



COUNCIL MEETING AGENDA  
Monday, October 2<sup>nd</sup>, 2023, 4:30 p.m.  
Community Center – **Lower Level**  
203 N. 3<sup>rd</sup> Marion, Kansas 66861

## CITY COUNCIL MEETING

1. Flag Salute
2. Call the Regular City Council meeting to order
3. Approval of the consent agenda
  - a. Approval of the minutes
  - b. Approval of warrants in the amount of \$42,913.49
  - c. Approval of payroll in the amount of \$34,531.97
4. Approval of Agenda
5. Temporary CMB License for “Falloween” – Megan Jones
6. MAC Wine Auction Temporary Liquor Permit – Emily Kannady
7. Proclamation Public Power Week- Brogan
8. Airport Grass Runway repair- Brogan
9. Ordinance 1506 (Sign Regulations)- Brogan
10. Metal Billboard for south side of HWY 56- Margo
11. Councilor, Department & Staff Reports
12. Public Forum: Those who wish to comment will only be allowed to do so after stating their name and providing a phone number. These comments will be limited to (3) minutes.
13. Motion to Adjourn Council Meeting

The next Regular City Council meeting on October 16th, 2023 @ 4:30 p.m.

(It is possible that anytime between 4:30pm and 7:00pm immediately prior to this meeting, during breaks, and directly after the meeting, a majority of the Governing Body may be present in the commission chambers or lobby of City Hall. No one is excluded from these areas during those times.)

### **Council Meeting Procedures**

- *Please silence your personal electronic devices (cell phones, tablets, watches, etc.). Emergency responders are to have their radios on vibrate.*
- *Please stand for the invocation and Pledge of Allegiance when requested by the Mayor or Vice Mayor at the beginning of the meeting.*
- *The council is interested in questions, concerns and comments from the public and has established a Public Forum agenda item at the beginning and end of the meeting. This is a time for individuals or groups to address the council. Generally, there is a three (3) minute presentation time allowed. Questions by councilors, mayor or city staff are not included in the three (3) minute presentation.*
- *(1) Presentation is limited to three (3) minutes. City Council will not act or discuss the topic at this time. Topics are limited to City Council business. Public comment is not permitted on personnel matters or legal matters. Items introduced may become agenda items at a future date.*
- *Please refrain from individual conversations during the council meeting & please be courteous and respectful at all times to your elected officials, appointed officials, city staff, and fellow residents. While we all may not agree, civil discourse will lead to better understanding and brighter future for our community.*

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City Council Meeting  
September 18th, 2023  
Monday, 4:30 p.m.

The regular meeting of the City Council of the City of Marion, Kansas was held Monday, September 18th, 2023 at 203 N. 3rd, Marion, Kansas in the lower level at 4:30 p.m. with David Mayfield presiding as Mayor and Council Members Zach Collett, Ruth Herbel, Kevin Burkholder and Jerry Kline in attendance. Also in attendance were: Brogan Jones, City Administrator, Janet Robinson, City Clerk, Margo Yates, Community Enrichment Director, Zach Hudlin, Ryan Newell, Pam Maag, Roger Maag, Amy Smith, Landon Pederson, Ruth Lange, Darvin Markley, Margaret Wilson, Steven Hart and Eric Meyer with the Marion County Record.

Call to Order: Mayor Mayfield called the meeting to order following the Pledge of Allegiance.

Approval of the Consent Agenda: Herbel made a motion to approve the consent agenda; Collett 2<sup>nd</sup>. Herbel stated the minutes needed to be amended, changing the review of State Statue 12-1608 stating that the Quarterly Report be published in the paper within 30 days of the month ending quarter not Amazon purchases; motion carried 5-0.

Approval of the Agenda: Herbel made a point of order stating that a motion made by her at the last meeting for the addition to the agenda 4a. A call to enter into executive session to discuss matters of non-elected personnel to protect the privacy interests of the individual pursuant to K.S.A. 75-4319(b)(1) with action being taken or not, was tabled to be on the September 18<sup>th</sup>, 2023 agenda, and asked why it was not. Mayor Mayfield stated that upon the recommendation by the City Attorney, it would not be included on this agenda, and the request was made but not voted on. Herbel made a motion to approve the agenda adding 4a. A call to enter into executive session to discuss matters of non-elected personnel to protect the privacy interests of the individual pursuant to K.S.A. 75-4319(b)(1) with action being taken or not, and asked for a roll count vote; Kline yes, Burkholder no, Herbel yes, Collett no, and Mayor Mayfield no. Collett made a motion to approve the agenda as written; Herbel 2<sup>nd</sup>; motion carried 5-0.

Ordinance 1506 – Sign Regulations: Herbel made a motion to table the item until a review of the minutes of the public hearing zoning board minutes be reviewed and research be done on the rules of the historic building's located on Main Street. Jones will include the minutes of the hearing in the October 2<sup>nd</sup>, 2023 council packets, and stated that rules and regulations only apply to buildings that are actually registered on the Historical Register, and will look into adding verbiage in the regulations regarding the historic buildings. Herbel stated that 22-6.02 of the regulations be reviewed and changed to show the appeal be made to the Zoning Board and not the City Council, after discussion; Collett 2<sup>nd</sup>; motion carried 5-0.

Discussion: Offer to Purchase Wheeler Property: Jones told council members that approximately 20 acers of property behind the Wheeler Building had been offered to the City to purchase by the owner. Mayor Mayfield stated that he knew nothing about the offer, where

other council members had been contacted. Discussion was held regarding the purchase of the property, with no action taken on the item.

Presentation of any expenditures over \$10,000.00 presented to council: Jones told council members that not all purchases done by department heads can wait for 2 weeks to be voted on by the city council, but if they can wait, they will be included in the council packets. Herbel stated that she would like all purchases over \$10,000 be brought to the council for approval. Jones stated that all city employees are provided with a credit card with a \$1,000.00 limit, and employees that are not department heads are limited to \$200.00 per purchase.

Marion Merchants Halloween Event 10/21 (Street Closure – Megan Jones: Jones told council members that a “Falloween” and movie night was being planned for October 21<sup>st</sup>, 2023 and asked for permission to close 3<sup>rd</sup> to 5<sup>th</sup> on Main Street from 4:00 p.m. to 11:00p.m. for the festival. Mayfield asked if KDOT had been contacted about the closure. After discussion, Collett made a motion to approve the Main Street closure at 3<sup>rd</sup> to 5<sup>th</sup> on Main Street from 7:00 p.m. to 11:00 p.m. on October 21<sup>st</sup>, 2023, pending approval from KDOT; Kline 2<sup>nd</sup>; motion carried 5-0.

MHS Community Pep Rally – MHS Staff: Raeann Buchanan asked for permission to close Main Street from Elm to Lincoln from 1:45 to 2:45 on October 29<sup>th</sup>, 2023, for students to attend the Marion High School pep rally at the park. Kline made a motion to approve the closure pending KDOT’s approval; Herbel 2<sup>nd</sup>; motion carried 5-0.

Councilor Report: Herbel stated that the councilors expressed their desire for an executive session to be on the agenda at the September 18<sup>th</sup>, 2023 meeting with the City Attorney present. Mr. Bina stated that the council could, if they chose, suspend Chief Cody and that they didn’t need his presence to do so. Mayor Mayfield does have the power to do so but has opted from doing so. Herbel stated that State Statue 14-307 and 15-301 states the same that the Mayor shall, which is mandatory, be active and vigilant in enforcing all laws and ordinances for the government of the city, and the mayor shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty and the mayor shall have such jurisdiction as may be vested in the mayor by ordinance over all places within five miles of the corporate limits of the city for the enforcement of any health, quarantine, cemetery or waterworks ordinance and regulation thereof. Herbel put forth the violation of duty by Gideon Cody committed against her for an illegal search and seizure as he seized her computer and phone with no justification. The county attorney withdrew all search warrants and the he falsified the document by changing the warrant that had been served to her by changing the wording from identity theft and unlawful acts concerning computers, to identity theft and official misconduct before filing the warrant in district court. This is criminal fraud committed by a person acting under the color of law, and this within itself, should be enough to suspend Cody until the KBI completes their investigation.

Burkholder told council members that his no vote today for not adding an executive session to the agenda was based on the recommendation by the City Attorney, which was to wait until the KBI investigation is complete. Mayor Mayfield and Collett both agreed with Burkholder’s statement.

Kline no report.

Department Reports: Community Enrichment Director, Margo Yates stated the Art in the Park was again a success this year. City Administrator, Jones told council members that he would be attending the KPP conference with Mayor Mayfield, and Steven Hart on September 28<sup>th</sup>, & 29<sup>th</sup>, 2023, and also the League of Kansas Municipalities Annual Conference with Mayor Mayfield on October 7<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup>, 2023. Jones told council members that the water purchase agreement was completed, and updated council members with the purchase price of the bucket truck fluctuating by \$6,000.00. Jones stated the airport fuel tanks were full at a price of \$5.80 per gallon. Jones stated that the 2001 Chevy Pickup was taken out of commission and not drivable. Jones said that he was approached by an individual about purchasing the lots on Coble Street, but the potential buyer was not interesting in purchasing it for MIH project, and was interested in purchasing 2 lots. Jones asked council members their thoughts regarding selling the 2 lots to him not for MIH housing. Jones stated that MIH builders are hard to find. Jones asked council members for their permission to pay Zach Hudlin for ½ of his unused vacation pay and roll over the other ½, with council members approving the request.

Janet Robinson nothing further to report.

Zach Hudlin nothing further to report.

Public Forum: Ryan Newell gave council members a folder with questions he would like answered regarding the Police Chief, and expressed his opinion regarding no action being taken regarding the Chief.

Darvin Markley expressed his opinion on Chief Cody being suspended.

Pam Maag expressed concerns about why Chief Cody has not been put on administrative leave.

Motion to adjourn Council meeting: Kline made a motion to adjourn the meeting; Mayor Mayfield 2<sup>nd</sup>; motion carried 5-0.

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David Mayfield, Mayor

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Janet Robinson, City Clerk

**SCHEDULED CLAIMS LIST**

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	TYPE	CK SQ
				CENTRAL NATIONAL BANK					
			3813	56 EXPRESS TIRE & SERVICE					
9/26/23	1	10/02/23	10/02/23	TIRES	744.00	01	01-10-5452	LIQ	1
	2			SHOP SUPPLIES	7.44	01	01-10-5452	LIQ	1
	3			TIRE DISPOSAL	20.00	01	01-10-5452	LIQ	1
	4			TIRE TAX	1.00	01	01-10-5452	LIQ	1
	5			ALIGNMENT	89.99	02	02-03-5410	LIQ	1
	6			LABOR	52.50	02	02-03-5410	LIQ	1
	7			TIE ROAD END	156.91	02	02-03-5410	LIQ	1
	8			SHOP SUPPLIES	2.99	02	02-03-5410	LIQ	1
	9			HAZMAT CHARGE	7.85	02	02-03-5410	LIQ	1
	10			OIL CHANGE	66.99	01	01-14-5414	LIQ	1
	11			ROTATE TIRES	20.00	01	01-14-5414	LIQ	1
	12			AIR FILTER	20.17	01	01-14-5414	LIQ	1
	13			SHOP SUPPLIES	.65	01	01-14-5414	LIQ	1
	14			HAZMAT CHARGES	2.26	01	01-14-5414	LIQ	1
	15			SALES TAX	9.08	01	01-14-5414	LIQ	1
				INVOICE TOTAL	1,201.83				
				VENDOR TOTAL	1,201.83				
			3488	DANIEL ADAME					
REIMBURSE	1	10/02/23	9/20/23	ACE LEATHER GLOVES	29.22	02	02-06-5020	LIQ	1
				INVOICE TOTAL	29.22				
				VENDOR TOTAL	29.22				
			171	AFLAC					
inv# 426801	1	10/02/23	9/27/23	OCTOBER PREMIUM	22.70	156	01-00-2456 E-PAYMNT 1309154 10/02/23	LIQ	1
	2			OCTOBER PREMIUM	26.92	156	01-00-2456 E-PAYMNT 1309154 10/02/23	LIQ	1
	3			OCTOBER PREMIUM	60.98	256	02-00-2456 E-PAYMNT 1309154 10/02/23	LIQ	1
	4			OCTOBER PREMIUM	26.92	256	02-00-2456 E-PAYMNT 1309154 10/02/23	LIQ	1
	5			OCTOBER PREMIUM	26.52	156	01-00-2456 E-PAYMNT 1309154 10/02/23	LIQ	1
	6			OCTOBER PREMIUM	45.32	156	01-00-2456 E-PAYMNT 1309154 10/02/23	LIQ	1
	7			OCTOBE PREMIUM	52.76	156	01-00-2456 E-PAYMNT 1309154 10/02/23	LIQ	1
				INVOICE TOTAL	262.12				
				VENDOR TOTAL	262.12				
			3420	ALTEC CAPITAL SERVICES, LLC					
INV# 01783568	1	10/02/23	9/12/23	LEASE RENTAL 2019 FORD F550	1,688.70	21	21-00-5450	LIQ	1
				INVOICE TOTAL	1,688.70				
				VENDOR TOTAL	1,688.70				
			853	ANIMAL HEALTH CENTER, INC					
SEPTEMBER	1	10/02/23	9/20/23	9/1/23 YELLOW LAB	54.00	01	01-00-5085	LIQ	1

**SCHEDULED CLAIMS LIST**

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	CK TYPE	SQ
				INVOICE TOTAL	54.00				
				VENDOR TOTAL	54.00				
INV# 3988	1	10/02/23	9/12/23	200 DRAGONSLAYERS ANNUAL SERVICE	23.80	01	01-75-5259	LIQ	1
	2			MULTI STOP SERVICE CALL	10.00	01	01-75-5259	LIQ	1
				INVOICE TOTAL	33.80				
				VENDOR TOTAL	33.80				
6/27/23-7/27/23	1	8/07/23	8/07/23	451 EVERGY ELEC-UTILITIES	39.19	02	02-04-5015 E-PAYMNT 1309146 8/07/23	INVC	1
				INVOICE TOTAL	39.19				
8/28/23-9/27/23	1	10/02/23	9/28/23	US 50 AND SUNFLOWER	25.89	02	02-04-5015 E-PAYMNT 1309155 10/02/23	LIQ	1
	2			US 50 AND SUNFLOWER	39.19	02	02-04-5015 E-PAYMNT 1309155 10/02/23	LIQ	1
				INVOICE TOTAL	65.08				
				VENDOR TOTAL	104.27				
INV# 17839	1	10/02/23	9/17/23	1147 GPC&N LLC WIRELESS MOUSE	27.37	02	02-02-5020	LIQ	1
				INVOICE TOTAL	27.37				
				VENDOR TOTAL	27.37				
INV# 13722780	1	10/02/23	9/01/23	222 HACH COMPANY TURB SENSOR	4,000.00	02	02-02-5041	LIQ	1
	2			CL17	5,980.00	02	02-02-5041	LIQ	1
	3			PMP DR900 A VISIT	155.00	02	02-02-5041	LIQ	1
	4			PMP-SC100-1V	396.00	02	02-02-5041	LIQ	1
	5			PMM SENSION-1V	209.00	02	02-02-5041	LIQ	1
	6			PMP POCKET 2V	225.00	02	02-02-5041	LIQ	1
	7			PORTABLE TURB	361.00	02	02-02-5041	LIQ	1
				INVOICE TOTAL	11,326.00				
				VENDOR TOTAL	11,326.00				
INV# 6543207	1	10/02/23	8/03/23	3208 HAWKINS INC. AMMONIUM SULFATE	1,600.00	02	02-02-5310	LIQ	1
	2			FREIGHT	31.00	02	02-02-5310	LIQ	1
	3			AQUA HAWK	6,008.31	02	02-02-5310	LIQ	1
	4			CHLORINE	1,259.27	02	02-02-5310	LIQ	1
	5			FREIGHT	10.00	02	02-02-5310	LIQ	1
	6			HYDROFLUOSILICIC ACID	387.98	02	02-02-5310	LIQ	1
	7			LCP-31	2,370.92	02	02-02-5310	LIQ	1
	8			SODIUM HYDROXIDE	1,558.91	02	02-02-5310	LIQ	1
	9			SODIUM PERMANGANATE	3,625.45	02	02-02-5310	LIQ	1
				INVOICE TOTAL	16,851.84				

**SCHEDULED CLAIMS LIST**

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	CK TYPE	SQ
INV# 6579380	1	10/02/23	9/15/23	150 LB CHLORINE CYLINDER	60.00	02	02-02-5310	LIQ	1
				INVOICE TOTAL	60.00				
				VENDOR TOTAL	16,911.84				
				1798 KONICA MINOLTA PREMIER FINANCE					
INV# 511016545	1	10/02/23	9/15/23	CONTRACT PAYMENT	127.29	01	01-00-5255 E-PAYMNT 1309157 10/02/23	LIQ	1
	2			COLOR OVERAGE	35.70	01	01-00-5255 E-PAYMNT 1309157 10/02/23	LIQ	1
	3			BLACK AND WHITE OVERAGE	72.80	01	01-00-5255 E-PAYMNT 1309157 10/02/23	LIQ	1
	4			FREIGHT	9.00	01	01-00-5255 E-PAYMNT 1309157 10/02/23	LIQ	1
				INVOICE TOTAL	244.79				
				VENDOR TOTAL	244.79				
				3793 LAMAR COMPANIES					
INV# 115151481	1	10/02/23	9/04/23	HOLIDAY BANNERS	320.00	01	01-11-5276	LIQ	1
				INVOICE TOTAL	320.00				
				VENDOR TOTAL	320.00				
				3682 LIBERTY NATIONAL					
OCTOBER BILL	1	10/02/23	9/22/23	OCTOBER PREMIUM	12.00	0245	02-00-2445 E-PAYMNT 1309156 10/02/23	LIQ	1
	2			OCTOBER PREMIUM	32.59	0245	02-00-2445 E-PAYMNT 1309156 10/02/23	LIQ	1
				INVOICE TOTAL	44.59				
				VENDOR TOTAL	44.59				
				1423 LOCKE SUPPLY					
INV# 50518153	1	10/02/23	9/11/23	SHARK TOOTH RND DVICE BOX	19.25	02	02-04-5020	LIQ	1
	2			SURF TRIM NO DRIVER	19.12	02	02-04-5020	LIQ	1
	3			TAX	3.45	02	02-04-5020	LIQ	1
	4			FLAT PANEL	788.08	02	02-04-5020	LIQ	1
				INVOICE TOTAL	829.90				
				VENDOR TOTAL	829.90				
				3892 LOYD GROUP, LLC					
BUDGET	1	10/02/23	9/15/23	2024 FINANCIAL PROJECTION	2,500.00	01	01-00-5042	LIQ	1
				INVOICE TOTAL	2,500.00				
				VENDOR TOTAL	2,500.00				
				3873 M&T CLEANING					
INV# 3/17/23-4/17/31	1	10/02/23	9/28/23	CLEANING PARK BATHROOMS	300.00	01	01-15-5259	LIQ	1
				INVOICE TOTAL	300.00				
				VENDOR TOTAL	300.00				

**SCHEDULED CLAIMS LIST**

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	TYPE	CK SQ
				1753 MARION CO. REGISTER OF DEEDS					
CEMETERY DEEDS1	1	10/02/23	9/28/23	DEED FILING BRADFIELD	21.00	01	01-30-5311	LIQ	1
	2			DEED FILING CHIZEK	21.00	01	01-30-5311	LIQ	1
	3			DEED FILING ANDERSON	21.00	01	01-30-5311	LIQ	1
	4			DEED FILING BRUNNER	21.00	01	01-30-5311	LIQ	1
	5			DEED FILLING BAUMGARDNER	21.00	01	01-30-5311	LIQ	1
				INVOICE TOTAL	105.00				
				VENDOR TOTAL	105.00				
				3329 MARION MANUFACTURING, INC					
INV# 15945	1	10/02/23	9/11/23	MATERIALS	176.55	01	01-65-5407	LIQ	1
				INVOICE TOTAL	176.55				
				VENDOR TOTAL	176.55				
				1674 MUNICIPAL EMERGENCY SVCS					
INV# 1930372	1	10/02/23	9/07/23	FUEL CHARGE	150.00	01	01-65-5036	LIQ	1
	2			SHOP SUPPLIES	25.00	01	01-65-5036	LIQ	1
	3			SCBA FLOW TEST	135.00	01	01-65-5036	LIQ	1
	4			SCBA MINOR REDUCER REPAIR	51.43	01	01-65-5036	LIQ	1
	5			SCBA FLOW TEST	45.00	01	01-65-5036	LIQ	1
	6			SCBA REGULATOR ADJUSTMENT	25.71	01	01-65-5036	LIQ	1
	7			SCOTT SAFETY THRUST WASHER	5.98	01	01-65-5036	LIQ	1
	8			SCBA REDUCER ADJUSTMENT	25.71	01	01-65-5036	LIQ	1
				INVOICE TOTAL	463.83				
				VENDOR TOTAL	463.83				
				3069 QUILL CORPORATION					
INV# 34689458	1	10/02/23	9/19/23	PLANNER	23.18	01	01-05-5020	LIQ	1
	2			SCOTT PAPER TOWELS	27.99	01	01-05-5020	LIQ	1
	3			COTTONELLE BATHROOM TISSUE	54.99	01	01-05-5020	LIQ	1
	4			POP UP NOTES	28.99	01	01-00-5020	LIQ	1
	5			FOLGERS CLASSIC ROAST	26.99	01	01-05-5020	LIQ	1
	6			WIRELESS KEYBOARD	125.98	01	01-05-5020	LIQ	1
	7			LABELS	31.99	01	01-05-5020	LIQ	1
	8			COPY PAPER	182.40	01	01-00-5020	LIQ	1
	9			COPY PAPER	36.98	01	01-00-5020	LIQ	1
	10			SPRING AWAKE CALENDAR	14.99	01	01-05-5020	LIQ	1
	11			DESK CALENDAR	27.99	01	01-05-5020	LIQ	1
	12			WEEKLY APP	41.18	01	01-05-5020	LIQ	1
	13			DRY ERASE CALENDAR	38.99	01	01-05-5020	LIQ	1
	14			DESK CALENDAR	17.79	01	01-05-5020	LIQ	1
	15			TULA CALENDAR	16.99	01	01-05-5020	LIQ	1
	16			WIRELESS KEYBOARD	39.99	01	01-05-5020	LIQ	1
	17			CALENDAR	23.59	01	01-05-5020	LIQ	1
	18			CALENDAR	15.79	01	01-05-5020	LIQ	1
	19			CALENDAR	14.99	01	01-05-5020	LIQ	1
	20			EXPO MARKERS	6.49	01	01-00-5020	LIQ	1
	21			PUSH PINS	9.49	01	01-00-5020	LIQ	1
				INVOICE TOTAL	807.76				
				VENDOR TOTAL	807.76				



**SCHEDULED CLAIMS LIST**

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	TYPE	CK SQ
INV# 1996-1048849	1	10/02/23	9/21/23	3941 RESENHOUSE 300V PHOTCNTRL	169.00	02	02-04-5023	LIQ	1
	2			MTG BRKT W/TL RCPT	136.00	02	02-04-5023	LIQ	1
	3			BLU WIRECONN	29.78	02	02-04-5023	LIQ	1
	4			YEL WIRECONN	69.07	02	02-04-5023	LIQ	1
	5			CHRISTMAS LIGHTS	487.50	02	02-04-5023	LIQ	1
					INVOICE TOTAL	891.35			
				VENDOR TOTAL	891.35				
OCTOBER JUDGE FEE	1	10/02/23	9/28/23	3929 ROY-BACHMAN, BRANDY OCTOBER JUDGE FEE	350.00	01	01-85-5001	LIQ	1
				INVOICE TOTAL	350.00				
				VENDOR TOTAL	350.00				
INV# S100250870	1	10/02/23	9/14/23	84 SALINA SUPPLY COMPANY TAPPED REPAIR CLAMP	49.63	02	02-01-5020	LIQ	1
				INVOICE TOTAL	49.63				
				VENDOR TOTAL	49.63				
9/28/23	1	10/02/23	9/08/23	1117 SHERWIN WILLIAMS 5 GALLON BLUE	129.95	01	01-10-5270	LIQ	1
	2			5 GALLON WB WH	259.90	01	01-10-5270	LIQ	1
	3			TAX	33.14	01	01-10-5270	LIQ	1
	4			5 GALLON WB WH	909.65	01	01-10-5270	LIQ	1
	5			TAX	77.32	01	01-10-5270	LIQ	1
					INVOICE TOTAL	1,409.96			
				VENDOR TOTAL	1,409.96				
REIMBURSEMENT	1	10/02/23	8/17/23	3957 SLATER, NOAH LEATHER GLOVES	19.47	02	02-06-5020	LIQ	1
	2			WATER PROOF GLOVES	9.73	02	02-06-5020	LIQ	1
				INVOICE TOTAL	29.20				
				VENDOR TOTAL	29.20				
inv# 5604582	1	10/02/23	9/15/23	140 STANION WHOLESALE ELECTRIC CO 8 FT 10 MIL PLATING 6.8	243.10	02	02-04-5020	LIQ	1
	2			WIRE THHN 2 BLK	366.03	02	02-04-5020	LIQ	1
	3			TAX	47.82	02	02-04-5020	LIQ	1
	4			10 FT MIL PLATING	331.70	02	02-04-5020	LIQ	1
	5			TAX	24.05	02	02-04-5020	LIQ	1
					INVOICE TOTAL	1,012.70			
				VENDOR TOTAL	1,012.70				
AUGUST/SEPTEMBER	1	10/02/23	9/28/23	343 STATE TREASURER JBE	3.00	01	01-00-2802	LIQ	1
	2			KLETC	67.50	01	01-00-2801	LIQ	1
				INVOICE TOTAL	70.50				

**SCHEDULED CLAIMS LIST**

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	CK TYPE	SQ
				VENDOR TOTAL	70.50				
				1192 VERIZON WIRELESS					
INV# 9944788355	1	10/02/23	9/19/23	6202666051	28.73	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	2			6202666055	24.44	01	01-16-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	3			6203810019	41.43	01	01-55-5089 E-PAYMNT 1309158 10/02/23	LIQ	1
	4			6203810212	28.73	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	5			6203810309	29.63	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	6			6203810647	28.73	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	7			6203810716	52.23	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	8			6203810928	29.63	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	9			6203810967	28.73	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	10			6203811285	41.43	01	01-00-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	11			6203813101	24.27	01	01-14-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	12			6203813240	28.73	01	01-16-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	13			6203814043	24.44	01	01-75-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	14			6203814631	40.01	01	01-14-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	15			6203814663	40.01	01	01-14-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	16			6203814706	40.01	01	01-14-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	17			6203814714	40.01	01	01-14-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	18			6203814891	40.01	01	01-14-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	19			6203822355	28.73	02	02-02-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	20			6203822442	24.44	01	01-75-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	21			6203812561	9.58	02	02-04-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	22			6203812561	9.58	02	02-01-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	23			6203812561	9.57	01	01-10-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	24			6203822651	41.43	01	01-14-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	25			6203823425	30.53	01	01-05-5015 E-PAYMNT 1309158 10/02/23	LIQ	1
	26			6203823732	8.15	02	02-04-5015	LIQ	1

**SCHEDULED CLAIMS LIST**

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	CK TYPE	SQ
	27			6203823732	8.15	02	E-PAYMNT 1309158 10/02/23 02-01-5015	LIQ	1
	28			6203823732	8.14	01	E-PAYMNT 1309158 10/02/23 01-10-5015	LIQ	1
	29			6203823770	9.58	01	E-PAYMNT 1309158 10/02/23 01-10-5015	LIQ	1
	30			6203823770	9.58	02	E-PAYMNT 1309158 10/02/23 02-01-5015	LIQ	1
	31			6203823770	9.57	02	E-PAYMNT 1309158 10/02/23 02-04-5015	LIQ	1
	32			6203823993	24.44	01	E-PAYMNT 1309158 10/02/23 01-00-5015	LIQ	1
	33			6203826670	41.43	02	E-PAYMNT 1309158 10/02/23 02-04-5089	LIQ	1
	34			6203826671	41.43	02	E-PAYMNT 1309158 10/02/23 02-01-5089	LIQ	1
	35			6203829134	69.03	01	E-PAYMNT 1309158 10/02/23 01-25-5015	LIQ	1
				INVOICE TOTAL	994.56				
				VENDOR TOTAL	994.56				
				3841 VISION CARE DIRECT					
OCTOBER	1	10/02/23	9/25/23	OCTOBER PREMIUM	25.46	257	02-00-2457 E-PAYMNT 1309159 10/02/23	LIQ	1
	2			OCTOBER PREMIUM	15.90	257	02-00-2457 E-PAYMNT 1309159 10/02/23	LIQ	1
	3			OCTOBER PREMIUM	46.24	157	01-00-2457 E-PAYMNT 1309159 10/02/23	LIQ	1
				INVOICE TOTAL	87.60				
				VENDOR TOTAL	87.60				
				92 WEBSTER AUTO SERVICE, INC.					
INV# 43053	1	10/02/23	7/24/23	OIL CHANGE	47.13	01	01-65-5412	LIQ	1
	2			LABOR	25.50	01	01-65-5412	LIQ	1
	3			REPAIR SIREN WIRING	344.75	01	01-65-5412	LIQ	1
	4			WIRE AND CONNECTORS	7.58	01	01-65-5412	LIQ	1
	5			HAZMAT FEE	2.00	01	01-65-5412	LIQ	1
	6			SHOP SUPPLIES	3.00	01	01-65-5412	LIQ	1
				INVOICE TOTAL	429.96				
				VENDOR TOTAL	429.96				
				99 WESTERN ASSOCIATES, INC.					
INV# 121184-1	1	10/02/23	9/22/23	SMALL T-SHIRTS	7.20	01	01-55-5050	LIQ	1
	2			MEDIUM T-SHIRTS	28.80	01	01-55-5050	LIQ	1
	3			LARGE T-SHIRTS	36.00	01	01-55-5050	LIQ	1
	4			XL T-SHIRTS	64.80	01	01-55-5050	LIQ	1
	5			2XL T-SHIRTS	19.00	01	01-55-5050	LIQ	1
	6			3XL T-SHIRTS	29.85	01	01-55-5050	LIQ	1
	7			SET UP CHARGE	10.00	01	01-55-5050	LIQ	1
				INVOICE TOTAL	195.65				

# SCHEDULED CLAIMS LIST

INVOICE#	LINE	DUE DATE	INVOICE DATE	REFERENCE	PAYMENT AMOUNT	DIST ID	GL ACCOUNT	CK TYPE	SQ
				VENDOR TOTAL	195.65				
				CENTRAL NATIONAL BANK TOTAL	42,952.68				
				TOTAL MANUAL CHECKS	.00				
				TOTAL E-PAYMENTS	1,737.93				
				TOTAL PURCH CARDS	.00				
				TOTAL ACH PAYMENTS	.00				
				TOTAL OPEN PAYMENTS	41,214.75				
				GRAND TOTALS	42,952.68				



1021 North Cedar Street  
Marion, KS 66861-0236

Calvin E. Reed, P.E., Secretary  
Brent Terstriep, P.E., District Engineer  
Joe P. Palic, P.E., Area Engineer

Phone: 620-382-3717  
Fax: 620-382-2339  
[kdot#publicinfo@ks.gov](mailto:kdot#publicinfo@ks.gov)  
<http://www.ksdot.gov>  
Laura Kelly, Governor

September 19, 2023

Margo R. Yates  
City of Marion Parks & Recreation  
203 N 3<sup>rd</sup> Street  
Marion KS 66861

Dear Ms. Yates,

We have reviewed and approved your request for a temporary closure of K-256 Highway in the City of Marion from approximately 1:45 p.m. to 3:00 p.m. on Friday, September 29th, 2023, for a Community Pep Rally.

K-256 will be closed from Elm Street to Lincoln Street. The detour route will be Elm Street to Lawrence Street, Lawrence Street to Lincoln Street, and Lincoln Street back to K-256.

The City of Marion will be required to furnish and maintain all traffic control while K-256 highway is closed. All flagging and direction of traffic during the closure of the highway shall be by local law enforcement agencies. As per the 2009 MUTCD, appropriately colored or marked vehicles with high-intensity rotating, flashing, oscillating, or strobe lights may be used in place of signs and channelizing devices for short-duration closures. These vehicles may be augmented with signs or arrow panels.

Please contact me at (620) 382-3717 if you have any questions regarding traffic control procedures.

Sincerely,

Joseph P. Palic, P.E.  
Area Engineer

cc: KDOT District 2 Engineer  
Chief of Police, 112 N. Fifth St., Marion, KS 66861  
Kansas Highway Patrol, 2019 East Iron Salina KS 67401  
File



1021 North Cedar Street  
Marion, KS 66861-0236

Calvin E. Reed, P.E., Secretary  
Brent Terstriep, P.E., District Engineer  
Joe P. Palic, P.E., Area Engineer

Phone: 620-382-3717  
Fax: 620-382-2339  
kdot#publicinfo@ks.gov  
<http://www.ksdot.gov>  
Laura Kelly, Governor

September 19, 2023

Margo R. Yates  
City of Marion Parks & Recreation  
203 N 3<sup>rd</sup> Street  
Marion KS 66861

Dear Ms. Yates,

We have reviewed and approved your request for a temporary closure of K-256 Highway in the City of Marion from approximately 7:00 p.m. to 11:00 p.m. on Saturday, October 21, 2023, for a street dance.

K-256 will be closed from Third Street to Fifth Street. The detour route will be Third Street to Sante Fe Street, Sante Fe Street to Fifth Street, and Fifth Street back to K-256.

The City of Marion will be required to furnish and maintain all traffic control while K-256 highway is closed. All flagging and direction of traffic during the closure of the highway shall be by local law enforcement agencies. As per the 2009 MUTCD, appropriately colored or marked vehicles with high-intensity rotating, flashing, oscillating, or strobe lights may be used in place of signs and channelizing devices for short-duration closures. These vehicles may be augmented with signs or arrow panels.

Please contact me at (620) 382-3717 if you have any questions regarding traffic control procedures.

Sincerely,

Joseph P. Palic, P.E.  
Area Engineer

cc: KDOT District 2 Engineer  
Chief of Police, 112 N. Fifth St., Marion, KS 66861  
Kansas Highway Patrol, 2019 East Iron Salina KS 67401  
File



## **PUBLIC POWER WEEK PROCLAMATION**

**PROCLAMATION RECOGNIZING PUBLIC POWER WEEK, OCT. 1-7, 2023:  
A WEEK-LONG CELEBRATION OF THE CITY OF MARION YEAR-ROUND SERVICE TO THE  
COMMUNITY.**

**WHEREAS**, we, the citizens of Marion, place a high value on local choice over community services and therefore have chosen to operate a community-owned, not-for-profit electric utility and, as customers and owners of our electric utility, have a direct say in utility operations and policies;

**WHEREAS**, The City of Marion provides our homes, businesses, schools, and social service and local government agencies with reliable, efficient, and safe electricity employing sound business practices designed to ensure the best possible service at not-for-profit rates;

**WHEREAS**, The City of Marion is a valuable community asset that contributes to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness;

**WHEREAS**, The City of Marion is a dependable and trustworthy institution whose local operation provides many consumer protections and continues to make our community a better place to live and work, and contributes to protecting the global environment;

**NOW, THEREFORE BE IT RESOLVED:** that the City of Marion will continue to work to bring low-cost, safe, reliable, and sustainable electricity to community homes and businesses to serve all the citizens of Marion;

**BE IT FURTHER RESOLVED:** that the week of Oct. 1-7 be designated Public Power Week to recognize the people behind public power at The City of Marion for their contributions to the community and to educate customer-owners, policymakers, and employees on the benefits of public power; and

**BE IT FURTHER RESOLVED:** that our community joins hands with more than 2,000 other public power systems in the United States in this celebration of public power, which puts our residents, businesses, and the community before profits.



---

David Mayfield Mayor

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Janet Robinson City Clerk



MARION AIRPORT

ESTIMATE  
9-08-23

Grass Runways HALF Runway

5 LOADS TOPSOIL	1250
6 HR ROLLER	900
6 HR LEVEL/BLADE	900
	<hr/>
	3050

COSTS - TOPSOIL \$ 250 PER LOAD (16 TON)  
 MACHINE \$150 PER HOUR  
 CLEAN FILL DIRT ? (IF AVAILABLE)

DALE CONIST CO  
 1879 JADE  
 HILLSBORO, KE 67063  
 MAR 620-381-1985

**ORDINANCE NO. 1506**

**AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF MARION, KANSAS, AUTHORIZING THE APPROVAL OF A SIGN REGULATION CHANGES FOR THE CITY OF MARION, KANSAS**

WHEREAS, the Governing Body of the City of Marion, Kansas, has determined that it is in the best interests of the City of Marion to approve the recommendations of the City of Marion Planning Commission made this 2nd Day of October, 2023, and approve the changes for the Sign Regulations for the City of Marion, Kansas.

WHEREAS, the Governing Body of the City of Marion, Kansas, has taken the necessary steps under applicable law to approve changes for the Sign Regulations in Section 22 of the Zoning Regulations for the City of Marion, Kansas.

WHEREAS, after a public hearing held by the City of Marion Planning Commission on the 25<sup>th</sup> day of July, 2023, the concerns of our citizens have been taken into consideration in the recommendation to the Governing Body. Upon a unanimous vote, a recommendation for approval of changes for the Sign Regulations for the City of Marion, Kansas, goes to the Governing Body.

BE IT ORDAINED, by the Governing Body of the City of Marion, Kansas, hereby approves the changes for Sign Regulations for the City of Marion, Kansas, for Section 22 of the City of Marion, Kansas, Zoning Regulations.

**PASSED** and **APPROVED** by the governing body of the City of Marion, Kansas this 2<sup>nd</sup> Day of October, 2023.

ATTEST:

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David Mayfield, Mayor

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Janet Robinson, City Clerk

Marion Planning Commission  
January 31, 2023  
6:00 pm

The Regular Meeting of the Marion Planning Commission was held Tuesday, January 31, 2023, with members Bruce Skiles, Jerry Ewing, Darvin Markley, Carol Laue, Russ Hake, and Brent Miles in attendance. Margo Yates, Interim Zoning Administrator, was also present. Member Jackie Crofoot has resigned from the board, due to health reasons, and her seat has not yet been filled.

Members welcomed Ewing to the board. Yates called the regular meeting of the planning commission to order at 6:00 p.m., with a quorum present. Yates asked members to begin the process of nominating officers for the year.

Election of Officers for 2023: Hake nominated Markley for Chairman; Skiles seconded; there was no discussion; motion carried 6-0. Hake nominated Miles for Vice Chairman; Laue seconded; there was no discussion; motion carried 6-0. Laue nominated Yates for Secretary; Miles seconded; there was no discussion; motion carried 6-0.

Approval of agenda: Markley took over leading the meeting. Skiles moved to approve the agenda; Hake seconded; motion carried 6-0.

Public Forum: No one was present from the public.

Approval of Minutes: Hake moved to approve the minutes from the November 29, 2022, meeting; Miles seconded; motion carried 6-0.

Review Budget: Members reviewed the budget and discussed where we are on revising the comp plan and the regs.

Old Business: Members discussed revising the sign regulations. Markley asked if signs should be somewhat uniform, and Miles said no. Markley asked if there should be limitations, and Miles said yes, and Hake agreed. Markley asked if it should just apply to downtown businesses, and members agreed it should be for the business district. Laue asked for sign regs from other towns to be re-emailed to members and Yates said she will send them out again tomorrow. Skiles said we need to keep it simple. Possibly say signs need to be so many feet from the neighboring business, Hake said. You'll never write a regulation that covers everything, Skiles said. Mostly need to use common sense, he added. Hake agreed with keeping it simple and asked everyone to look at the regulations and what makes sense. We have a responsibility to maintain the integrity of our business district and so I think signs should fit in, Hake said. Members discussed the historic aspect of the downtown. Laue asked about insurance and if we need to require extra liability insurance, or anything, but members

said no. Hake asked everyone to bring two or three points to review for possible changes to the next meeting.

New Business: Yates reported there is a Conditional Use Permit (CUP) application for the February meeting. The county plans to have road and bridge, planning and zoning, and emergency management offices in the building they purchased on the highway. Markley asked Yates to download maps of the area for the meeting and to gather info on the past history of the building. Markley also asked that we have a good recording of the meeting.

Members discussed the annual review of the Comprehensive Plan. Markley said even though we are waiting on results from the Strategic Plan study so we may use the data in rewriting our Comp Plan and Regs, we can still go through and mark updates in the existing documents. He said it is good to include future plans for the county and the city in the Comp Plan. We could put an updated copy (as much as possible) on the city web page, he said.

Markley mentioned the three-mile buffer zone between the county and city zoning. The city is supposed to have some control over this area. He said Hillsboro is dealing with container homes in the county just outside their city limits. Markley said state statutes 12-17B and 12-747 are in place to help a city cover themselves.

Next regular meeting date: February 28, 2023, at 6 p.m.

Adjournment: Hake moved to adjourn meeting; Miles seconded; motion carried 6-0. Meeting adjourned at 7:15 p.m.

ATTEST:

  
Darvin Markley, Chairman

  
Margo Yates, Interim Zoning Administrator

Marion Planning Commission  
February 28, 2023  
6:00 pm

The Regular Meeting of the Marion Planning Commission was held Tuesday, February 28, 2023, with members Brent Miles, Carol Laue, Darvin Markley, Bruce Skiles, and Russ Hake in attendance. Member Jerry Ewing was absent. Margo Yates, Interim Zoning Administrator, was also present. One seat remains open. Those in attendance from Marion County include: County Commission Dave Crofoot; County Engineer Brice Goebel; County Clerk Tina Spencer; and Planning and Zoning Administrator Sharon Omstead. Attending from the *Marion County Record* was Phyllis Zorn.

Chairman Markley called the regular meeting of the planning commission to order at 6:00 p.m., with a quorum present.

Approval of agenda: Skiles moved to approve the agenda; Miles seconded; motion carried 5-0.

Public Forum: No one else from the public was present, and no one wished to speak.

Chairman Markley opened the Public Hearing for a Conditional Use Permit (CUP) request from Marion County for government office space and a meeting room, located at 1240 Commercial Drive in Marion, Kansas. Spencer explained the county purchased the building and have applied for a CUP in order to utilize the building for governmental use. Spencer said the county plans to have office space for the road and bridge department, planning and zoning, and emergency management. Spencer said there will also be a conference room. She said other departments may use the space for training classes, etc. She added the county has applied for tax exemption through the state board of tax appeals, for the Ad Valorem Tax. Chairman Markley read state statute 12-757, out loud. Yates asked Markley to repeat the statute number. He did so, and added that it is also in our book. Markley also referred to the Comprehensive Plan, Section 1-6, Commercial and Office Development Goals, and Section 1-8, Transportation Goals. He specifically referred to 1-8.06, which reads, "Ensure the provision of adequate off-street parking facilities for all types of land use." Chairman Markley asked the county employees what all they plan on parking out there. Spencer said employee vehicles. Omstead said there possibly could be equipment that emergency management maintains. Goebel said they plan to have a backup generator in the building. Goebel said he can't think why they would have dump trucks, etc., out there. If so, they can park on Commercial Drive, he said. Omstead said there will be county planning commission meetings in the building. We'll go out of our way not to have big trucks out there, Goebel said. Chairman Markley referred to the Comprehensive Plan, 3-5.03, which reads, "Development at the Highway 56 Business Park and Industrial Park has (recently) increased significantly. There are prime building sites available for additional development." Markley asked, does the board agree this is happening, now? Is there currently an increase in

building out there, Markley asked members. No, there is nothing going on out there, Miles said. Chairman Markley referred members to the Comprehensive Plan 11-3.03, "Commercial Principles." He also referred members to 11-3.04, "Commercial Policies," including #15 and #16. He noted there are living quarters in the ambulance building. There is an overlay for living quarters out there, he said. We need to make sure it fits, with those living quarters out there, too, he added. So, we are not hindering anything, he said. As long as the facts in the Comprehensive Plan are good, the court cannot overturn the action, Markley explained. Within the Comprehensive Plan, does everyone agree it allows for this use, Markley asked, and members all agreed. Chairman Markley referred to Section 19, Conditional Uses, #32, which reads, "Public buildings erected, or land used by any agency or the city, township, county or state government." So, it is allowable through the Conditional Use, Markley said. Chairman Markley referred to 19-1.04, the list of factors members needs to consider when recommending a CUP. Markley read the list of factors out loud. I don't see an issue, Hake said. Chairman Markley referred to Section 25, Amendment Procedures, 25-6.08, for setting conditions. Chairman Markley asked if the board agrees that Marion County shall work with the City's Building Inspector on remodeling of the facility? Members agreed. As far as the trucks go in that neighborhood, I don't think we have the authority by the law to say you can't take trucks up there, Markley said. We don't have anything to hold you with, he added. So, to be fair with everyone, the rest of the businesses up there pay taxes and the county will be tax exempt, he said. You guys have the right to restrict your drivers off of there, so to be fair one condition would be Marion County shall be liable to for damages occurring to the roadway of Commercial Drive, if the county allows heavy trucks on said roadway, Markley said. Miles questioned what about others driving out there? Miles asked how is that any different than where they are now? We don't have any control over that, but this we do, Markley said. Skiles asked, would they only be liable for the road right in front of their building? Hake asked, who will police that? Omstead asked if the county could request videos and documentation of the condition of the road, right now? It's not any different than what the county does with the wind farm, Markley said. Except you have other traffic, Omstead said. Damage will be in the corners where they turn, Crofoot said. Damage is not going to be where they park, Crofoot added. I wonder if it would be more reasonable to put a condition on it that parking at the facility be limited to passenger vehicles and small trailers, Spencer said. Damage to the road is ambiguous, Spencer said. We're remodeling the building, so we may have trucks that are working out there, Spencer said. Heavy trucks are ambiguous, Skiles said. Miles and Hake agreed you cannot police it. Miles asked, what about the trash truck? Laue asked about limiting the weight on the road. Markley said that is not possible with semi-trucks using the carwash. I'm okay with passenger vehicles and small trailers, Hake said. It's unlikely that there will be heavy traffic, Omstead said. We can just use pickups, Goebel said. We don't want to cause problems, he added. We want to be good stewards, and work with the city, Omstead said. Chairman Markley said the third condition could be that the CUP will be withdrawn if Marion County sells said property, or changes usage, or fails to comply with all the conditions. Chairman Markley asked if there were other questions. Spencer pointed out the

property right next door is the county EMS. Chairman Markley asked if there were any other comments, and there were none. Chairman Markley closed the Public Hearing.

Yates asked that members recognize for the record that Miles sold this building to the county. Yates asked members if anyone feels Miles has a conflict of interest and needs to abstain from voting, and no one did. Yates asked Miles if he feels he can vote on this CUP without being conflicted, and he said yes. Skiles said there is no conflict. Chairman Markley asked if there was any other discussion. Laue asked county representatives if they may estimate how much time the building will be used after hours. Omstead said the planning commission meets once a month in the evening. Spencer said emergency management may have First Responders meetings in the evenings. Goebel said unless he is working late, road and bridge will not have much after hours. Laue explained her concern is the traffic. Laue asked if there is a turning lane out there. Goebel said he asked Kansas Department of Transportation (KDOT) about a turning lane. Goebel said the state will not allow it because we already have designated turn lanes at Ace Hardware and Dollar General, and at Eisenhower Drive. Goebel said he was told it can be too confusing for drivers. Goebel said we can petition the state to reduce the speed. You can do that, he added. They will come out and do traffic studies, and KDOT will make that determination, he said. There will not be a huge amount of traffic, Spencer said. If you had a commercial business, you would probably have as much, or more, traffic. Skiles asked about public services that will bring people to the building. Spencer said yes, there are some, but it is limited. Omstead said the county does a lot of things on-line, such as issuing permits, etc. Chairman Markley asked if there was any further discussion, and there was not.

Hake moved to recommend the request for a CUP be approved, with the following conditions: 1) Marion County will work with the City of Marion Building Inspector; 2) the CUP will be withdrawn if Marion County sells said property, or changes the usage, or fails to comply with all the conditions; and 3) the county agrees the parking lot will be used only for passenger vehicles and small trailers. Laue seconded the motion. In favor: 5; Opposed: 0; Motion carried.

Yates explained this recommendation will go to the city council on Monday for a final action.

Approval of Minutes: Hake moved to approve the minutes from the January 31, 2023, meeting; Skiles seconded; motion carried 5-0.

Review Budget: Members reviewed the budget. Yates reported we recently paid for publications and registered letters. Markley asked Yates about the new recorder. Yates said yes, but it's not in the expense budget, yet, since we just bought it yesterday. Skiles moved to approve the budget; Miles seconded; motion carried 5-0.

Old Business: Members discussed revising the sign regulations. Yates explained that Skiles wrote up a few suggestions, and Yates typed it up and included it in their information packets for tonight's

meeting. Skiles said he struggled with #4 on his list, which says no product endorsement is allowed. Unless it is actually part of a business name, Miles said. Sometimes commercial entities help pay for advertising and signage, Hake said. Laue asked about a franchise, and if that would be allowed? Skiles said perhaps it could be allowed on face-mounted signs. Protruding signs should just address the business, Hake said. Skiles asked about the square feet. Hake said 10 square feet, which is a 2'x5' sign, is not very big. Hake said there could be a maximum surface area, such as one square foot of sign area for each foot of lineal street frontage. Miles said most buildings downtown are 25 feet, so that would be a 5'x5' sign. Some said 4' wide, so 4'x6," Hake said. Skiles said he thinks the day spa sign is 2'x4.' Even if it is only a 12' building, they could have 12 square foot sign, so that's a 2'x6' sign, Hakes said. I think we need to keep it as simple as possible, Laue said. I am not sure a sign should be put right over the entryway, Markley said. It should be off to the side, he added. Hake asked about the heights. It should not protrude above the building, Hake said. Some say a minimum of 8', some say a minimum of 10,' Hake said. It should not extend over the roofline of the building, Hake said. Skiles and Laue agreed they like including the height conditions. Members discussed how far out a sign should be from the building. Some said 4,' Hake said. Markley said it could be half the distance of the sidewalk. Markley asked about canopies. I don't know if there are any retractable canopies, Laue said. Skiles asked about #7 on his list, which talks about illumination of signs. Hake said some address the hours a sign may be lighted, and no flashing or chasing lights are allowed. Hake said one example of illumination is signs cannot be lighted after 11 p.m., to 6 a.m. Markley said the new lights downtown should be taken into consideration. Those lights absolutely light stuff up, he added. I would just say illumination of the signs are allowed, but no flashing or chasing lights, Hake said. Laue said she is okay with no flashing or chasing lights. Markley asked about #8, and if we need to add that fastening must be done per the building inspector's requirements. Skiles said #11 says signs must be approved by the building inspector. Skiles said #11 could be moved up to #1. Yates suggested she show the list to the building inspector for his input. Laue said she likes having #11 at the end. Yates will look at other examples. Laue said she likes #10. Markley said #10 should have wording added that if the sign is not maintained, etc., if can be removed.

Members discussed the annual review of the Comprehensive Plan. Yates reported she went through the entire plan. Yates said she made changes in red, but if it was a typographical error, she did not make it red. Markley said we are required to review the Comprehensive Plan on an annual basis. Hake asked if there was any helpful information at the recent strategic plan meeting. Markley said there was maybe 20 people in attendance that are not on the strategic planning board.

New Business: Yates reported there is no new business.

Public Forum: No one from the public wished to speak.

Next regular meeting date: March 28, 2023, at 6 p.m.



Adjournment: Hake moved to adjourn meeting; Miles seconded; motion carried 5-0. Meeting adjourned at 7:25 p.m.

ATTEST:

  
\_\_\_\_\_  
Darvin Markley, Chairman

  
\_\_\_\_\_  
Margo Yates, Interim Zoning Administrator

Marion Planning Commission  
March 28, 2023

The Regular Meeting of the Marion Planning Commission was held Tuesday, March 28, 2023, with members Carol Laue, Darvin Markley, Bruce Skiles, Jerry Ewing, Russ Hake, and Brent Miles in attendance. Margo Yates, Interim Zoning Administrator, was also present. One seat remains open.

Call to Order: Chairman Markley called the regular meeting of the planning commission to order at 6:22 p.m., with a quorum present. The meeting started a few minutes late while several copies of state statutes that Chairman Markley brought, were made and compiled for each member.

Approval of agenda: Laue moved to approve the agenda; Hake seconded; motion carried 6-0.

Approval of Minutes: Skiles moved to approve the minutes from the February 28, 2023, meeting; Hake seconded; motion carried 6-0.

Review Budget: Members reviewed the budget. Yates reported there were no changes since last month.

Public Forum: No one was present from the public.

Old Business: Members discussed an updated, draft copy of revised sign regulations, proposed changes. Yates explained she combined what Skiles wrote to start the process, combined with changes and additions made by James Masters per request from members. Markley pointed out that on the EBH web site it talks about the recent downtown improvement project. Markley said he wanted to point out it says the intent is to keep a uniform look downtown, as well as a historic theme. Markley said he stopped and measured the sidewalk by Brookens Law Office and by Great Plains Computers. Markley said he measured from the back of the curb to the wall. He said the distance is 16 feet by Brookens and 17 feet by Great Plains. Members discussed you must have enough frontage to handle a larger sign. Members added some language prohibiting chasing and flashing lights, and language concerning keeping signs in good repair. Yates was instructed to update the proposed changes draft. Yates said she will make the updates, and email the draft to members for quick review. Yates said she will send the draft to city council for review only, and ask if they have any suggested changes or additions. Once the draft is finalized, members will need to make other updates in Section 22, so changes agree with language throughout the section.

New Business: Members reviewed a letter and map from the county concerning proposed changes to the Marion County Zoning Regulations, specifically the "City Notification Area." The county is asking for feedback. The current language requires including a 30-day review period for zoning

applications within a three-mile area of a city boundary. The enclosed map only shows an approximate one-mile area bordering the City of Marion. They need to redo the map, Miles said.

Even though we may not build out there, there is still reason to protect the area, Hake said. If there's something that's not in the interest of the city, we need to know that and have a say, Hake said. There would need to be subdivision regs to match the city and county, so there is no conflict, Markley said. Yates was instructed to ask Hillsboro what they think.

Chairman Markley said we need to have uniform books for members. And, we need our own book of ordinances, so we have copies available as needed, he said. Members viewed a copy of a large map. Chairman Markley suggested Yates color in where Conditional Use Permits (CUP's) are on the map. Yates suggested using the map Zach Collett created, as it already has the CUP's identified. Yates will check on this.

Public Forum: No one was present from the public.

Next regular meeting date: April 25, 2023, at 6 p.m.

Adjournment: Hake moved to adjourn meeting; Laue seconded; motion carried 6-0. Meeting adjourned at 7:30 p.m.

ATTEST:

  
\_\_\_\_\_  
Darvin Markley, Chairman

  
\_\_\_\_\_  
Margo Yates, Interim Zoning Administrator

Marion Planning Commission  
April 25, 2023

The Regular Meeting of the Marion Planning Commission was held Tuesday, April 25, 2023, with members Darvin Markley, Russ Hake, Bruce Skiles, Jerry Ewing, and Carol Laue. Laue arrived late. Brent Miles was absent. Margo Yates, Interim Zoning Administrator, was also present. One seat remains open. Others present included: Felix Ramirez, Dustin Burke, and Phyllis Zorn. Quentin Heidt arrived toward the end of the meeting.

Call to Order: Chairman Markley called the regular meeting of the planning commission to order at 6:05 p.m., with a quorum present.

Chairman Markley asked Felix Ramirez and Dustin Burke to present their information concerning container homes. Markley explained the board must stay neutral in opinion and should not show bias for, or against this proposal. Markley advised the board not to comment for, or against, the proposal.

Burke gave an overview, saying they want to create affordable housing for first time home buyers or elderly folks moving out of their big house. Transitional housing, he said. The two bedrooms, one bath units fit well with that scheme, Burke said. He said they are working on a larger unit, but currently they are still with this model. Felix Ramirez said the units are built by code and are super-efficient. Skiles asked if the units are built on site, and Ramirez said yes. Skiles asked if they use new containers. We did use used containers in Hillsboro, but now we are going with new containers, Ramirez said. Clean structure with no dents and dings, Ramirez added. Every container comes out of China, Ramirez said. He said there is 320 square feet of living space in one container, so there is 640 total square feet. They meet all codes, Burke said. Hake asked if they pour concrete stem walls. Yes, we have to have spec plans, Ramirez said. Markley asked if there is a full foundation. There is a crawl space foundation, Ramirez said. Not on pillars, Markley asked. No, Ramirez said. I wanted them to look like the mobile homes in the mobile home park, but that was a big mistake, Ramirez said. The crawl space foundation protects them, he added. Markley asked what they mean by new containers. You can buy them brand new, or with one trip to get them over here, Ramirez said. Hake asked what they would sell for, and Ramirez said \$90,000 to \$100,000. You don't have to worry about termites, Ramirez said. And, they have a metal roof, which people are going to, he added. Markley asked if they meet HUD (Housing and Urban Development) specifications, and Ramirez said yes. Hake asked if the roof slopes one direction, and Ramirez said yes. Hake asked about insulation, and Ramirez said they use spray foam. Skiles asked if they have 100-amp service, and Burke said you won't need 100-amp service, but it will have it. Skiles said his family vacations in North Carolina on the beach and there are lots of container homes. Skiles said they are beautiful homes as they fix them all up. Markley asked Skiles if they are all in one location, and Skiles said no. They scatter them, Skiles said. Hake asked Ramirez if he has any other homes built anywhere, and Ramirez said no. There are the Air B and B ones, Ramirez said. They stay full from people coming off of I-70 to come to Hillsboro just to stay there, Ramirez said. Hake asked Ramirez where he lives. He said Wichita, and he has a place at the county lake. Burke said he is from Denver. The Midwest is a little bit behind, Ramirez

said. Starbucks is using them, Burke said. Hake asked about some in Wichita and was told off I-35 near Central and Hillside there are some businesses using them. Skiles asked if they just cut out the side. Ramirez said there is just 24 feet of container and every 10 feet where you cut you have to reenforce it. Hake asked how they connect them, and Ramirez said they are welded and use piers. Hake asked about the roofline. Ramirez said it is metal with a wood-built structure to create the metal roof. Hake asked about the site on Freeborn where they are proposing to put a container home. Quentin Heidt arrived. We will build whenever you tell us, Ramirez said. We are open to suggestions, Burke said. We want it to fit in, Burke added. Skiles asked about adding a carport, and Burke said it is an easy option. What is nice about the lot is it is in an established neighborhood with trees, so it would look like a homestead, Burke said. Hake asked if they plan to just put one home on the lot, because it is a large lot. Yes, just one, Ramirez said. Hake asked who they use for contractors. We have a crew out of Wichita, Ramirez said. We try to find local people, Burke said. It may be hard to find someone local to weld the containers together, Hake said. Markley told them if they decide to apply, to get with Yates. Ramirez said he was told if it is on a permanent foundation, it is taxed like a house. Markley asked if they are going through the county's Neighborhood Revitalization Plan, and Ramirez said no. Markley asked about the one East of Casey's General Store in Hillsboro. Everything from now on will be like those, Ramirez said. Until we get a bigger floor plan, he added. Markley asked how many, and Ramirez said the entire block. Single family homes with a big back yard, Ramirez said. Ewing asked if there are communities where they have already established success, and Ramirez said no, except for the B and B's. Hake asked if the flooring, etc., will be similar to what they have in Hillsboro. Markley asked and was told no; they are not wheelchair accessible. You can make them wheelchair accessible, Ramirez said. Ewing asked if you can have heated floors, and Ramirez said that is a custom upgrade, but yes you can have them. These homes bring in younger families, Ramirez said. Also, for someone downsizing, he added. They are easy to get around in and they have everything you need in there, Ramirez said. Members finished visiting with Ramirez and Burke, and thanked them for coming to share information.

Approval of Agenda: Skiles moved to approve the agenda; Hake seconded; motion carried 4-0.

Approval of Minutes: Hake moved to approve the minutes from the March 28, 2023, meeting; Skiles seconded; motion carried 4-0.

Review Budget: Members reviewed the budget. Yates reported there were no changes since last month.

Public Forum: No one was present to speak from the public.

Old Business: Members discussed suggested sign reg changes and comments from the city council.

Laue arrived at 6:50 p.m. Markley said we need to be aware of the vision triangle on corners. Markley said bigger signs need to be looked at individually. Markley said he looked at Scott City's and Augusta's regulations. All we can do is come up with the best solution we can come up with, Markley said. We should just leave it the way it is and be done with it, Skiles said. It would help if we

had an attorney to work with, Markley said. We went through five different city's regulations and did a lot of work, Skiles said. Hake said as far as a historic downtown, it can just say that signs have to fit in. They didn't like the neon, Skiles said about the council's review. Markley explained the process with the city council. They can do whatever they want as long as they stay within the Comprehensive Plan, Markley said. Why don't we just say they should tell us how they think it should be and then we can look at it and see if we agree, Hake said. If you could put their suggestions down, and at the next meeting we can review it and go from there, Hake asked Yates. We probably need a maximum square foot, Markley said.

Yates reported she reached out to Hillsboro to ask about the recent letter from the county concerning the "City Notification Area." Yates did not get a response. Yates will contact the county for more info.

Yates asked about the material from Kansas Power Pool about renewable energy and if any of the wording needed to be coordinated with zoning regulations, and Markley said no, it is all okay.

New Business: Markley asked Skiles to report on the Strategic Plan. Skiles said it was determined the three most important things for Marion are: economic development; housing; and work force. Hake said our biggest challenge is where to go with housing. Skiles said the work force brings young people to town. He said scholarships were discussed, requiring the recipient to live and work in Marion for so many years. Skiles said the work force needs vary a lot. Markley said we need to not only bring a work force, but we need to keep what we have. Make sure our businesses are happy, Markley said. Skiles said another point was communication. Laue read the mission statements out loud. There were three to choose from. Markley said he wants to see the final plan.

Public Forum: No one was present to speak from the public.

Next regular meeting date: May 30, 2023, at 6 p.m.

Adjournment: Hake moved to adjourn meeting; Skiles seconded; motion carried 5-0. Meeting adjourned at 7:35 p.m.

ATTEST:

  
Darvin Markley, Chairman

  
Margo Yates, Interim Zoning Administrator

Marion Planning Commission  
May 30, 2023

The Regular Meeting of the Marion Planning Commission was held Tuesday, May 30, 2023, with members Jerry Ewing, Brent Miles, Darvin Markley, Russ Hake, Carol Laue, and Bruce Skiles. Skiles arrived a couple minutes late. Margo Yates, Interim Zoning Administrator, was also present. One seat remains open. No one else was present.

Call to Order: Chairman Markley called the regular meeting of the planning commission to order at 6:00 p.m., with a quorum present.

Approval of Agenda: Hake moved to approve the agenda; Markley seconded; motion carried 5-0.

Approval of Minutes: Hake moved to approve the minutes from the April 25, 2023, meeting; Ewing seconded; motion carried 5-0.

Review Budget: Members reviewed the budget. Yates reported there were no changes since last month. Skiles arrived.

Old Business: Members reviewed sign reg changes. Yates explained she took the draft that Skiles started us out with, and added the draft that James Masters did for us, and finally added the comments and concerns from the city council. Members decided to remove 22-3.01, and to add to 22-3.06, "sign shall comply with vision triangle." Skiles moved to proceed in scheduling a public hearing on the Sign Regulation Changes; Hake seconded; motion carried 6-0.

Yates reported she visited with Sharon, the county zoning administrator, about the letter the county sent concerning the three-mile radius around Marion. Yates said it doesn't seem like anything is going to happen too fast with this, but she asked Sharon to please keep us in the loop because we are interested. Yates said she told Sharon it would be nice if our board could meet with her and some of her board and discuss the matter, and Sharon agreed.

Yates reported on the Strategic Plan results. Yates said there was a report given at today's city council meeting. Yates said the main categories of the study are: Work Force; Communication; Housing; Economic Development; and Infrastructure. Yates will continue to ask for a copy of the final report.

Yates reported she asked for, and received some information from the county and from Hillsboro concerning container homes. Yates provided copies of communications with the county, and with Hillsboro. Yates explained she has not heard back from the developer.

New Business: Yates reported there is a KORA/KOMA Training with Kansas Coalition on June 19 at 6:30 pm in the Lower-Level Conference Center.

Yates reported the county asked about building a new health department where the old food bank is. Yates explained the county may apply for a Governmental Conditional Use Permit. Yates said she also asked for a plan to be submitted with the application.

Public Forum: No one was present to speak from the public.

Next regular meeting date: June 27, 2023, at 6 p.m.

Adjournment: Hake moved to adjourn meeting; Skiles seconded; motion carried 6-0. Meeting adjourned at 7:00 p.m.

ATTEST:



Darvin Markley, Chairman



Margo Yates, Interim Zoning Administrator



Marion Planning Commission  
July 25, 2023

The Regular Meeting of the Marion Planning Commission was held Tuesday, July 25, 2023, with members Darvin Markley, Bruce Skiles, Brent Miles, and Russ Hake. Jerry Ewing and Carol Laue were absent. Margo Yates, Interim Zoning Administrator, was present. And, City Administrator Brogan Jones was also present. One seat remains open.

Call to Order: Chairman Markley called the regular meeting of the planning commission to order at 6:13 p.m., with a quorum present.

Approval of Agenda: Skiles moved to approve the agenda; Miles seconded; motion carried 4-0.

Approval of Minutes: Hake moved to approve the minutes from the June 27, 2023, meeting; Skiles seconded; motion carried 4-0.

Review Budget: Members reviewed the budget. Jones explained budget cuts are necessary in all departments to get to a healthier state as a city. Jones said our budget will be a total of \$5,000 for next year. Markley asked if sales tax wasn't up. Markley said there has been \$62,196.00 in compensation use tax so far this year. Jones said if we look at doing a consultant for the Comprehensive Plan, we could use economic development funds. Markley said even if we write a new Comp Plan, if we don't follow it..... Jones said the city is proposing a 2 ½ Mil increase from last year. Is the equipment necessary, Markley asked. Jones said plans are for a bucket truck and a mini excavator. Yates said she has been through the Comprehensive Plan several times and has made corrections in out-of-date content. Skiles asked, and Yates explained this year's budget is "use or lose it," it does not carry over. But we could possibly find funds in economic development, Skiles asked, and Jones said yes. The Comp Plan impacts economic development, Jones said. Jones said once we get past the figuring out the budget, priorities shift. You all are looking at a 2 ½ Mil increase, plus, Skiles said. Valuations don't typically go up from what they projected, Jones said. I don't think you will see the value drop, Markley said.

Public Hearing: Markley opened the public hearing at 6:30 p.m. He noted the 20 days prior to the public hearing notice was published in the *Marion County Record*. No one from the public is present. Markley closed the public hearing at 6:31 p.m.

Hake moved to recommend the City Council approve the changes to the Sign Regulations. Skiles seconded.

I think we should allow a 16 square foot sign, and any sign over that we have a standard's review and they would come in front of the planning board with a design plan for approval, at no additional cost, Markley said. We should keep control over the bigger signs, and make sure they conform to the style of the building, and use the standards that we have, Markley said. So, do you want to add that any sign that is over 20, or 16 square feet, needs to be brought to the planning and zoning board for approval, Hake asked. Members reviewed five pages from the Comprehensive Plan in reference to signage. Markley asked Yates to go through the plan and note all references to signage. Yates made copies for each member and highlighted on each page where it referenced signage. Members decided to stay with the original motion, and Markley called for the vote. In favor: 3; Opposed: 1; Motion carried. Markley voted no.

Old Business: Members discussed updating the Comprehensive Plan. Yates again said she has been completely through the plan several times and has made updates. Yates offered to bring a copy to the next meeting. Jones offered to help with updating the Comp Plan after he is finished working on the budget for next year. Markley had Yates make copies for each member of three pages he brought from the City of Augusta's Planning Commission, showing two bids for consultants to rework their Comprehensive Plan and their Zoning Regulations. One bid was for \$78,050 and the other bid was for \$101,500. Both bids included a "Parks Master Plan" costing \$13,000 to \$16,700 in the \$78,050 bid, and \$20,000 in the \$101,500 bid.

New Business: Markley asked about Container Home Regulations, saying we need to be ready in case an application is submitted. Markley had Yates make copies of an article in the *Marion County Record*, with information on how the City of Hillsboro is handling container homes. Markley suggested members go through our Container Home Regulations at the next meeting. Jones said 90 percent of the containers come over here with insecticide or chemicals in them. They are never a brand-new container, Jones said. Markley agreed that the containers are most likely treated with DDT. I'm not completely against them, Jones said. They are not energy efficient at all, Markley said. Hake said if they are grouped similar to a trailer park, maybe there's a place for them. But to put one of them on the lot he wants to use isn't it, Hake said. Why can't we say they are not allowed, Hake said. City Council should say if they want it, or not, Skiles said. Why are we even talking about it, Skiles asked. You guys got this all wrong, Markley said. City Council asked us to look at sign regulations, but they did not ask us to look at container homes, Skiles said. We probably need to have all our members here to discuss this and get all the opinions, Hake said. I don't know that we have any reason to change the regulations right now, Hake said. We can't deny someone because of race, gender, etc., but we can say we don't allow container homes, Jones said.

Public Forum: No one was present to speak from the public.

Next regular meeting date: August 29, 2023, at 6 p.m.

Adjournment: Hake moved to adjourn meeting; Miles seconded; motion carried 4-0. Meeting adjourned at 7:18 p.m.

ATTEST:

  
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Darvin Markley, Chairman

  
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Margo Yates, Interim Zoning Administrator



## Sign Regulations Changes 2023:

The bulk of the changes done to the current sign regulations can be found in section 22-4.03. Section 22-4.03: **General Commercial (GC) District & Central Business District (CBD) Overlay District:** Advertising and/or business signs, single or double faced, shall be allowed in these districts, subject to sign regulations set forth in the Building Code of the City of Marion, Kansas, and in accordance with the following:

1. Billboards: Billboards will not be permitted in these districts.
2. Business signs: The standards contained in Section 22-4.02 shall apply.

### Sign Types Permitted:

1. Face Mounted Signs are allowed.
2. Signs attached perpendicular to the building are allowed. Signs may be round, oval, rectangular, or square, but cannot exceed a maximum of one square foot of Sign area for each square foot of lineal street frontage.
3. Signs may only state the Business name and the service it provides. Example: Smith Real Estate
4. No product endorsement is allowed on protruding Signs. Example: Goodyear Tires. If it is part of the business name, it will be allowed on Mounted Signs.
5. The Height of Signs may be a minimum of 10 feet above grade, without extending over the roofline of the building.
6. Signs may only protrude from the building a third of the distance of the sidewalk width, measuring from the outer border to the face of the building.
7. Illumination of Signs is allowed, including indirectly lighted and back lit. Neon, chasing and/or flashing lights are prohibited. All Signs must have approved electrical fixtures that illuminate the Sign, only.
8. Metal Signs shall not be located within 10 feet vertically, and 5 feet horizontally, of electric wires or conductors in free air, carrying more than 48 volts, whether or not such wires or conductors are insulated, or otherwise protected.
9. Projecting Signs shall be securely attached to the building or structure with bolts, anchors, chains, or galvanized steel guy wires or cables, and shall not be attached to parapet walls in any manner, unless such walls are reinforced with steel and designed to support other than the weight of such wall. Projecting Signs must be mounted on the top and the bottom to prevent the Sign from swinging.
10. Signs must be constructed of durable, noncombustible materials.
11. If a business closes, or vacates a building, Signs must be removed or changed to reflect the new business within 60 days. If the businessowner does not remove the sign within 60 days, the City of Marion will remove the Sign at the expense of the businessowner. If the businessowner fails to pay for the removal expense, a fine will be applied and added to property taxes.
12. Signs must be kept in good repair and appearance. Dilapidated Signs and/or Signs in need of maintenance must be repaired or removed.
13. All new Signs must be permitted and approved by a City Official charged with building inspections, or zoning compliance.
14. The Permit Application form must be signed by the property owner, if different from the businessowner, as well as the businessowner.

## **SECTION 22 SIGN REGULATIONS**

Sections:

22-1 Purpose

22-2 New or Rebuilt Signs; Permits

22-3 General Standards

22-4 District Regulations

22-5 Non-Conforming Signs

22-6 Promotional Displays

22-7 Illuminated Signs

22-8 Billboards

### **Section 22-1 Purpose**

22-1.01 The purpose of this section is to protect, preserve, and promote the beauty, safety, and general welfare of the city, by establishing standards and procedures for the erection of signs in various zoning districts.

### **Section 22-2 New or Rebuilt Signs; Permits**

22-2.01 Permit Required: Unless otherwise provided in these regulations, no new, permanent or temporary sign shall hereafter be hung, erected, attached or supported on a building or structural support, and no existing sign shall be altered, rebuilt, extended, replaced or relocated until a permit has been issued by the Zoning Administrator and the Building Inspector. All signs legally existing at the time of passage of these regulations may remain in use, including those in the status of a legal non-conforming sign.

22-2.02 Application for Permit: Applicants for sign permits shall submit an application form (furnished by the city). Said application shall include such information as the Zoning Administrator shall require to show full compliance with this and all other applicable laws and regulations of the City. The Permit Application form must be signed by the property owner, if different than the businessowner, as well as the businessowner.

22-2.03 Issuance of Permit: If, in the opinion of the Zoning Administrator, the application meets the requirements of this section, a sign permit shall be issued. If the work authorized by such permit is not started within one hundred twenty (120) days from the date of its issuance, such permit shall become null and void.

22-2.04 Permit Revocation: If the Zoning Administrator or the Building Inspector find that any sign subject to these regulations is unsafe or insecure, is a menace to the public, has been constructed or erected, or is being maintained in violation of the provisions of these regulations, written notice shall be given to the person or entity in possession and control of the premises on which the sign is located, specifying the problem.

If such person fails to remove or alter the sign so as to comply with the provisions of these regulations within thirty (30) days of such notice, the Zoning Administrator, or the Building Inspector, may cause such sign to be removed or altered to comply with these regulations at the expense of the permittee or owner of the property on which said sign is located. If, in the opinion of the Zoning Administrator or the Building Inspector, a sign is an immediate hazard to the public health, safety, or welfare, the Zoning Administrator or the Building Inspector, may cause the sign to be removed immediately and without notice.

### **Section 22-3 General Standards**

22-3.01 Mounted Signs: Any person, business or corporation may place face mounted signs, meaning signs attached to the building, on Main Street from Elm Street to Walnut Street.

22-3.02 Building and Electrical Codes Applicable: All signs must conform to the structural design standards of any applicable building code. Wiring of all electrical signs must conform to any applicable electrical code.

22-3.03 Access way or Window: No sign shall block any access way or window required by any applicable building, housing, fire or other codes or regulations.

22-3.04 Signs on Trees or Utility Poles: No sign shall be attached to a tree or utility pole, whether on public or private property.

22-3.05 Traffic Safety: No sign shall be maintained at any location where by reason of its position, size, shape or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic. Sign shall comply with vision triangle.

22-3.06 Portable Signs: It shall be unlawful for any person, business, or corporation to place, stand, or maintain any portable sign on any street, sidewalk or public way within the city limits. If the portable sign is damaged, said sign shall either be removed, or repaired. If existing business sells said business, the new owner shall not be allowed to advertise with said portable sign, or signs.

### **Section 22-4 District Regulations**

22-4.01

A = Agriculture District

ER = Estate Residential District

RL = Low Density Residential District

RM = Medium Density Residential District

RMH = Manufactured Home Park Residential District

RE = Elderly Housing Residential District

RH = High Density Residential Overlay District

LI = Light Industrial District  
HI = Heavy Industrial District

Signs shall be erected and maintained at least ten (10) feet from the street line, and shall be of a kind and character not unsightly or unduly conspicuous in the neighborhood in which they are erected. In the event of a complaint on the character or kind of sign being maintained, the decision of the Board of Zoning Appeals shall be final as to compliance of the sign with this provision.

#### 22-4.02 Limited Commercial District (LC):

The following signs shall be permitted:

1. Signs identifying a business: There shall be permitted one sign not exceeding seventy-five (75) square feet in area per business establishment, with sign located at least twenty-five (25) feet from a lot in a residential district, public park or school. The sign, if illuminated, shall cast no direct light on adjacent residential property. No sign shall create a traffic hazard or confusion with traffic directional signals, or signs along any street. No sign shall project over any street or alley right-of-way. The Zoning Administrator shall be informed precisely the nature of each sign before its permanent erection, for a determination of conformity with these regulations.

#### 22-4.03 General Commercial (GC) District & Central Business District (CBD) Overlay District:

Advertising and/or business signs, single or double faced, shall be allowed in these districts, subject to sign regulations set forth in the Building Code of the City of Marion, Kansas, and in accordance with the following:

1. Billboards: Billboards will not be permitted in these districts.
2. Business signs: The standards contained in Section 22-4.02 shall apply.

Sign Types Permitted:

1. Face Mounted Signs are allowed.
2. Signs attached perpendicular to the building are allowed. Signs may be round, oval, rectangular, or square, but cannot exceed a maximum of one square foot of Sign area for each square foot of lineal street frontage.
3. Signs may only state the Business name and the service it provides. Example: Smith Real Estate
4. No product endorsement is allowed on protruding Signs. Example: Goodyear Tires. If it is part of the business name, it will be allowed on Mounted Signs.
5. The Height of Signs may be a minimum of 10 feet above grade, without extending over the roofline of the building.
6. Signs may only protrude from the building a third of the distance of the sidewalk width, measuring from the outer border to the face of the building.

7. Illumination of Signs is allowed, including indirectly lighted and back lit. Neon, chasing and/or flashing lights are prohibited. All Signs must have approved electrical fixtures that illuminate the Sign, only.
8. Metal Signs shall not be located within 10 feet vertically, and 5 feet horizontally, of electric wires or conductors in free air, carrying more than 48 volts, whether or not such wires or conductors are insulated, or otherwise protected.
9. Projecting Signs shall be securely attached to the building or structure with bolts, anchors, chains, or galvanized steel guy wires or cables, and shall not be attached to parapet walls in any manner, unless such walls are reinforced with steel and designed to support other than the weight of such wall. Projecting Signs must be mounted on the top and the bottom to prevent the Sign from swinging.
10. Signs must be constructed of durable, noncombustible materials.
11. If a business closes, or vacates a building, Signs must be removed or changed to reflect the new business within 60 days. If the businessowner does not remove the sign within 60 days, the City of Marion will remove the Sign at the expense of the businessowner. If the businessowner fails to pay for the removal expense, a fine will be applied and added to property taxes.
12. Signs must be kept in good repair and appearance. Dilapidated Signs and/or Signs in need of maintenance must be repaired or removed.
13. All new Signs must be permitted and approved by a City Official charged with building inspections, or zoning compliance.
14. The Permit Application form must be signed by the property owner, if different from the businessowner, as well as the businessowner.

## **Section 22-5 Non-Conforming Signs**

22-5.01 Every sign in existence at the time these regulations become effective may continue in existence subject to the following:

1. It shall not be altered structurally or moved, unless it is made to comply with the provisions of these regulations. However, the changing of the movable parts of an existing sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed a structural alteration.
2. The lawful use of a sign existing on the effective date of these regulations, although such sign does not conform to the provisions hereof, may continue; but if such non-conforming use is discontinued for a period of six (6) months, any future use of such sign shall be in conformity with the provisions of these regulations.
3. No sign which has been damaged by fire, wind, explosion, or other act of God, to the extent that fifty (50) percent, or more, of the fair market value of the sign is destroyed, shall be restored except in conformity with these regulations. Any sign which has been damaged to an extent less than fifty (50) percent of its fair market value, may be restored to its condition which existed as a non-conforming use prior to its damage.



## Section 22-6 Promotional Displays

22-6.01 Promotional activities of retail merchants involving the display of merchandise and associated signs may be conducted outside of enclosed buildings with approval of the Zoning Administrator subject to the following conditions:

- a. No portion of the display shall be on publicly owned property unless the applicant shall first have obtained approval for such use from the city.
- b. These provisions shall in no way be deemed to authorize the continuing outdoor display, or the sale of used furniture, used appliances, used plumbing, used housewares, used building material, or similar display, for sale in the Central Business Overlay District, and only in other Commercial and Industrial Districts, as may be authorized by the Planning Commission as a conditional use, unless permitted by other sections of these regulations.
- c. The Zoning Administrator may approve temporary outdoor displays of products and signs in the Central Business Overlay Zone (CBD) for special events such as local, regional, state, and national events, etc. Displays associated with the grand opening for a new business may also be approved.

The guidelines are:

1. The business must make a request to the Zoning Administrator at least 1 week prior to the requested date for the display.
2. The displays must be described as to size, location, content, and dates for the display.
3. The displays may be outside only when the business is open for business.
4. The displays must be confined within the property lines of the business.
5. Businesses located on corner lots may, with the approval of the Zoning Administrator, use the side streets along their property lines.
6. Space may be shared with other businesses with the approval of the Zoning Administrator.
7. At the discretion of the Zoning Administrator, a site visit may be required.
8. Free standing signs cannot exceed 24" wide and 48" high. Other signs must meet the specifications of Section 22.
9. Electrical cords, conduit, rope, etc. cannot be placed within the walking area of a sidewalk.
10. Displays shall not be placed past the curb into parking spaces or street area.
11. The Zoning Administrator or Public Safety Officer may impose other restrictions or requirements as deemed necessary for the safety of the public.
12. Displays in other zones must follow guidelines included in each zone and Section 1.

22-6.02 If the Zoning Administrator denies a request, the business may appeal to the City Council.

## **Section 22-7 Illuminated Signs**

No illuminated signs shall be permitted in any residential zoned district. No illuminated sign shall create a traffic hazard or confusion with traffic directional signals or signs along any street. Portable and promotional signs must also meet the regulations in section 22-3-07.

### **22-7.01**

A = Agricultural District

LC – Limited Commercial District

GC = General Commercial District

CBD = Central Business Overlay District

LI = Light Industrial

HI = Heavy Industrial

AP = Airport Overlay District

AE = Adult Entertainment Use Overlay District

1. Illuminated signs shall be shaded wherever necessary to avoid casting bright light upon property located in any residential district, or upon any public street or park.
2. Flashing, rotating or moving signs, animated signs, signs with moving lights, signs which create the illusion of movement, and electronic message signs shall be permitted in the LC and GC Districts. These signs must have automatic dimming controls, either photosensitive or programmable, that will dim the nighttime brightness to not exceed a reasonable level of light output to be determined by the Zoning Administrator. If dimming controls are not installed such signs shall not be illuminated between the hours of 10 PM and 7 AM.

## **Section 22-8 Billboards**

22-7.01 Billboards shall be permitted only on property that is zoned Limited Commercial District (LC) and Light Industrial (LI).

- a. Billboard shall be restricted to property adjoining US Highway 56.
- b. Other locations may be deemed acceptable through the issuance of a Conditional Use Permit (CUP).

22-7.02 Billboards shall meet all Kansas Department of Transportation (KDOT) requirements, policies, rules, regulations, etc.



**City Administrator recommendation:**

After reviewing the work done by the planning commission and by Zoning Administrator Yates it is my recommendation that we adopt these regulation changes to the cities zoning code. These changes allow the businesses along main to advertise their business in a defined and professional manner. It gives them a second option rather than just the flat face sign that are currently allowed by the regulations. The process also has a defined system in place for any sign new or rebuilt to be permitted and approved by the city before the sign can be erected.



**October 2, 2023 City Council Meeting**

**Neighborhood Services Director Report  
August 3<sup>rd</sup>, 2023, 2023 to September 27, 2023  
James Masters**

**There were 13 complaint with 80 inspections**

**Tall Grass Violations**

- 1. 28 grass inspections**
- 2. 7 grass violations**
- 3. 0 cut order**

**Issued 5 Environmental Violations**

**Currently there are 4 City Code violations being prosecuted in Municipal Court.**

- 1. 413 S Roosevelt (yard) was abated and 415 S 3<sup>rd</sup> (garage) was abated.**
- 2. Abatements to take place ordered by the judge**
  - a. 656 N Cedar**
  - b. 700 N Cedar**
  - c. 407 S Roosevelt**

**Building permits**

- 1. Issued 4 building permit with 6 inspection**
- 2. Issued 3 electrical permit with 3 inspection**
- 3. Issued 2 plumbing permits with 3 inspection**

Community Enrichment Director/Interim Zoning Administrator  
City Council Report – September 29, 2023

September 18 - 20

- Worked 37 ½ hours the past three days for Art in the Park.
- Drove through the park Monday morning to make sure everything is okay.
- Visited with James about a complaint I got on a repeat offender causing public health issues.
- Put Art in the Park supplies away and started a list of volunteers to thank.
- Reached out to high school to see if someone is coming to city council meeting today, or not.
- Printed out both KDOT letters I wrote so I have copies for city council meeting approval.
- Sent list of Art in the Park vendors to the state for sales tax collection, as instructed.
- With council okay, sent both letters for upcoming events to KDOT for review and approval.
- Figured out who was selling produce during Art in the Park and relayed info to gal from Hutch.
- Let Health Department know info on Trick or Treat Marion Businesses and gave suggestion.
- Posted several upcoming events per request from the county and the high school, etc.
- Updated sign regulations with comments from city council. Gave to Brogan.
- Reviewed zoning minutes, highlighted discussions on sign regs, gave to Brogan for council.
- Visited with interested party in helping keep Art in the Park going. Referred to Brogan.
- Scheduled a child's birthday party in the park.
- Went to the park to visit with Ron and make sure all okay after Art in the Park.
- Told PD & Ron there is a class on Saturday, and church service in the park this weekend.
- Visited with businessowner needing either an existing building or a lot to put up a building.
- Asked Brogan if we can go look at the old Billing's place to see its condition, due to its history.
- Answered a citizen's questions about the upcoming election & candidates, with Sandy's help.
- Asked Steven if I may drive his golf cart in the Old Settler's Day Parade, per Kiwanis request.
- Helped a citizen find tax info for small businesses. Sent them several documents for review.
- Showed meeting space to a local businessman, needing a room to meet with a few people.
- Visited with planning commission chairman. Sent him rough draft of meeting agenda to review.
- Read the section on Airport zoning regs. Found verbiage of concern involving the FFA.
- Met with Jeremiah to discuss future of Art in the Park.
- Asked Ron if he wants student helpers on community service day, and I let the sponsor know.
- Helped mother of the bride with upcoming wedding details.
- Double checked that KDOT got the request letters. Both approved & official response coming.
- Visited with planning commission chairman again. Made changes in agenda for meeting.
- Sent meeting info to planning commission members and texted them to check their email.
- Got all the Chingawassa Days bills, etc., that have come in lately, to their treasurer.
- Received approval letter from KDOT for Pep Rally and sent it to Brogan and Donald Raymer.
- Posted a thank you listing all the names of people who helped make Art in the Park a success.
- Received approval letter from KDOT for Halloween event. Sent it to Brogan, Megan & Tammy.

September 25 - 28

- Explained the current rule for serving alcohol in the Community Center Ballroom.
- Had a complaint about comments on a post on the City's Facebook Page. Let the office know.
- Assisted a local business with contact info to use while planning upcoming Halloween event.
- Helped local resident with contact info for a vendor at Art in the Park.
- Per request sent info to a family wanting to get a bench or table for the park for a memorial.
- Let resident know the candidate forum will be shown during the week at 7pm on channel 20.
- Continue answering the question, "When is Old Settler's Day?" lol

- Referred resident to local business for a product she needs. I said to call me back if needed.
- Checked with hospital on plans for setting up the ballroom for their annual banquet.
- Sent Brogan a list of the members on each zoning board, and their terms.
- Helped a resident with cell numbers for two individuals and a business number for 56 Tire.
- Told Brogan Kiwanis is asking if the PD need any direction as none have done OSD before.
- Confirmed with Tim that the guys know what still needs to be done for OSD and the Parade.
- Answered questions about when the next council meeting is and how to get on the agenda.
- Booked Ballroom for Marion County Conservation District Annual Meeting in February.
- Helped a former resident with the phone number for the Historic Elgin Hotel.
- Called to check on a B&B at the county lake for two older gentlemen coming this weekend.
- Called and asked Andy Hansen if his cottage is available for the gentlemen this weekend.
- Stopped by the park to make sure Ron knows about all the activities in the park this week.
- Attended Marion Merchant meeting. Helped lead the meeting per Tammy's request.
- Updated rough draft schedule for Holly Jolly Christmas event as activities are confirmed.
- Started reminding businesses to sign up and participate in the Holly Jolly Christmas Parade.
- Pre request created a for FFA Tailgate on Friday. Posted it and sent it to Gene for the sign.
- Made another page of notes for updates to the city web site to give to Sandy for her list.
- No quorum for Planning Commission meeting so we will reschedule it after Old Settler's Day.
- Made sure all parties are aware the zoning meeting is canceled and posted note on the door.
- Continue trying to help a gentleman from Wichita and his brother from Missouri find lodging.
- Confirmed cleaning the building prior to call reunion gathering in the building this weekend.
- Reminded the park restroom and trash worker at Art in the Park that invoices are due.
- Made suggestion to the school for field marking paint possibilities as they are in a pinch.
- Per request sent businessowner the email we received about the Marion signs and feed.
- Reached out to several individuals asking if they might participate in the Christmas Parade.
- Reached out to the original Happy Chef owners to see if they would consider coming here.
- Per request asked Ron to set out four plastic trash cans and trash bags for park event.
- Per request confirmed Kiwanis okay with porta potties on Walnut for parade participants.
- The motel had a cancellation so the two gentlemen have a place to stay this weekend!
- Was asked again about a price for a lot in the Business Park.
- Printed out all city properties and appraised values and took to Brogan per request.
- Attended the community celebration in the park Wednesday evening.
- Posted a thank you to USD 408 students and staff for work done on Community Service Day.
- Posted reminder to sign up with Casey for the Old Settler's Day Parade by Noon on Thursday.
- A former young employee stopped by while in town. He is working for the City of Maize, now.
- Sent my area lodging list to Sandy for the city web page. I had a list of other updates, too.
- Scheduled the Meet the Crew event in the Ballroom and adjusted time to set up for Forum.
- Updated application paperwork for upcoming Holly Jolly Jingle Junk event and printed flyers.
- Visited with Emily about event. Asked for Janet's help with temporary liquor license paperwork.
- Had the building cleaned prior to class reunion in the basement this weekend.
- Made sure building is stocked with extra paper products, trash bags, cleaning supplies, etc.