

# 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/3NvI2kD>.

June 30, 2022

The Board of Barton County Commissioners convened for a Special Agenda Meeting this 30th day of June 2022, at the Barton County Courthouse.

*Members present:*

Kirby Krier, Commissioner, 1st District  
Shawn Hutchinson, Commissioner, 3<sup>rd</sup> District, Chairman  
Jon Prescott, Commissioner, 4th District  
Jennifer Schartz, Commissioner, 5th District  
Bev Schmeidler, County Clerk  
Matt Patzner, Director of Operations

*Members absent:*

Barb Esfeld, Commissioner, 2nd District, (Chairman Pro-Tem)  
Patrick Hoffman, County Counselor

## **I. OPENING BUSINESS:**

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

Commissioner Prescott moved to approve the agenda.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

Minutes of the June 29, 2022, Regular Meeting, were not available.

## **II. OLD BUSINESS:**

There was no Old Business.

## **III. NEW BUSINESS:**

### **A. RESOLUTION 2022-17: Establishing a Policy on Fireworks for Barton County and Rescinding Resolution 2004-06, Same, Dated January 26, 2004:**

-Chairman Shawn Hutchinson will provide details. The Commission will consider adoption of a Resolution allowing the discharge of fireworks from June 27 through July 4 of each year. This period coincides with the sale period of fireworks in Barton County. Specifically stated in the proposed Resolution is that no fireworks shall be discharged in Barton County if a burn ban is in effect.

Shawn Hutchinson, Commission Chairman, said after discussion with Sheriff Brian Bellendir about the number of fireworks related calls prior to the 4<sup>th</sup> of July, the commission would consider adopting a resolution to allow the discharge of fireworks from June 27<sup>th</sup> through July 4<sup>th</sup> of each year.

Sheriff Brian Bellendir said he was in an impossible situation. With the current resolution, it was unlawful to discharge fireworks other than on July 4<sup>th</sup>. He knew of two unincorporated towns that were advertising fireworks displays on Sunday, July 3<sup>rd</sup>. The other issue was that fireworks sales begin on June 27<sup>th</sup> and people begin discharging at that time. He did not remember a summons ever being written in the history of the Sheriffs Office for unlawful discharge. Bellendir also receives calls from citizens asking to be able to discharge fireworks on other days for family gatherings. Under the current resolution it is not allowed. Bellendir felt it was unpatriotic and an infringement of people's rights. Bellendir added it was also nearly impossible to enforce and felt a resolution needed to be brought into line with the current situations.

Commissioner Schartz said in the past when families have wanted to hold a special celebration, they come before the commissioners to get permission. The two towns that are planning displays should come to the commission for approval, she did not recall denying a request for special situations.

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Commissioner Krier agreed with Commissioner Schartz and noted that the commission granted approval to a church yesterday for a display on July 3<sup>rd</sup>.

Bellendir said it would not affect incorporated cities, the unincorporated areas of the county.

Commissioner Krier said he thought there could be a compromise. There are several volunteer fire departments in the county and some of them could have skeletal crews over the holiday. He felt people in the unincorporated areas should go to their fire district for permission. Commissioner Krier added that there would be no fireworks during a burn ban.

Dena Popp, Communications Director, asked how the Sheriff's Office would know they had permission if they call the fire department directly.

Commissioner Krier said he would think the fire department would notify Communications.

Bellendir said he thought most people did not know that fireworks were allowed only on the 4<sup>th</sup> of July and added that he will still get calls because sales begin on June 27<sup>th</sup>.

Kendal Francis, City of Great Bend, said reduce the time that fireworks are sold. Bellendir said he would hesitate to do that because two of the largest fireworks vendors in western Kansas are located in Barton County.

Commissioner Hutchinson said we needed to look at the time frame. With July 4<sup>th</sup> falling on Monday this year, a lot of families would be getting together on Saturday and Sunday. We could look at it each year and allow a couple days for fireworks.

Luke McCormick, Fire Chief, Great Bend Fire Department, said a longer period would create staffing issues.

Bellendir said the years with the most issues are when the 4<sup>th</sup> of July was adjacent to a weekend.

Commissioner Schartz said rather than change the policy, it should be addressed every year. This would remind the public about regulations. Commissioner Schartz also noted that there would be different commissioners next year and may see things differently.

McCormick said this was good discussion. They need to have a work session regarding fireworks where they could have supportive statistics and the impact on the fire departments, Sheriff's Office and the public. Speaking on behalf of Great Bend Fire Department, the best thing for this year is to leave it only on the 4<sup>th</sup>. It creates staffing issues and harvest has not been completed. He understood the nuisance calls and said when they receive complaints, they make contact with the individuals and educate them. If it continues to be a problem, they confiscate the fireworks until they can be legally discharged. McCormick added that GBFD has provided cards for some years to local fireworks vendors with dates and times the fireworks can be discharged. The vendors include them in the bags.

Spencer Proffitt, Ellinwood Fire Chief, said they are a volunteer department and have several firefighters that are also involved in agriculture. They have several volunteers who help farmers during harvest, so it creates staffing issues. Proffitt said with the 4<sup>th</sup> of July being adjacent to a weekend, he understood the idea of allowing multiple days. Stretching it out too far does create staffing issues.

Bellendir said maybe it should be addressed every year because when the 4<sup>th</sup> of July falls on a Wednesday for instance, it is no big deal.

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Cormick said the same issue came up a few years ago when it fell on a Friday. People wanted to shoot fireworks on Saturday and Sunday as well. There will be the same argument in years when it falls near a weekend.

Commissioner Hutchinson said a compromise would be a limited number of days.

Commissioner Prescott said he received numerous calls, texts and emails from people with real concerns about extending the number of days allowed.

Bellendir said he noticed comments on social media were made by people who lived in the city of Great Bend.

Commissioner Prescott said his contacts were from rural citizens concerned that it was still dry.

Bellendir said he did not want a law on the books that he cannot enforce. A compromise of Saturday, Sunday and Monday would alleviate the conflicts with the current resolution.

Charles Keller, Albert Fire Chief, said staffing was an issue for his department as well, most of them are farmers. Uncut wheat field and cut stubble fields are an issue. Keller was also concerned that people from towns would go into the rural areas to shoot fireworks if it were legal. Keller felt this would shift the call volume from the Sheriff's Office to the fire departments. Prevention is important.

Commissioner Krier said he agreed with Commissioner Schartz about revisiting the topic every year and was in favor of allowing fireworks for the weekend. He did not like allowing them the day after the 4<sup>th</sup>.

Commissioner Prescott said he preferred allowing fireworks for two days so firefighters could also enjoy some time off.

Doug Hubbard, Fire District No. 1 Chief, said stretching the days out will cause more problems. They are in the same situation as the other volunteer departments. Hubbard said it was hard to ask someone to stay home on the weekend or their vacation days just to cover for fire calls that may or may not happen. Hubbard added that regarding the display being advertised for Sunday night, it was in his area and no one had contacted him about it yet.

Popp suggested that guidelines for holidays that the county follows could be used. If it falls on a Monday, Sunday would be included and if it falls on Saturday, Friday would be included. Popp added that her call volume also increases, and she has to have additional staff. She has to pay overtime to handle the call load. If the time allowed were extended to seven days, she could potentially have to pay overtime for all of those days.

Commissioner Hutchinson said when this came up yesterday, he never imagined that people would be opposed to it and was surprised by all the opposition.

Francis asked if it were to be reviewed every year, could it be put on the agenda in early June. This would allow for discussion and education.

Keller said if the compromise was Sunday and Monday this year, he would be alright with that. In the future, if someone wanted to have a display outside of the allowed times, there could possibly be some kind of permit system put in place with the fire departments for citizens to get permission.

Commissioner Schartz said she had monitored social media also and noticed a lot of comments were in city residents. She felt some people do not understand the difference between county government

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and city government and would rely on the media representatives present to help people understand it would be the rural areas only.

McCormick agreed there could be misunderstanding and educating the public was important. He said the church that was granted permission for the Sunday display contacted the GBFD first and were directed to the commissioners for approval. If a permit system were put in place, that could save a step in the future.

Commissioner Prescott said he agreed with obtaining approval from the fire departments first.

Commissioner Hutchinson said we have always supported the fire departments and worked to keep the public safe. He hoped if they came to a two-day compromise, the fire chiefs would support it.

Popp asked if they were saying the fire chiefs could approve special permissions, but it would still need to come before the commissioners.

Commissioner Krier said it would still need to come before the commission. When meeting next year, the fireworks vendors need to be included.

McCormick said it needed to be scheduled earlier in the year or possibly later this year as the vendors place their orders early.

Proffitt spoke briefly about a tiered system the fire chiefs were working on for burning instead of a full burn ban.

Commissioner Schartz moved to allow the lawful discharge of fireworks in Barton County on July 3<sup>rd</sup> and 2022.

Commissioner Krier said can we say rural Barton County rather than, it sounds like we are saying all of Barton County.

Commissioner Schartz said okay, in rural Barton County, I will amend that.

Commissioner Hutchinson said it has been moved to

Commissioner Schartz said would you like me to read that again.

Commissioner Hutchinson said please go ahead.

Commissioner Schartz moved to allow the lawful discharge of fireworks in rural Barton County on July 3<sup>rd</sup> and 4<sup>th</sup>, 2022.

Commissioner Prescott seconded the motion.

Popp said could you establish a time frame and I say that only because the cities everywhere except the county is 8:00 A.M. where the county is 10:00.

Commissioner Krier said what time would you like.

Commissioner Hutchinson said 8:00 A.M to midnight.

Commissioner Schartz said would you like me to read that again now.

Commissioner Hutchinson said it has been moved and seconded.

McCormick said I did not know if you wanted the start time to be 10:00 on Sunday morning.

Commissioner Schartz said do you want me to read that again and change that time frame.

Commissioner Hutchinson said different times on two different days.

Commissioner Schartz said no.

McCormick said I guess you do not really have churches in the county, that is why they did not do it at 8:00.

Commissioner Hutchinson said we do, we do. Thanks for pointing that out.

Commissioner Schartz said I think we need to back up, take your second off and then I will.....

Commissioner Hutchinson said will you remove your second.

Commissioner Prescott said he made a motion to remove my second.

Commissioner Schartz said she will improve on it.

Commissioner Schartz moved to allow lawful discharge of fireworks

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Commissioner Hutchinson said in the unincorporated.....

Commissioner Schartz continued in rural Barton County on July 3<sup>rd</sup> and 4<sup>th</sup>, 2022 from the time 8:00 A.M to midnight.

Commissioner Prescott seconded the motion.

Commissioner Hutchinson said alright, it has been moved and seconded to allow fireworks from 8:00 A.M. to midnight on July 3<sup>rd</sup> and 4<sup>th</sup> and it has been seconded. I think that we found a compromise. I hope that everyone can live with and I hope that everyone knows that we are all on the same team and Matt.....

Matt Patzner said we will actually have to have a motion to adopt a resolution to make it.

Commissioner Hutchinson said is that going to be the same resolution previously written.

Patzner said we are going to type it up.

Commissioner Hutchinson said basically Jon, I need you to remove your second again.

Commissioner Krier said we are going to have to rescind the original resolution.

Commissioner Hutchinson said Jennifer, you will just read what is on the computer for the recommended motion. Do you have that in front of you.

Commissioner Prescott said so I need to rescind my second.

Commissioner Hutchinson said it will still be Resolution 2022-17.

Patzner said right.

Commissioner Schartz moved to adopt Resolution 2022-17, to allow the lawful discharge of fireworks in rural Barton County from 8:00 A.M to midnight on July 3<sup>rd</sup> and 4<sup>th</sup>, 2022.

Commissioner Hutchinson said unincorporated is in the resolution.

Diana Watson said we have a new resolution for you.

Patzner said it will be the same resolution number, it is just going to be updated.

Watson said the new resolution was changed for an updated title and the language is updated.

Commissioner Hutchinson said so all we need to do is adopt Resolution 2022-17, right.

tson said correct.

Commissioner Krier said that will have the verbiage that we want.

Watson said yes.

Commissioner Krier said that is pretty simple.

Commissioner Hutchinson said just make the motion as it is written.

Commissioner Schartz moved and said but I still have a problem with that because why are we rescinding an old resolution.

Watson said all you are doing is adopting Resolution 2022-17.

Commissioner Schartz said do I have to read the part about rescinding the resolution.

Watson said no, we have a new title.

Commissioner Schartz moved to adopt Resolution 2022-17, establishing a policy on fireworks for Barton County.

Commissioner Prescott seconded the motion.

Commissioner Hutchinson said are we good.

Commissioner Krier said are we good, Sheriff.

McCormick said is that only good for this year.

Commissioners Hutchinson and Prescott said yes.

Commissioner Krier said no, it is actually good until we change next year.

Commissioner Prescott said it is just good for this year, for this holiday season.

Watson said just for those two dates.

Commissioner Hutchinson said are you good with the way the motion was read, Diana.

Watson said yes.

Commissioner Krier said I think the question he asked was is it good for the next two days next year.

Watson said no, just 2022.

Commissioner Krier said so what does it refer back to next year, the old resolution.

Watson said yes so it will have to be discussed next year.

Commissioner Prescott said so during the next commissioner meeting, we could actually have a new resolution that we will review this each and every year.

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Commissioner Krier said actually next week, after the 4<sup>th</sup> of July, we could do a new one.

Commissioner Prescott said there you go.

Commissioner Krier said we won't.

Commissioner Hutchinson said I sounds like we need to talk more about this and we are going to but we have a motion and a second. Call for vote.

All voted aye. Motion passed.

Sheriff Bellendir thanked the fire departments for compromising.

## IV. ENDING BUSINESS:

1. Announcements
2. Appointments

## V. OTHER BUSINESS:

There was no other business.


## VI. ADJOURN.

Commissioner Krier moved to adjourn at 9:45 A.M.

Commissioner Prescott seconded the motion.

All voted aye. Motion passed.

ATTEST:



Bev Schmeidler  
Barton County Clerk

  
Shawn Hutchinson, Chairman

**RESOLUTION 2022-17**  
**Establishing a Policy on Fireworks for Barton County**

**BE IT NOW RESOLVED**, by the Board of County Commissioners of Barton County, Kansas, that it shall only be lawful for persons to fire or discharge those fireworks allowed in unincorporated Barton County on July 3, 2022 through July 4, 2022, provided that:

Said fireworks shall only be fired between the hours of 8:00 am and 12:00 midnight during the prescribed time period, provided, that no fireworks shall be discharged in any park; and

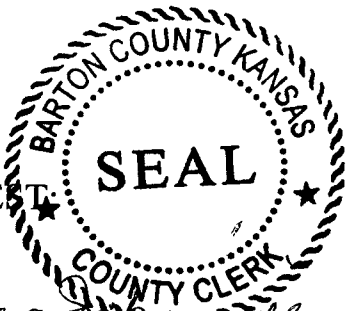
It is hereby forbidden that the sale, possession or use of fireworks commonly known as bottle rockets occur within the boundaries of Barton County; and

That the term "fireworks" as used in this Resolution shall include firecrackers, Roman candles, skyrockets, pin wheels, cap or toy pistols (except such pistols or any like device designed to discharge paper caps containing not more than .25 of a grain of explosive mixture), canes, bombs, cannons, or other like devices and all classes of fireworks that may be shot into the air or propelled over the ground by explosive discharges or any device using blank cartridges; and

That this Resolution shall be effective upon adoption.

**Dated** this 30<sup>th</sup> day of June, 2022.

BOARD OF COUNTY COMMISSIONERS



ATTEST

*Bev Schmeidler*  
Bev Schmeidler  
County Clerk

*Shawn Hutchinson*  
Shawn Hutchinson, Chairman

*Kirby Krier*  
Kirby Krier, Commissioner

ABSENT  
Barb Esfeld, Commissioner

APPROVED AS TO FORM:

ABSENT  
Patrick Hoffman,  
County Counselor

*Jon Prescott*  
Jon Prescott, Commissioner

*Jennifer Schartz*  
Jennifer Schartz, Commissioner