

# Barton County Commission Agenda Meeting Minutes

Recorded audio is available on compact disk upon 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)  
Requests to be made pursuant to the Kansas Open Records Act and County Policy. Estimated cost of disk – Five Dollars (\$5.00).

July 15, 2019

The Board of Barton County Commissioners convened this 15th day of July 2019, at the Barton County Courthouse.

*Members present:*

Kenny Schremmer, Commissioner, 1st District (Chairman Pro-Tem)  
Don Davis, Commissioner, 3rd District  
James R. Daily, Commissioner, 4th District  
Jennifer Schartz, Commissioner, 5th District, Chairman  
Donna Zimmerman, County Clerk  
Phil Hathcock, County Administrator

*Members absent:*

Homer Kruckenberg, Commissioner, 2nd District  
Patrick Hoffman, County Counselor

## I. OPENING BUSINESS:

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

Commissioner Schremmer moved to approve the agenda.  
Commissioner Davis seconded the motion.  
All voted aye. Motion passed 4 - 0.

The Monday, July 8, 2019, Regular Meeting, minutes were not available.

## II. OLD BUSINESS:

There was no old business.

## III. NEW BUSINESS:

### A. COUNTY CLERK'S OFFICE: Request for Approval – Added / Abated / Escaped / Refunded Taxes:

-Donna Zimmerman, County Clerk, will present a listing of Added / Abated / Escaped / Refunded Taxes. Orders for these actions are kept on file in the County Clerk's Office. These are used to correct assessments and are requested by the County Appraiser's Office or the County Clerk's Office.

Donna Zimmerman, County Clerk, provided a year-to-date recap and presented the following tax roll adjustments:

<b>BATCH #24</b>				
<b>Property Types</b>	<b>Values</b>	<b>Escaped Taxes</b>	<b>Added / Abated</b>	<b>Refunds</b>
Gas				
Oil				
Personal Property	-20,674		-\$3,687.70	\$ 70.66
Real Estate	- 4,131		-\$ 866.08	\$ 866.08
16/20 M Trucks	- 5,746		-\$ 878.90	\$ 677.08
State Assessed Utilities				
Special Assessments				

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Grand Totals	-30,551		-\$5,432.68	\$1,613.82
Total Taxes	-\$5,432.68			
Total Records Selected	26			

Commissioner Davis moved to the Listing of Added / Abated / Escaped / Refunded Taxes as reviewed by the County Appraiser and presented by the County Clerk. Direct the Chairman to sign on behalf of the Commission.

Commissioner Schremmer seconded the motion.  
 All voted aye. Motion passed 4 – 0.

LEVI MORRIS WAS NOT AVAILABLE YET, SO ITEM C WAS HEARD BEFORE ITEM B.

**C. BOARD APPOINTMENT: Memorial Parks Advisory Committee:**

-The Memorial Parks Advisory Committee is charged with advising and assisting the Commission regarding the care and maintenance of the Barton County Owned and Operated Memorial Parks and Cemetery. With not less than five, nor more than seven members, there are two positions open, terming in July, 2022.

Darren Williams, County Works Director, asked Mic Lang be re-appointed to the Cemetery Board for another 4-year term and noted Lang has been on the board since its inception in 2005.

APPOINTMENT	REQUIREMENT	DATE APPOINTED	TERM DATE
Mick Lang	Resident, 4 yr trm	7/13/2015	7/1/2019
Stanley Jantz	Resident, 4 yr trm	6/29/2015	7/1/2019
Dale Phillips	Resident, 4 yr trm	8/21/2017	7/1/2020
John Haberman	Resident, 4 yr trm	8/1/2016	7/1/2020
Frank S Ochs	Resident, 4 yr trm	8/20/2018	7/1/2021
Wilmer Wegele	Resident, 4 yr trm	2/4/2019	7/1/2021
Dan Esfeld	Resident, 4 yr trm	8/20/2018	7/1/2021

Commissioner Schremmer moved to reappoint Mick Lang to the Barton County Memorial Parks Advisory Committee. The uncompensated term ends July 1, 2023.

Commissioner Daily seconded the motion.  
 All voted aye. Motion passed 4 – 0.

**B. COUNTY ATTORNEY: Departmental Update:**

-Levi Morris, County Attorney, will provide a departmental update.

Levi Morris, County Attorney, said he wanted to announce that Barton County can now consider itself a no-refusal jurisdiction for DUI enforcement.

• **Homer Kruckenberg joined the meeting.**

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Levi Morris said his office has been working with law enforcement to work with an individual to obtain a blood draw when they refuse a breath test. Morris said he is hopeful they take fewer cases to jury trial for the lack of a blood draw.

Commissioner Daily asked if no refusal means that on a roadside when an officer says, you need to take a breath test, they can refuse it. Morris said the law implies their consent. An officer should not tell the person that they can't refuse to take the test. If the officer has probable cause that the person was driving under the influence, they could obtain a warrant for the blood test.

Daily asked if they are still disallowing the horizontal gaze nystagmus. Morris said as of today, Kansas Supreme Court has not changed the long-standing rule that HGN is currently inadmissible.

Schartz asked if someone refuses the breath test where do you do the blood draw. Morris said most likely, they are detained and taken to the hospital. Schartz asked if that means the person has to pay for that. Morris said those costs are most likely paid by law enforcement and then added as costs at the jury trial. Morris said he is fairly sure it will shake out and pay dividends in the future in the reduction of trials.

Davis asked if the plea deals from what happened at the fair a year ago would actually save the county money in the long run. Morris said it increases the chance they won't go over budget. It won't necessarily save us money. Morris said four of the five suspects have plead and Chaz Stephens has also plead. Morris noted expert testimony is extremely expensive.

Information Only. No Action Required.

## ENDING BUSINESS:

1. Announcements
2. Appointments

## V. OTHER BUSINESS:

- Amy Miller: Set an applicant briefing from the storms beginning back on April 28<sup>th</sup> for "Public Assistance Only" to be held on Tuesday, July 16<sup>th</sup> at 1:30 pm in the Courthouse Conference Room.

## VI. ADJOURN:

Commissioner Daily made a motion to adjourn at 9:17 A.M.

Commissioner Davis seconded the motion.

All voted aye. Motion passed.

ATTEST:

  
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Donna Zimmerman  
Barton County Clerk

  
\_\_\_\_\_  
Jennifer Schartz, Chairman