

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

August 20, 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 Co. Counselor Brad Jantz, Deputy Co. Clerk Ashley Herpich, Yvonne Cushenbery, Tom Britain, Carl Stovall, Lloyd Meier, Anthony Roy, Katherine Young, Clint Seibel, Darin Neufeld, Mike Beneke, Randy Collett, Randy Eitzen, Ron Redmar, Lindsey Ransom, Patrick Pelstring, Joel Suderman, Rex Savage, and Carolyn Savage.

2019 COUNTY BUDGET HEARING: Scot Loyd of Swindoll, Janzen, Hawk & Loyd was present for the 2019 Marion County budget hearing. Dallke moved to approve and adopt the 2019 County budget as presented. Becker seconded and motion carried 2-1. Novak opposed.

ADMINISTRATIVE: Becker moved to approve the minutes of August 13th as presented. Novak seconded and motion carried 2-0. Dallke abstained due to absence.

- Supplements to the 2018 tax roll were reviewed by the Board.
- All three Commissioners stated that they plan to attend the regional Commission meeting on August 29th in Bennington.
- Dallke moved to appoint Novak and Becker as voting delegate and alternate for KAC and KWORCC. Becker seconded and motion carried 3-0.
- Novak moved to order a new hearing on September 10th at 9:15 a.m. for the Rural Water District #4 boundary change. Dallke seconded and motion carried 3-0.
- Becker moved to accept the Local Workforce Development Area One Chief Elected Official Board Agreement and to authorize Chr. Novak to sign the document. Dallke seconded and motion carried 3-0.

MARION COUNTY COMMUNITY ECONOMIC DEVELOPMENT CORPORATION (MCCEDC): Board members Clint Seibel, Randy Collett, Mike Beneke, Darin Neufeld, Interim Dir. Anthony Roy, and Administrative Assistant Katherine Young were present. Seibel and Young, speaking on behalf of the MCCEDC Board, requested that Marion County serve as the processor for payroll and benefits of the employees of the MCCEDC. Discussion ensued about the need to update the bylaws based on the current structure of the MCCEDC. Counselor Jantz was asked to discuss and clarify details with Seibel and the topic will be brought back to the Board at a later time. No decision was made.

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

	Tank #2 4,000 gals.	Tank #3 1,000 gals.	Unleaded 3,000 gals.	Total
Cooperative Grain, Hillsboro	2.4650	2.2050	2.2200	\$18,725.00
Epp's Service, Elbing	2.4827	2.2177	2.2178	\$18,801.90

Novak moved to accept the bid from Cooperative Grain in the amount of \$18,725.00. Becker seconded. Motion carried 3-0.

A request to exchange federal funds in the amount of \$151,706.77 was reviewed by the Board and signed by Chr. Novak.

AMBULANCE: Dir. Ed Debasis presented statistics and billing information for the month of July.

- Class grant agreements were signed for students of the current EMT Class.
- In-house billing vs. contracted billing was discussed. No decisions were made.

CO. COUNSELOR: Counselor Brad Jantz presented Resolution 2018-22 regarding planning commission appointments. Planning & Zoning Dir. Emma Tajchman joined the session. Novak moved to adopt Resolution 2018-22 concerning membership of the Marion County Planning Commission and Board of Zoning Appeals. Dallke seconded and motion carried 3-0.

Jantz presented two resolutions for Board review in regard to private citizens performing work on County Roads. After discussion, Novak moved to adopt Resolution 2018-23, establishing a comprehensive policy regarding participation of private citizens in the ongoing maintenance, repair, or improvement of public property in Marion County, Kansas, (with no reimbursement being authorized). Becker seconded and motion carried 2-1. Dallke opposed.

Tech Support: Novak moved to reject any and all bids for tech support. Dallke seconded and motion carried 3-0.

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

August 20, 2018, Continued

RESOLUTION NO 18-22

A RESOLUTION CONCERNING MEMBERSHIP OF THE MARION COUNTY PLANNING COMMISSION AND BOARD OF ZONING APPEALS.

WHEREAS, the Marion County Planning Commission and Board of Zoning Appeals was established by Resolution No. 91-10, effective on January 1, 1992, pursuant to K.S.A. 12-744 and K.S.A. 12-759; and,

WHEREAS, the Governing Body shall provide the terms for membership of the board pursuant to K.S.A. 12-744(b); and,

WHEREAS, the Marion County Planning Commission and Board of Zoning Appeals shall adopt bylaws for the transaction of business and hearing procedures; and,

WHEREAS, the Marion County Planning Commission and Board of Zoning Appeals has, by a majority vote of all its members, recommended that the Governing Body of Marion County, Kansas, amend the terms pertaining to Marion County Planning Commission and Board of Zoning Appeals membership, as proposed herein and to be stated within the bylaws of the Marion County Planning Commission and Board of Zoning Appeals;

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

1. The membership of the Marion county Planning Commission shall consist of nine members, with three members appointed from each of the three County Commission districts.
2. Planning Commission members shall be electors and residents of Marion County, except that one such member may reside within the corporate limits of an incorporated city located within each of the three county commissioner districts.
3. Members are appointed by the Governing Body, and vacancies are filled by appointment for the unexpired term.
4. Each member of the Planning Commission and Board of Zoning Appeals may serve three consecutive three-year terms. Once a member reaches their term limit they may be reappointed following a one-year hiatus from the Planning Commission and Board of Zoning Appeals.
5. That any provision of this Resolution which shall be declared invalid shall not affect the validity 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 Marion County, Kansas, this 20th day of August 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:

Hina Spencer
Hina Spencer, County Clerk

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

August 20, 2018, Continued

RESOLUTION NO. 18-23

A RESOLUTION OF THE COUNTY OF MARION ESTABLISHING A COMPREHENSIVE POLICY REGARDING PARTICIPATION OF PRIVATE CITIZENS IN THE ONGOING MAINTENANCE, REPAIR, OR IMPROVEMENT OF PUBLIC PROPERTY IN MARION COUNTY, KANSAS:

WHEREAS, Marion County, Kansas has the responsibility for and is authorized to undertake any maintenance, repair, or improvement of public property within the jurisdictional limits of Marion County, Kansas excluding any property of various municipalities within said County, and

WHEREAS, from time to time, private citizens desire to undertake repairs on public property within the County, and

WHEREAS, private citizens request reimbursement for the costs of repairs undertaken, and

WHEREAS, Marion County Commission desires to establish a fair and equitable policy and procedure for considering and approving any such private citizen participation and any reimbursement for the same.

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

1. That, in advance of any activity by a private citizen, all such proposed maintenance, repairs, or improvements shall be first submitted in a plan with sufficient detail along with any costs anticipated.
2. That the Marion County Commission shall, after adequate opportunity for review, approve any such plan prior to any work commencing.
3. That with such approval, if given, the County assumes no additional responsibility for further maintenance or repair necessitated by the actions undertaken by the private citizen.
4. That with such approval, if given, it is expressly understood that any citizen proposing maintenance, repairs, or improvements privately undertaken will bear all costs of such activity and the County will, as a matter of normal business practice, not entertain or approve reimbursement for any maintenance, repairs, or improvements privately accomplished.
5. That any citizen petitioning the County shall hold the County harmless for any and all losses experienced or occasioned directly or indirectly by the private citizen, his employees, contractors, or agents, as a consequence of the work proposed, approved and undertaken by the private citizen.

Motion to approve the above Resolution was made by Dianne Novak Commissioner, seconded by Kent Becker Commissioner, and upon roll call was passed by the following vote this 20 day of August, 2018.

ADOPTED AND APPROVED by the Board of Marion County Commissioners on August 20, 2018.



Dianne R. Novak
Commissioner

[Signature]
Commissioner

[Signature]
Commissioner

ATTEST:

[Signature]
County Clerk

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

August 20, 2018, Continued

RESOLUTION NUMBER 18-24

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TEMPORARY METEOROLOGICAL TOWER; IN THE "A" AGRICULTURAL DISTRICT, BY EXPEDITION WIND, LLC, ON BEHALF OF JOEL E. SUDERMAN TRUST.

WHEREAS, notice of a public hearing for the above said proposed conditional use was properly given including publication in the official County newspaper on the 11th day of July, 2018; and

WHEREAS, on the 2nd day of August, 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 a temporary meteorological tower; and

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

1. Structure is temporary in nature and shall not be in place for a period of more than five years.
2. The permit becomes null and void upon voluntary dismantling and removal of the tower by the applicant.
3. If unused for a period of six months or more, the structure shall be declared abandoned and the applicant shall be required to remove the tower and appurtenances. Effected ground shall be restored to a use compatible with surrounding use.
4. Strict adherence to the development plan of record is required.
5. Adherence to all applicable federal, state, and local regulations is required.

NOW THEREFORE BE IT RESOLVED that a conditional use is hereby approved for a temporary meteorological tower; as presented for the following described property:

S33, T20, R03, ACRES 157.93, NE/4 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 20th day of August, 2018.



Attest:

Tina Spencer
 Tina Spencer, County Clerk

Dianne R. Novak
 Dianne Novak, Chairman, District 2

Kent Becker
 Kent Becker, Commissioner, District 1

Randy Dallke
 Randy Dallke, Commissioner, District 3

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

August 20, 2018, Continued

RESOLUTION NUMBER 18-25

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A TEMPORARY METEOROLOGICAL TOWER; IN THE "A" AGRICULTURAL DISTRICT, BY EXPEDITION WIND, LLC, ON BEHALF OF WAIT FAMILY LIVING TRUST-GREGORY'S SHARE.

WHEREAS, notice of a public hearing for the above said proposed conditional use was properly given including publication in the official County newspaper on the 11th day of July, 2018; and

WHEREAS, on the 2nd day of August, 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 a temporary meteorological tower; and

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

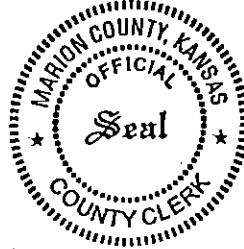
1. Structure is temporary in nature and shall not be in place for a period of more than five years.
2. The permit becomes null and void upon voluntary dismantling and removal of the tower by the applicant.
3. If unused for a period of six months or more, the structure shall be declared abandoned and the applicant shall be required to remove the tower and appurtenances. Effected ground shall be restored to a use compatible with surrounding use.
4. Strict adherence to the development plan of record is required.
5. Adherence to all applicable federal, state, and local regulations is required.

NOW THEREFORE BE IT RESOLVED that a conditional use is hereby approved for a temporary meteorological tower; as presented for the following described property:


S17, T21, R03, ACRES 155.21, SW1/4 EXC BEG NW/C SW1/4 TH E 390(S) S 260' W 350(S) N 260' TO POB LESS ROW.

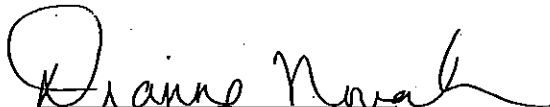
BE IT FURTHER RESOLVED, that it is hereby directed that the Marion County Zoning District Maps be amended to reflect above said conditional use.

This Resolution is made by the Board of County Commissioners of Marion County, Kansas on this 20th day of August, 2018.



Attest:


Tina Spencer, County Clerk


Dianne Novak, Chairman, District 2


Kent Becker, Commissioner, District 1


Randy Dalilke, Commissioner, District 3

RECORD OF PROCEEDINGS
BOARD OF COMMISSIONERS
MARION COUNTY, KS

August 20, 2018, Continued

RESOLUTION NO. 2018-26

A RESOLUTION ON THE PETITION AND REQUEST TO VACATE A PORTION OF A CERTAIN UNNAMED STREET ADJOINING THE SOUTH LINE OF LOTS 31 THROUGH 35 AND ADJOINING THE NORTH LINE OF LOTS 36 THROUGH 40 OF THE GRANDVIEW VILLAGE ADDITION PLAT 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:

All of the right-of-way for that part of said unnamed street lying East of the following described line: Commencing at the SW corner of said Lot 31; thence N.89°29'55"E. on the South line of said Lots 31 through 35 (Basis of Bearings) for 128.50 feet to a point 10 feet East of an existing water line and the point of beginning; thence S.09°59'10"W. for 62.80 feet to the North line of said Lots 36 through 40 at a point 10 feet East of an existing water line and there ending, in the Plat of Grandview Village Addition, Marion County, Kansas. All easements for ingress and egress for utilities that are present shall be preserved, as well as an express reservation of a perpetual easement for utility placement and maintenance including rights of ingress and egress for installation and maintenance thereof.

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARION, KANSAS, on this 20 day of August, 2018.



BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, KANSAS

Dianne R. Novak
Dianne R. Novak, Chairman

Randy Dalke
Randy Dalke, Member

Kent Becker
Kent Becker, Member

ATTEST:

Tina D. Spencer
Tina D. Spencer, County Clerk