

# Barton County Commission Agenda Meeting Minutes

Recorded audio is available on compact disk upon KORA request to the Barton County Clerk's Office, 1400 Main – Room 202, Great Bend, Kansas 67530.  
Phone (620) 793-1835 \ Fax (620) 793-1990 \ Email [clerk@bartoncounty.org](mailto:clerk@bartoncounty.org)

Meetings Live Streamed through **Microsoft Teams**® at the following link: <https://bit.ly/32GgdF7>.

March 9, 2022

The Board of Barton County Commissioners convened this 9th day of March 2022, at the Barton County Courthouse.

## *Members present:*

Kirby Krier, Commissioner, 1st District  
Barb Esfeld, Commissioner, 2nd District, *(Chairman Pro-Tem)*  
Shawn Hutchinson, Commissioner, 3<sup>rd</sup> District, Chairman  
Jennifer Schartz, Commissioner, 5th District  
Bev Schmeidler, County Clerk  
Matt Patzner, Director of Operations  
Patrick Hoffman, County Counselor

## *Members absent:*

James R. Daily, Commissioner, 4th District

## **I. OPENING BUSINESS:**

Commissioner Hutchinson called the meeting to order at 9:00 A.M.

Commissioner Schartz moved to approve the agenda.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

Commissioner Krier said he would like to add Item I with a formula for state funding for the Health Department.

Matt Patzner, Director of Operations, said yes, the State Formula Grant.  
Amy Miller, Emergency Risk Manager, said there was an Item I.  
Commissioner Krier said make that L.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

Commissioner Esfeld moved to approve the minutes of the March 2, 2022 Regular Meeting.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

## **II. OLD BUSINESS:**

There is no Old Business at this time.

## **III. NEW BUSINESS:**

### **A. REVIEW OF THE BURN BAN:**

-Amy Miller, Emergency Risk Manager, will provide details. On February 23, 2022, the Commission adopted Resolution 2022-10, A Resolution Establishing a Temporary Burn Ban. At that time, conditions warranted its enactment. The Commission will receive current weather and drought conditions.

Amy Miller, Emergency Risk Manager, said she heard back from Pawnee Rock Fire Chief Victor Link and he would like to see the burn ban stay in place.

Doug Hubbard, Clafin Fire District No. 1 Fire Chief, said it was still very dry and would probably remain so even with some snow. Hubbard said Reno County extended their burn ban until the end of March.

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Commissioner Esfeld asked how many acres burned in Reno County. Miller said 12,000 acres in Reno and Harvey counties combined. Miller noted that drought monitors still show Barton County in severe drought.

Commissioner Krier said he was in favor of keeping the burn ban in place and said people can always call the Fire Chief for their jurisdiction to discuss burning.

Patrick Hoffman, County Counselor, said that Roger Marshall's office would be meeting with Reno County farmers regarding CRP contracts.

Commissioner Krier said CRP acres was a 5-year contract. You can burn, disc lightly or hay a portion of it.

Burn Ban to remain in place.

## **B. ENVIRONMENTAL MANAGEMENT: Zoning Amendment Application for a Described Tract of Land:**

-Judy Goreham, Environmental Manager, will provide details. On February 23, 2022, the Commission returned both the Zoning Amendment and the Conditional Land Use Permit applications for Larry and Sheree Marshall, dba Marshall Towing, to the Barton County Planning Commission. The subject property, located at 514 SW 20 Road, is in the SE/4, Section 4, Township 20 South, Range 14 West. The Planning Commission was asked to reconsider their original recommendation and to find common ground with the Marshalls, as well as the landowners within 1000-feet. The Planning Commission considered both items at their meeting on March 8, 2022. The Zoning Amendment application will be discussed under this item.

Judy Goreham, Environmental Manager, said the Planning Commission met with many of the landowners within 1,000 feet of the Marshall property, the Marshall's and some of the commissioners. After much discussion, the Planning Commission was recommending the zoning amendment subject to the area described on a map presented to the commissioners. It consisted of the currently fenced area on the property, the existing building and the proposed expansion area. The recommendation was for the delineated area to be rezoned from residential to industrial with a caveat that if ownership was transferred or the conditional land use permit were revoked, it would be reviewed by the Barton County Planning Commission to consider rezoning it back to residential.

Commissioner Schartz said everyone involved worked very hard to reach a compromise. Marshall did not request the building be in the rezoned area because a gentleman resides there currently. Commissioner Schartz asked how long the gentleman would have to move, did not want him displaced.

Goreham said he would have 180 days to relocate. If Marshall wanted to put up a new structure for the gentleman, it would have to be outside of the industrial area.

Larry Marshall, Marshall Towing, asked about putting a structure in the Southeast corner. Goreham said there was not enough room there.

Commissioner Krier commended Goreham and the Planning Commission for compromising and working this out for all parties.

Goreham said they had eight planning commissioners in the meeting, and all agreed with the recommendation.

Commissioner Hutchinson said he was proud to be a Barton County resident and happy neighbors could come together and work it out.

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Commissioner Hutchinson moved to uphold the recommendation of the Barton County Planning Commission.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

## **C. ENVIRONMENTAL MANAGEMENT: Conditional Land Use Permit Application for a Described Tract of Land:**

-Judy Goreham will provide details. The Conditional Land Use Permit application will be discussed under this item.

Judy Goreham, Environmental Manager, said the Barton County Planning Commission recommended approval of the Conditional Land Use Permit Application Zoning Amendment subject to the following conditions:

1. Perimeter fencing, gates and all other property enhancements meet and are maintained to meet the requirements of the State of Kansas and Barton County Zoning Regulations.
2. Proof of Salvage Storage Certificate from the Kansas Department of Transportation is provided to the Barton County Zoning Administrator within 180 days of the date of approval of the Conditional Land Use permit by the Barton County Commission.
3. Proof of Salvage License from the State of Kansas is provided to the Barton County Zoning Administrator within 180 days of the date of approval of the Conditional Use permit by the Barton County Commission.
4. Proof of required bonding for the business operating the salvage storage yard is provided to the Barton County Zoning Administrator within 180 days of approval of the Conditional Use Permit by the Barton County Commission.
5. All conditions of approval of the Conditional Use permit must be completed within 180 days of approval of the Conditional Use permit by the Barton County Commission or the Conditional Use permit will be revoked immediately by the Barton County Zoning Administrator.
6. Access to the salvage storage yard shall be limited to two gates facing SW 20 Road.
7. Water and soil testing of the zoned property as approved by the County Commission shall be done by a certified laboratory within 180 days for Volatile Organic Compounds and repeated every three years.
8. If the Conditional Land Use permit is revoked, then Larry and Sheree Marshall shall request that the land be rezoned back to Residential District.
9. Larry and Sheree Marshall must come before the County Commissioners annually to reapply for another year of approval upon submission of all required licensing, compliance and applicable testing.

Commissioner Krier asked what date they would have to reapply. Goreham said upon approval, annually. So, if approved today, next year at this time.

Commissioner Schartz had a concern about condition #7. Another salvage yard in the county was not being held to the same conditions.

Commissioner Hutchinson said he agreed with Commissioner Schartz but this was one of the concessions made to reach a compromise.

Commissioner Schartz would like to revisit the other salvage yard and have the same standards. Goreham said 281 Auto Salvage had been operating for decades legally and was different in that it did not have a residential zoned area right beside it.

Marshall said the state does random testing of the soil.

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Matt Patzner, Director of Operations, said that in addition to upholding the Planning Commissions recommendation, the commission would need to adopt Resolution 2022-11.

Commissioner Schartz moved to adopt Resolution 2022-11, Application for Zoning Amendment for a Described Tract of Land.

Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

Commissioner Schartz moved to uphold the recommendation of the Barton County Planning Commission and adopt Resolution 2022-12, Application for Approval of Conditional Land Use Permit for a Described Tract of Land.

Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

Mary Anne Stoskopf, Barton County Planning Commission, said 281 Auto Salvage was grandfathered in and are in an Industrial Zoned area and had been since zonings regulations were adopted in the county twenty years or so ago. Conditions may be attached to a Conditional Use permit because this was being set up new.

Goreham said as condition #7 was the big compromise for the landowners, that was their protection.

## **D. COMMUNICATIONS: Renewal of Active 911 Subscription:**

-Dena Popp, 911 Director, will provide details. Active911 is a digital messaging system that delivers alarms, maps and other critical information instantly to first responders. Active911 also allows response efforts to be monitored in real time. Used by emergency responders throughout Barton County, Communications has historically covered a portion of the cost.

Dena Popp, 911 Director, said in 2015, the digital messaging system was approved by the commission. At that time, they purchased 190 seats at a cost of \$10.25 per seat. Over the years they had to add seats. Last year they asked for approval of 270 seats and that any agency needing more than 10 seats to reimburse 911 to keep costs down. Since departments are growing, this year they were requesting 300 seats at a cost of \$12.25 per seat. 911 would pay for the first 12 seats for each agency.

Commissioner Esfeld moved to continue services with Active911. The cost of 300 seats and an upgrade fee, calculated at \$3,715.77, is to be paid from the 911 Fund, Professional Service Fees Line, 080-86-5475. Direct Mrs. Popp to bill area emergency providers for additional seats over the allocated twelve (12) slots at a rate of \$12.25 per seat. Re-imbursements to be credited to the 911 Tax Fund, Other Refunds and Reimbursements Line, 080-00-4585.

Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

## **E. COMMUNICATIONS: Donation of UHF Repeaters to the Cities of Claflin and Ellinwood:**

-Dena Popp will provide details. By September, 2022, the Communications Department will no longer be using certain repeaters designed for tactical channels. It is suggested that TAC 18 be donated to the City of Claflin and TAC 11 to the City of Ellinwood. Provided is that each city re-license the repeaters in their names and that the City of Claflin assume responsibility for electrical costs.

Dena Popp, 911 Director, said the UHF system was no longer being utilized. Doug Hubbard had expressed interest in taking over the repeater in Claflin for use by the city. Chris Komarek was interested in the system in Ellinwood for their Public Works Department. The City of Claflin would take over the utility charges and each city would license the repeaters in their own name as well as take over maintenance. Popp would like to make the transition September 1<sup>st</sup>.

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Chris Komarek, City Administrator of Ellinwood, said they appreciated the offer. This would be a substantial upgrade over the current one as well as having battery backup.

Doug Hubbard, City of Claflin, appreciated the offer also.

Commissioner Krier moved to donate the following UHF Repeaters – TAC 18 to the City of Claflin and TAC 11 to the City of Ellinwood. Direct Dena Popp to work with each city to ensure that the repeaters are re-licensed and that the City of Claflin assume responsibility for the monthly electrical cost. Transfer to be made by September 1, 2022. That should also say City of Ellinwood.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

## **F. NOXIOUS WEED: Noxious Weed Eradication Progress Report and Management Plan:**

-Darren Williams, County Works Director, will provide details. The Kansas Department of Agriculture (KDA) is responsible for laws aiding in the control and management of noxious and invasive weeds in Kansas. The KDA requires Kansas counties to submit an annual Noxious Weed Eradication Progress Report as well as a Management Plan.

Darren Williams, County Works Director, presented details and asked for approval of the report.

Commissioner Esfeld moved to approve the 2021 Annual Noxious Weed Eradication Progress Report as well as the 2022 Management Plan. Direct Darren Williams to submit both to the Kansas Department of Agriculture.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

Commissioner Krier complimented the Noxious Weed Department. Surrounding counties have a lot of musk thistle but Barton County keeps it under control.

## **G. NOXIOUS WEED: County Agreement to Treat Noxious Weeds:**

-Darren Williams will provide details. The Kansas Department of Transportation (KDOT) Secretary has submitted an agreement to treat noxious weeds on KDOT rights-of-way. Included in the contract is a price of \$25.00 per hour for operator and \$54.00 per hour for the spray vehicles. Also detailed is how the work shall be recorded and what chemicals may be used.

Darren Williams, County Works Director, presented details.

Commissioner Krier moved to approve the Kansas Department of Transportation, Bureau of Construction and Maintenance, County Agreement to Treat Noxious Weeds for 2022. Before we second this, I personally have seen where the state does not do nothing. I'll just put it bluntly. South of Claflin, huge amount of weeds there, you guys came out and sprayed. They do not do anything.

Commissioner Hutchinson said your comments come sometimes after the second, sometimes before the second. It gets me all thrown off.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

## **H. NOXIOUS WEED: Spraying for Railroad Right-of-Way:**

-Darren Williams will provide details. The Noxious Weed Department regularly provides spraying services for area farmers, municipalities and railroads. The department has subcontracted K & O Railroad right-of-way spraying as the work has destroyed County equipment, particularly tires, in the past. Noxious Weed released a Request for Proposals on February 1, 2022. Bids were accepted until February 22, 2022.

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Hydro-Chem Spray Services provided the only bid at \$2,890.00. The County acts as a pass-through agency in this effort.

Darren Williams, County Works Director, said it was the same as last year.

Commissioner Hutchinson asked if the county supplies the chemical. Williams said K&O pays for application and chemicals.

Commissioner Krier moved to approve the \$2,890.00 bid from Hydro Chem Spray Services for spraying chemicals on K & O Railroad right-of-way.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

## **I. KANSAS NATURAL RESOURCE COALITION: 2022 Membership:**

-Matt Patzner, Director of Operations, will present details. The Kansas Natural Resource Coalition (KNRC) serves as a conduit between local, state and federal governments to promote balanced, necessary and effective administrative policymaking initiatives that materially affect the natural or human systems governed by individual member counties. The Commission has been asked to consider membership.

Matt Patzner, Director of Operations, introduced Tracey Barton, Executive Director.

Tracey Barton, Executive Director, said they are a coalition of counties that monitor and when appropriate, intervene to reduce the impact of federal governments overreach. There are 24 counties who are members. They collaborate with expert analysts, quarterly meetings through webinars as well as in person meetings.

Commissioner Krier said he was familiar with some items such as the proposed 30 by 30 Plan to take away 30% of agricultural land and put it into grass and trees. The land would go from approximately \$10.00/acre to \$2.00 or \$3.00/acre. That would have to be made up for with housing in cities.

Commissioner Schartz had no doubts this organization would be of value to the county, but next year's budget will be tough. Whenever they look at adding something to the budget, they need to consider the effect on the budget ongoing.

Commissioner Krier said he agreed with Commissioner Schartz, but the federal government is going to go after oil and gas. Methane gas will have to be trapped and a lot of wells will be plugged.

Commissioner Esfeld said she had been undecided and wanted to be sure the investment would return more to the county. She had received more information from Tracey Barton and was now in favor of the membership.

Barton said currently they were working on the Lesser Prairie Chicken in terms of oil and gas permit. She said the membership was an investment as a collective voice.

Commissioner Hutchinson said too often western Kansas was forgotten and this would give us representation.

Bob Rein, Pawnee County Commissioner, said you could look at this as a valuation protection against issues they are looking at now.

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Commissioner Krier moved to approve the 2022 Membership to the Kansas Natural Resource Coalition. The \$5,000 payment to be made from the Courthouse General Account of the General Fund, Dues, Memberships, Subscriptions Line, 001-18-5455.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

## **J. EXECUTIVE SESSION: Personnel matters of non-elected personnel:**

-The Commission will enter into an Executive Session. It is anticipated that the Director of Operations and the County Counselor will be invited into the Executive Session. The Commission meeting will resume in twenty minutes.

At 9:56 A.M. Commissioner Esfeld moved that we go into Executive Session until 10:30 a.m. for the purposes of non-elected personnel and those that I would like to attend would be Patrick Hoffman and Matt Patzner as well as us commissioners.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

Commissioner Esfeld moved to come back into regular session.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

At 10:30 A.M. Commissioner Esfeld moved to enter back into Executive Session until 10:40 A.M. for the discussion of non-elected personnel.  
Commissioner Hutchinson asked who would you like in the room, the same people that were here before.  
Commissioner Esfeld said the same people that were here in the first executive session.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

At 10:42 A.M. Commissioner Esfeld moved to come out of executive session and back into regular session.  
Commissioner Schartz seconded the motion.  
All voted aye. Motion passed.

## **K. ACTION FROM EXECUTIVE SESSION: Personnel matters of non-elected personnel:**

-The Commission will make any necessary announcements as a result of the Executive Session. If necessary, further discussion or a decision may be made at this time.

Commissioner Esfeld moved that no action was taken from the executive session.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

## **ADDED ITEM**

### **L. STATE FORMULA FUNDING GRANT:**

-Karen Winkelman, Health Director, will present details regarding additional funding.

Karen Winkelman, Health Director, said they learned about additional funding available to them. They have to have the letter in by this Friday. KDHE has offered a funding opportunity specific to local Health Departments. This funding was allocated by the 2020 Kansas legislature. It was from the State General Fund, a total of \$1 million was available and allocated to every Health Department. Based on population of the county with \$7,000.00 being the minimum awarded. They were notified that they were eligible for \$7,000.00.

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Commissioner Hutchinson asked Winkelman if it was from the Patterson Foundation. Winkelman said no, it was the Kansas State Formula Grant. They already get funds from it but this was in addition to that funding.

Winkelman said the funding goes into State Formula Revenue Line, 006-00-4315.

Commissioner Schartz moved to accept the additional funding from the State Formula Grant.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

## IV. ENDING BUSINESS:

1. Announcements
2. Appointments


## V. OTHER BUSINESS:


There was no other business.

## VI. ADJOURN.

Commissioner Schartz moved to adjourn at 10:48 A.M.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

ATTEST:

  
Bev Schmeidler  
Barton County Clerk

  
Shawn Hutchinson, Chairman