

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

July 31, 2018

Commission met for payday and other business 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 Deputy Co. Clerk Ashley Herpich, Yvonne Cushenbery, Tom Britain, Joe Vinduska, Patty Putter, Anthony Roy, and Glenn Ratzlaff.

SALES TAX: Sales tax for the month of May, 2018 has been received in the amount of \$62,211.89. The special half cent sales tax distribution for the construction of the jail has been received in the amount of \$53,892.67.

PAYDAY: A detailed list of expenditures by fund was reviewed. Mileage logs and the cumulative comp time report were reviewed. The warrant register was approved and signed for a payday figure of \$1,269,338.95, including payroll at \$502,172.32. Checks #50985-51222. Voided checks #51026, 51217, 51218.

ADMINISTRATIVE: Dallke moved to approve the minutes of July 23rd as written. Becker seconded. Motion carried 3-0. Becker moved to approve the minutes of July 25th as written. Dallke seconded and motion carried 3-0.

Park & Lake Tree Removal/Trimming Bids: Supt. Isaac Hett was present. Bids for tree removal/trimming at the trailer park area of the Park & Lake were reviewed:

Esthetic Tree Service	\$4,000.00 (includes additional work not listed in bid request)
John Beal's Tree Service	\$3,500.00 (includes additional work not listed in bid request)
Tipton's, Inc.	\$3,000.00

Novak moved to accept the bid from Tipton's, Inc. in the amount of \$3,000.00 upon verification of sufficient insurance coverage. Dallke seconded and motion carried 3-0.

Peabody Mowing Bids: Bids for mowing properties in Peabody were reviewed:

KDR Home Maintenance	\$705.00
Fire for Hire	\$525.00
Esthetic Tree Service	\$345.00
M and T's Cleaning	\$525.00 initial mowing / \$393.75 thereafter
Wiebe's Mowing	\$700.00

After discussion Novak moved to accept the bid from M and T's Cleaning. Becker seconded and motion carried 2-1. Dallke opposed.

- Novak moved to approve a shared leave request for an employee. Becker seconded and motion carried 3-0.
- A request to use the Peabody shop for vendors for the upcoming Peabody Fall Festival was approved by the Board.
- Novak moved to enter a lease agreement on the Panzer building at \$600.00/month as previously approved. Becker seconded and motion carried 3-0.
- A request by Lincolnville Oktoberfest for \$500.00 of Transient Guest Tax funding was approved by the Board.

Funding Request / Residual Jail Sales Tax: Undersheriff Dave Huntley and Deputy Travis Wilson presented a request to utilize residual jail sales tax to fund a new video system (car and body cameras and related equipment). It is unclear whether all of the equipment qualifies for the residual funds. Novak moved to purchase the system with residual sales tax to the extent that is permitted by the bond. Dallke seconded and motion carried 3-0. (The total amount requested was \$53,440.00.)

PUBLIC HEARING – VACATION OF A PORTION OF REMINGTON ROAD: Planning/Zoning/Environmental Health Assistant Sharon Omstead and landowner Jeff Tracy joined the session and were in favor of vacating a section of public roadway across the Tracy property. No others were present. Dallke moved to adopt Resolution 2018-19 vacating a portion of Remington Road north of 80th in Marion County, Kansas. Becker seconded and motion carried 3-0.

TAX SALE DISCUSSION: Co. Tax Sale Attorney Susan Robson joined the session to discuss the upcoming tax sale and to give final details of the most recent sale. After discussion, the Board agreed to have Robson handle the details of selling/disposing of County properties obtained at the last sale. An eviction notice will be prepared by Co. Counselor Brad Jantz for one property in Lehigh. The Board tabled a decision on whether to hold a separate sale for the former gas station in Peabody, pending KDHE confirmation that the environmental concerns at the property have been sufficiently settled.

PUBLIC HEARING – EXPANSION OF RURAL WATER DISTRICT #4 BOUNDARIES: Galen Penner and Eldon Pankratz were present on behalf of the water district. Novak moved to adopt Resolution 2018-20 attaching land to rural water district #4, Marion County, Kansas. Becker seconded and motion carried 3-0.

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July 31, 2018, Continued

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

	Area 1 1,400 gals.	Area 2 1,950 gals.	Area 3 1,950 gals.
Cooperative Grain, Hillsboro	2.3040 = \$3,225.60	2.3100 = \$4,504.50	2.3440 = \$4,570.80
Epp's Service, Elbing	2.3565 = \$3,299.10	2.4965 = \$4,868.18	2.3365 = \$4,556.18

Novak moved to accept the bid from Cooperative Grain for Areas 1 and 2, and the bid from Epp's Service for Area 3. Dallke seconded and motion carried 3-0.

- A road crossing permit was signed for Tri-County Telephone to lay fiber at specific locations between Kanza and Jade along 340th in section 13-17-2.
- Other topics discussed with no decisions were: maintenance on Old Mill along the Peabody City Limits (near Dollar General), updating connecting link agreements, use of a County owned lot in Peabody for stockpiling, a used mower that is available at a local dealer, and the review of previous decisions and/or finalizing a project on a section of Limestone near Highway 50.

HEALTH DEPARTMENT: Diedre Serene presented a quarterly update to the Board. Serene requested permission to advertise for three separate part-time positions to handle child care licensing, Safe Kids grant, and Public Health Emergency Preparedness. The Board had no objections.

DIAMOND VISTA PILOT AGREEMENT: Attorney Pat Hughes provided a final draft of the Payment In Lieu of Taxes (PILOT) Agreement for the Diamond Vista wind project. After discussion, Novak moved to accept the PILOT agreement between Marion County and Diamond Vista. Becker seconded and motion carried 3-0.

DEPARTMENT ON AGING: Dir. Gayla Ratzlaff presented a quarterly update to the Board and provided information from other Counties that provide general public transportation services.

CO. TREASURER: Co. Treasurer Jeannine Bateman presented quarterly reports for review. Novak moved to adopt Resolution 2018-21, a Public Funds Banking Resolution for Cottonwood Valley Bank. Becker seconded. Motion carried 3-0.

WEED/HHW/TRANSFER STATION/RECYCLING: Dir. Bud Druse was present to seek approval for the Solid Waste plan previously submitted. The document has not yet been approved by the Co. Counselor. No action was taken.

PUBLIC COMMENT: Glenn Ratzlaff offered to sell tackle he recently obtained from the Lumberyard in Hillsboro to the County: \$2,500.00 for \$5,000.00 in value; \$3,500.00 for \$7,000.00 in value, or \$4,000.00 for \$9,000.00 value. Ratzlaff encouraged the Board to expand the options available for purchase at the Lake Office as a service to visitors. No action was taken.

Session recessed until 2:00 p.m.

BUDGET WORK SESSION: Scot Loyd of Swindoll, Janzen, Hawk & Loyd joined the session for a budget work session. Changes to cash balances with the approved mill levy were reviewed. The final draft is due for publication on August 3rd. Limited changes to individual line items can still be made once the overall expenditures and mill levies are published.

Dallke moved to adjourn. Novak seconded and motion carried 3-0. Meeting adjourned at 3:51 p.m.

ATTEST: _____
Tina D. Spencer, County Clerk

Dianne R. Novak, Chairman

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

July 31, 2018, Continued

RESOLUTION NO. 2018-19

A RESOLUTION TO VACATE A PORTION OF COUNTY ROADWAY ON REMINGTON NORTH OF 80TH IN MARION COUNTY, KANSAS.

WHEREAS, the Board of Commission of Marion County, Kansas, having heard testimony and having reviewed all documentation, finds that legal notice has been given by publication as required by law; and

WHEREAS, a public hearing was held at which time concerned persons had the opportunity to speak on this issue; and

WHEREAS, the public will suffer no loss or inconvenience as a result of the action, and in consideration of the request that has been made, an order should be granted pursuant to K.S.A. 68-102 et seq.

THEREFORE, it is ordered by the governing body of Marion County, Kansas, that the following described roadway be vacated, to wit:

A section of Remington beginning at 80th, then north approximately 520' to the south edge of the railroad right of way; said roadway located between sections 25-21-3 in Catlin Township and 30-21-4 in Fairplay Township, Marion County, Kansas. (All easements for ingress and egress for utilities that are present shall be preserved.)

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, on this 31st day of July, 2018.



BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS

Dianne R. Novak
Dianne R. Novak, Chairman

Kent Becker
Kent Becker, Member

Randy Dallke
Randy Dallke, Member

ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

July 31, 2018, Continued

RESOLUTION NO. 2018-20

A RESOLUTION RELATING TO ATTACHMENT OF LAND BY
RURAL WATER DISTRICT NO. 4, MARION COUNTY, KANSAS.

WHEREAS on the 31st day of July, 2018, a Petition was filed for the attachment of adjoining land to Rural Water District No. 4, Marion County, Kansas; and

WHEREAS at least 50% of the owners of said land signed a Petition signifying their approval of said attachment; and

WHEREAS the lands to be attached are without an adequate supply of water; and

WHEREAS the attachment of said adjoining lands will be conducive to and will promote the public health, convenience and welfare; and

WHEREAS Rural Water District No. 4, Marion County, Kansas is a quasi-municipal corporation organized and existing by virtue of K.S.A. 82a-612 et seq., is an existing rural water district, and the above described lands to be attached adjoins the present boundary of said water district; and

WHEREAS notices have been mailed to each member of the Board of Directors of Rural Water District No. 4 and to the Chief Engineer, Division of Water Resources of the State of Kansas; and

WHEREAS, the Board of County Commissioners, Marion County, Kansas does now find the statements contained in the petitions are true; that the land in Attachment A is presently without an adequate water supply; that attachment of said land to said water district will be conducive to and will promote the public health, convenience and welfare; and that a majority of the members of the Board of Directors of Rural Water District No. 4, Marion County, Kansas to which district attachment of said lands is desired, approve of said attachment and no objection has been made by anyone relative to the requested attachment.

THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, that said lands are hereby included within the boundaries of said Rural Water District No. 4, Marion County, Kansas and from and after this date of attachment, said Water District is authorized to provide services within such attached are according to its Bylaws, Rules and Regulations and the statutory law of the State of Kansas.

ADOPTED on this 31st day of July, 2018.



ATTEST:
Tina Spencer
Tina Spencer, Marion County Clerk

BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS
Dianne R. Novak
Dianne Novak, Chairperson
Randy Dalke
Randy Dalke, Commission Member
Kenit Becker
Kenit Becker, Commission Member

Attachment A:

1. Property located in McPherson County, Kansas:

Sections 10, 15 and 17 in Township 18 South, Range 1 West; Sections 20-29 in Township 18 South, Range 1 West; Sections 32-36 in Township 18 South, Range 1 West; S/2 SW/4 of Section 11, Township 18 South, Range 1 West; W/2 NW/4 NW/4 of Section 11, Township 18 South, Range 1 West; the W/2 and SE/4 of Section 14, Township 18 South, Range 1 West; SE/4 of Section 13, Township 18 South, Range 1 West; Sections 1-5, Township 19 South, Range 1 West; Sections 8-14, Township 19 South, Range 1 West; Section 23 and 24, Township 19 South, Range 1 West; N/2 of Section 17, Township 19 South, Range 1 West; N/2 and SW/4 of Section 16, Township 19 South, Range 1 West; N/2 and E/2 SE/4 of Section 15, Township 19 South, Range 1 West; W/2 and NE/4 of Section 26, Township 19 South, Range 1 West; N/2 of Section 25, Township 19 South, Range 1 West; NW/4 of Section 35, Township 19 South, Range 1 West; AND NE/4 of Section 34, Township 19 South, Range 1 West.

2. Property located in Marion County, Kansas:

Section 18, Township 19 South, Range 1 East; NW/4 of Section 19, Township 18 South, Range 1 East; S/2 of Section 30, Township 18 South, Range 1 East; N/2 NE/4, NW/4 and W/2 SW/4 of Section 31, Township 18 South, Range 1 East; N/2 NW/4 of Section 6, Township 19 South, Range 1 East; and SW/4 of Section 8, Township 19 South, Range 1 East.

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

July 31, 2018, Continued

2018-21

GOVERNMENT / MUNICIPAL / PUBLIC FUNDS BANKING RESOLUTION
(for Deposit Accounts)

Depositor: Marlon County Treasurer
Box 257
Marlon, KS 66861

Financial Institution: Cottonwood Valley Bank
CVB - Florence
417 Main St
PO Box 38
Florence, KS 66851

Account No: 102052

I, the undersigned Official of the Government, Municipal or Public Entity ("Entity") named above, HEREBY CERTIFY that the Entity is organized, exists and is duly authorized to transact business under the laws of the state or jurisdiction where it is located.

ACCOUNT HOLDER. Marlon County Treasurer is the complete and correct name of the Account Holder.

I FURTHER CERTIFY that at a meeting of the governing body of the Entity, duly and regularly called and held on ~~March 19, 2018~~ ^{July 21, 2018}, the following resolutions were adopted:

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Entity, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any one (1) of the following named officers or employees of this Entity ("Agents"), whose actual signatures are shown below:

X *Jeanine A Bateman*
Jeanine A Bateman, Treasurer of Marlon County
Treasurer
X *Kathari M Swan*
Kathari M Swan, Deputy Treasurer of Marlon County
Treasurer

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Entity's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such item or the proceeds of the item.

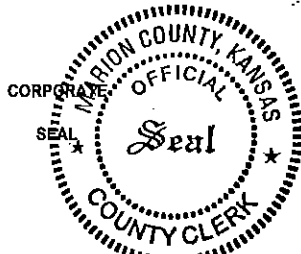
FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Entity for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks, or items of the Entity may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Entity; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on July 31, 2018, 2018 and attest that the signatures set opposite the names listed above are their genuine signatures.



CERTIFIED TO AND ATTESTED BY:

X *David Spencer*
Official
Deanna R. Novak
Co-Official

*NOTE: In case the Official is designated by the foregoing resolutions as one of the signing agents, this certificate should also be signed by a second Official of the Entity.