unless a new application is made, a public hearing held, and a new Development Plan approved. However, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason for the temporary cessation of operations and the plan of initiating operations. The County may initiate an action to remove the Conditional Use, but must follow the same procedures as followed to establish the Conditional Use originally.


Proposed new Language:

27-106 Special Regulations Applicable for Conditional Use Permit for WECS: Developmental rights, and any other rights granted by the issuance of the Conditional Use Permit will continue under any extensions, reissuances, renewals or assignments of the original lease as long as the Zoning Administrator is provided with documentation that a lease for the project was continuously maintained in effect. Also, as noted elsewhere in this Article, the "timeline" restrictions in Article 12 and Article 19 are not applicable to a WECS project because of the overall time for the development and construction thereof. With respect to a WECS project approved prior to December 2016, a construction permit must be applied for, for the installation of one or more wind turbines, on or before April 1, 2020. If construction cannot be commenced promptly upon the approval of the construction permit, the applicant may obtain a single one-year extension upon submission of a written report to the Zoning Administrator setting forth the reason(s) for a delay and the plan for commencing construction within the one-year extension period. With respect to a WECS project approved after the adoption of this section, a construction permit must be applied for within two (2) years of the approval of the CUP. If construction cannot be commenced within that two (2) year period, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason(s) for a delay and the plan for commencing construction within the one-year extension period. A failure of the holder of a Conditional Use Permit approved for a WECS project to timely apply for a construction permit or to timely commence construction shall result in the automatic termination of the right to a WECS use under the CUP and of the CUP. Subject to the previous provision, for all Conditional Use Permits approved for a WECS project, such permit shall be allowed to continue, as long as all conditions placed on it are met. However, if the WECS project use ceases to exist for a period of two (2) years, the CUP will forfeit its Development Plan and will not be allowed to exist again unless a new application is made, a public hearing held, and a new Development Plan approved. However, the applicant may obtain a single one-year extension upon the submission of a written report to the Zoning Administrator setting forth the reason for the temporary cessation of operations and the plan of initiating operations. The County may initiate an action to remove the Conditional Use, but must follow the same procedures as followed to establish the Conditional Use originally.

Section 2. This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Marion County, Kansas, this 26th day of March, 2018.

Attest:



Tina Spencer, County Clerk

Dianna R. Novak
Dianna R. Novak, Chairman, District 2

Kent Becker, Commissioner, District 1

Randy Dalke
Randy Dalke, Commissioner, District 3