

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

April 9, 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, Pastor Alan Stahlecker, Delmar Iseli, Dina Vogel, Carl Stovall, John R. Hett, Josh Housman, Bud Druse, Brandy Ankenman, Travis Cook, Ashley Herpich, Rhonda Curry, Cherry Miller, Susan Berg, Lisa Reeder, Sharon Dover, James Olsen, Jesse Hamm, Melissa Riddle, Tina Groening, Julia Ensminger, Lester Kaiser, Matthew Voth, Mike Regnier, and Gordon Pendergraft.

MINUTES: Becker moved to approve the minutes of March 28th as presented. Dallke seconded and motion carried 3-0.

- Dallke moved to approve the minutes of March 30th as presented. Becker seconded and motion carried 3-0.
- Becker moved to approve the minutes of April 2nd as presented. Dallke seconded and motion carried 3-0.
- Dallke moved to approve the minutes of April 5th as presented. Becker seconded and motion carried 3-0.

ADMINISTRATIVE: Change orders affecting 2017 and prior year tax rolls were reviewed and signed by the Board.

- Early checks were approved for processing:
 - #50180 in the amount of \$17,880.31 to Cooperative Grain & Supply for transport fuel – R&B fund;
 - #50181 in the amount of \$56.12 to the City of Hillsboro for utilities – Ambulance fund;
 - #50182 in the amount of \$25.00 to N/C Ks. Treasurer and Register of Deeds Assn. for conference registration – General Fund/ROD;
 - #50183 in the amount of \$1,500.00 to Robert Thomas, CPA for consultant fees – Jail Sales Tax.
- Dallke moved to have the Courthouse appraised for insurance purposes at a cost of \$300.00. Becker seconded and motion carried 3-0.
- Pay plan study proposals were reviewed. No decisions were made.

HEALTH INSURANCE DISCUSSION: Dallke moved to continue with Blue Cross Blue Shield for dental coverage. Becker seconded and motion carried 3-0.

- Becker moved to offer vision insurance from Surency with a benefit level of \$250.00 for materials only as a voluntary benefit. Dallke seconded and motion carried 3-0.
- The employee contribution level for health insurance was discussed. Dallke moved to increase the current contribution level for employees to \$60.00 on Option Two. Motion died for lack of a second.
- Becker moved to set the employee contribution at \$71.15 for Option Two and for the County to contribute an additional \$75.00 toward family coverage. Dallke seconded and motion carried 2-1. Novak opposed.

EMS INTERIM DIRECTOR DISCUSSION: Dallke moved to give Dir. Ed Debesis authority to appoint an Interim Director to cover his upcoming vacation with the Board to approve any associated temporary pay increase. Becker seconded and motion carried 3-0.

RADIO DISCUSSION: Matthew Voth read a letter prepared by Mark Slater, President of the Fire Chiefs' Association, requesting that Marion County fully fund the 800 MHz radios. Lester Kaiser read a prepared statement. Novak moved to allocate funds budgeted for the County Administrator position toward the amount due for fire service radios in the current year. Becker seconded and motion carried 3-0. During the budget process additional review will take place to determine whether it might be possible to assist with payment of the second installment due in 2019.

PARK & LAKE: Supt. Isaac Hett was present for a department update. Hett indicated that K-State graduate students associated with the capstone project at the Lake have experienced problems with receiving access to private property for water testing of streams feeding into the Lake.

Other topics discussed were: May 1st deadline for dock maintenance, the possibility of adding more docks in the future, updating of rules and regulations, repairing the heated dock, and utilizing a wristband and charging a \$5.00 entry fee for the Bluegrass at the Lake event. No decisions were made.

Dallke moved to proceed with steps to sell ice and basic snacks/drinks at the Park & Lake to include vending machines. Becker seconded and motion carried 3-0.

Darin Neufeld with EBH Engineering reported that the utility upgrade project is ready to be bid. The projected bid award date is April 30th.

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ROAD & BRIDGE: Engineering Proposals: Supt. Jesse Hamm presented a summary of engineering bids for review for pre-design work on Nighthawk and 60th. Darin Neufeld – EBH Engineering, Jason Hoskinson – BG Consultants, and Jon Halbgewachs – Kirkham Michael were present. Firms were scored based on price, level of geotechnical testing, time frame, local knowledge and meeting bid criteria.

	<u>Nighthawk Price</u>	<u>60th Price</u>	<u>Score</u>
Schwab Eaton	\$40,000.00	\$ 8,000.00	12
Poe & Associates	\$22,100.00	\$15,300.00	11
Kaw Valley Engineering	\$18,915.20	\$ 10,811.20	16
HW Lochner	\$ 5,505.00	\$ 3,562.00	09
Earles Engineering	\$52,250.00	\$ 9,750.00	14
Cook, Flatt & Strobel	\$12,663.00	\$ 1,000.00	18
Campbell & Johnson	\$40,858.00	\$ 6,807.00	06
BG Consultants	\$34,250.00	\$ 7,550.00	18
Kirkham Michael	\$36,100.00	\$ 5,500.00	19
EBH Engineering	\$54,710.67	\$12,029.33	17

Proposals were discussed. Hamm was instructed to seek clarification on the level of testing indicated by Cook, Flatt & Strobel and the decision was tabled until later in the session.

The drainage problem in the area of 150th and Meridian was discussed again. Becker said the landowner is willing to hire out the work if the County contributes \$600.00-\$700.00. Becker moved to allow the landowner to hire a contractor to complete the job with Marion County contributing \$600.00 toward the cost. Dallke seconded and motion carried 3-0.

CO. COUNSELOR: Brad Jantz presented a draft agreement of services for review/approval. The general consensus of the Board was to pay Jantz' fee in the form of a monthly retainer of \$2,000.00. The final agreement will be presented for approval and signature on April 16th. Formation of a County land bank was discussed.

SECURITY SYSTEM: Sheriff Rob Craft presented cost information for the security system discussed previously. Also present were Co. Attorney Courtney Boehm, Health Dept. Adm. Diedre Serene, Plan/Zone/Environmental Health Dir. Emma Tajchman, PZ/EH Asst. Sharon Omstead, Register of Deeds Rebecca Wingfield, Co. Treasurer Jeannine Bateman, and Co. Appraiser Lisa Reeder. Several options for implementation were discussed. Dallke moved to move forward with purchasing and installing the system at the Courthouse only and consider other locations later. Novak seconded and motion carried 3-0.

PLANNING/ZONING/ENVIRONMENTAL HEALTH: Novak moved to adopt Resolution 18-12, approving a conditional use permit to utilize a current residence as an art studio and retail store and convert the barn into the primary residence at 2166 Remington, owned by Michele Carter. Dallke seconded and motion carried 3-0.

Novak moved to adopt Resolution 18-13, approving zoning text amendments to the zoning regulations for Marion County, Kansas (specifically pertaining to Article 10, Floodplain District Regulations). Becker seconded and motion carried 3-0. The updated Floodplain Regulations were signed by the Board.

Novak moved to enter a three-year lease agreement with Kodi Panzer for the building currently utilized by the Planning & Zoning Department with the option to renew. Dallke seconded and motion carried 3-0.

ENGINEERING BID AWARD: R&B Supt. Jesse Hamm returned with additional information regarding the geotechnical testing proposed by Cook, Flatt & Strobel. After discussion, Becker moved to award the bid for both road segments to Cook, Flatt & Strobel in the amount of \$13,663.00. Dallke seconded and motion carried 3-0.

CO. APPRAISER: Co. Appraiser Lisa Reeder provided a quarterly update on department activities and a copy of the 2019 Appraisal Scope of Work for Board review.

PUBLIC COMMENT: Mike Hurst read a statement communicating his feelings about his employee contribution for health insurance supplementing family coverage for other employees while his own family cannot afford to purchase insurance coverage.

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PERSONNEL DISCUSSION: Novak moved to enter executive session with PZ/EH Dir. Emma Tajchman for a performance review pursuant to K.S.A. 75-4319(b) 1 – personnel matters for 10 minutes (from 1:02 p.m. to 1:12 p.m.). Becker seconded and motion carried 3-0. Open session resumed with no action.

Novak moved to enter executive session with Co. Appraiser Lisa Reeder for a performance review pursuant to K.S.A. 75-4319(b) 1 – personnel matters for 10 minutes (from 1:13 p.m. to 1:23 p.m.). Dallke seconded and motion carried 3-0. Open session resumed with no action.

Dallke moved to adjourn. Becker seconded and motion carried 3-0. Meeting adjourned at 1:27 p.m.

Dianne R. Novak, Chairman

ATTEST: _____
Tina D. Spencer, County Clerk

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RESOLUTION NUMBER 18-12

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO UTILIZE THE CURRENT RESIDENCE AS AN ART STUDIO AND RETAIL STORE AND CONVERT THE BARN INTO THE PRIMARY RESIDENCE; IN THE "SR" SUBURBAN RESIDENTIAL DISTRICT, GENERALLY LOCATED AT 2166 REMINGTON, MARION, KS, OWNED BY MICHELE CARTER.

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 the 28th day of February, 2018; and

WHEREAS, on the 22nd day of March, 2018, 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 an art studio and retail store; and

WHEREAS, the Marion County Planning Commission has determined that the conditions include:

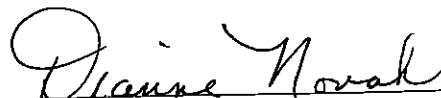
- 1) The existing onsite wastewater system be brought into compliance with the Marion County Sanitation Code;
- 2) Any advertising signs are permitted and on private land at a maximum size of 50 square feet;
- 3) All parking be located onsite and off county roads and right-of-ways.

NOW THEREFORE BE IT RESOLVED that a conditional use is hereby approved for an art studio and retail store; as presented for the following described property:

S19, T19, R04, ACRES 9.21, BEG NW/C S/2 NW/4 TH E 825' S 495' W 825' N 495' 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 9th day of April, 2018.

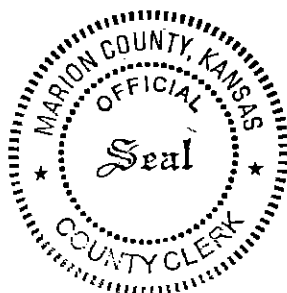

Dianne Novak, Chairman, District 2


Kent Becker, Commissioner, District 1


Randy Dalke, Commissioner, District 3

Attest:


Tina Spencer, County Clerk



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April 9, 2018, Continued

RESOLUTION NUMBER 18-13

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

WHEREAS, a public notice of above said proposed text amendments to the Marion County Zoning Regulations was properly given by publication in the official County newspaper on February 28, 2018; and

WHEREAS, on the 22nd day of March, 2018, the Marion County Planning Commission held a public hearing to address proposed new language concerning the Article 10, Floodplain District Regulations;

WHEREAS, the Marion County Planning Commission, by a majority vote of the Commission, has recommended approval of amendments to the zoning regulations,

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

Section 1. Article 10, Floodplain District Regulations, in the existing Marion County Zoning Regulations is hereby repealed and replaced with the following:

10-101 Statutory Authorization, Findings of Fact, Purpose.

1. Statutory Authorization.

- A. **Approval of Draft Regulation by Kansas Chief Engineer Prior to Adoption.** The following Floodplain Management regulations, as written, were approved in draft form by the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture on March 1, 2018.
- B. **Kansas Statutory Authorization.** The Legislature of the State of Kansas has in K.S.A. 12-741 et seq, and specifically in K.S.A. 12-766, delegated responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the County Commissioners of Marion County, Kansas, adopts the following regulations.

2. Findings of Fact.

- A. **Flood Losses Resulting from Periodic Inundation.** The special flood hazard areas of Marion County, Kansas, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- B. **General Causes of the Flood Losses.** These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- C. **Methods Used to Analyze Flood Hazards.** The Flood Insurance Study (FIS) that is the basis of this Article uses a standard engineering method of analyzing flood hazards,