

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

Meetings Live Streamed through **Microsoft Teams**® at the following link: <https://bit.ly/3rMds1y>.

March 26, 2024

The Board of Barton County Commissioners convened this 26th day of March 2024, at the 1500 Kansas location.

Members present:

Duane Reif, Commissioner, 1st District
Barb Esfeld, Commissioner, 2nd District, Chairman
Shawn Hutchinson, Commissioner, 3rd District
Tricia Schlessiger, Commissioner, 4th District, (Chairman Pro-Tem)
Donna Zimmerman, Commissioner, 5th District
Bev Schmeidler, County Clerk
Matt Patzner, Director of Operations
Patrick Hoffman, County Counselor

I. OPENING BUSINESS:

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

Commissioner Zimmerman moved to approve the agenda.
Commissioner Hutchinson seconded the motion.
All voted aye. Motion passed.

Commissioner Hutchinson moved to approve the minutes of the March 19, 2024, Regular Meeting.
Commissioner Schlessiger seconded the motion.
All voted aye. Motion passed.

II. APPROVAL OF APPROPRIATIONS:

-Bev Schmeidler, County Clerk, will present details. An Accounts Payable Register will be submitted to the Commission for the period of March 12, 2024, and ending March 26, 2024.

Bev Schmeidler, County Clerk, presented details and asked for approval.

Commissioner Zimmerman asked Schmeidler if we were done with 13th month accounts payable.
Schmeidler said yes.

Commissioner Zimmerman moved to approve appropriations for the period of March 12, 2024, to March 26, 2024. Authorize the Chairman to sign on behalf of the Commission.
Commissioner Schlessiger seconded the motion.
All voted aye. Motion passed.

III. OLD BUSINESS:

-There was no Old Business.

IV. NEW BUSINESS:

A. JUVENILE SERVICES: 2025 Budget Approval:

-Marissa Woodmansee, Juvenile Services Director, will provide details. The Juvenile Services Department requests approval of the 2025 fiscal year budget. The budget has been prepared based on figures provided by the Kansas Department of Corrections – Juvenile Services.

Marissa Woodmansee, Juvenile Services Director, asked permission to submit the FY 2025 budget to the Kansas Department of Corrections. Woodmansee said their allocation this year was \$839,854.94 and a small percent that came from prevention in the amount of \$33,157.82. This allocation was specific to the programs with Intake and Assessment, Diversion, Intensive Supervised Probation and Community

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Supervision. This was the day-to-day operations. The bulk of the funding went to personnel, salary and wages with a small portion going to operating expenses. Woodmansee said they were flat funded again this year and did not get any additional funding from the Kansas Department of Corrections. They could still operate within the budget given but things would be a little bit tighter this year. Hopefully, the cost of insurance would not increase as it did in FY 2024. KDOC was moving away from an outcome perspective to more of a case plan format, what the plan was for mitigation of the juveniles progressing in the system. Specifically, with the assessment tools they used at every step of each program such as the detention tool to ensure the right population was going to detention. That was a cost to the county and to departments, so they wanted to be sure the right population was being detained. Making sure staff were properly trained to utilize the tools as written.

Commissioner Esfeld asked Woodmansee if they had to cut back on anything for the juveniles. Woodmansee said that was a different pot of money through a federal grant. That did not have any residual effect on any of the programming they do with prevention for Youth Crew. Woodmansee said the kids would be before the commissioners soon to invite them to various activities.

Commissioner Hutchinson said most people probably did not realize that Juvenile Services represented the 20th Judicial District and not just Barton County. He asked if she had to go to each county for budget approval and asked Woodmansee to remind everyone what counties were in the 20th Judicial District. Woodmansee said for the district, they served Barton, Russell, Rice, Stafford and Ellsworth counties. Through an interlocal agreement, Barton County served as the host county meaning all fiscal administrative oversight went through Barton County. Woodmansee added that she does go to each county to present the budget and get their permission to submit.

Commissioner Hutchinson asked if they had offices in each county or if clients had to travel to Barton County. Woodmansee said each county in the district offered satellite space. Each of them was generous and allocated space for them to meet with clients. This way an additional barrier was not added when meeting with juveniles.

Commissioner Hutchinson asked Woodmansee what percentage of the clients were from Barton County. Woodmansee said the bulk of them, probably around 80%. Historically, Barton County was the highest with Rice and Russell counties next and smaller numbers from Stafford and Ellsworth counties.

Commissioner Schlessiger moved to approve the 2025 Budget as presented and authorize its submission to the Kansas Department of Corrections – Juvenile Services.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

B. RESOLUTION 2024-09: A Resolution Providing for a Temporary Moratorium on Commercial Solar Energy Project Development within the Unincorporated Area of Barton County, Kansas:

-Patrick Hoffman, County Counselor, will provide details. With the adoption of Resolution 2023-25, the Commission extended the temporary moratorium on commercial solar energy project development in the unincorporated area of Barton County until March 31, 2024. The Commission will consider a brief extension to the deadline.

Patrick Hoffman, County Counselor, said going into 2023, Barton County did not have established commercial solar regulations. It became obvious there was interest in Barton County as well as statewide. This Board of County Commissioners directed the Planning Commission to develop commercial solar regulations. At that time, the commissioners put a moratorium in place until the Planning Commission developed regulations. The purpose of the moratorium was so no applications would be received prior to having regulations. On March 14, 2024, the Planning Commission approved some regulations. The practice of Barton County had always been to wait 14 days to allow for any protest petitions before

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anything went before the commissioners. The moratorium in place was set to expire before the next commission meeting.

Commissioner Hutchinson said as contentious as this topic had been, the sooner it could go to the City of Great Bend so they could begin developing their regulations, would be best. He proposed a special meeting for Friday to vote on the regulations. Commissioner Hutchinson said to table the moratorium until after they had voted on the regulations. That way, if they cannot come to an agreement, they were able to extend the moratorium. But if they could come to an agreement, then they would not need to extend the moratorium. Commissioner Hutchinson asked Hoffman if that was correct.

Hoffman said the Planning Commission makes recommendations to this commission and then you vote on them.

Commissioner Hutchinson said vote on what.

Hoffman said the regulations. I think that would work with the timing because Friday would be after the 14 day period.

Judy Goreham said yes, one day after.

Hoffman said of course, the commissioners can call a special meeting whenever they want to, so it is up to you.

Commissioner Esfeld said Friday would be after the 14 days period and they would not have to extend the moratorium.

Commissioner Hutchinson said if we agree. If we did not agree, we could extend the moratorium another 30 days or whatever we need to do. We would know what the outcome was before we decide on the moratorium this way, that was the only point. If it went back to Planning and Zoning, it would probably be 30 days, would make the most sense, I would think.

Goreham said they would meet again on the 11th of April and then she could come back to the commissioners on the 16th.

Commissioner Hutchinson asked would that require another 14 days at that point.

Goreham said no.

Commissioner Hutchinson said he thought this plan will work, one way or another. He did not know how everyone was going to vote, but either way they voted, they had Plan A and Plan B.

Goreham asked if all 5 commissioners could attend Friday.

Commissioner Zimmerman said she could.

Commissioner Schlessiger said Friday Morning.

Commissioner Esfeld said she could not attend.

Commissioner Hutchinson said usually when we have a special meeting, we just do the same time, Friday at 9:00 A.M.

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Commissioner Esfeld said she could attend by phone, she would be at the SDSI meeting in Garden City.

Commissioner Hutchinson asked if it was Friday or Thursday, or both.

Commissioner Esfeld said both, but she could still attend. She would make it a point to attend. Commissioner Esfeld said she knew this board did not want to extend the moratorium. They did not want to put it in place to begin with because they were taking the landowners' rights away. It was one of the most serious topics they had to take on, so there had been a lot of study and reading and hearing from constituents. That was something else that everybody had to keep in mind, was that they were making a decision based on what they thought. They were basing their decision on what they heard from their constituents and getting the word to them and the education and voting how they wanted them to vote.

Hoffman said it sounds like you are interested in tabling Item B today. On Friday, if you send it back to the Planning Commission, you could vote on the moratorium or if you did not send it back to the Planning Commission, no action would be needed.

Commissioner Hutchinson said it would be allowed to expire. So we need to table this until Friday.

Commissioner Hutchinson moved to table Item B until Friday's meeting at 9:00 A.M.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

C. BOARD APPOINTMENT: Barton County Planning Commission:

-Judy Goreham, Environmental Manager, will provide details. The County has sought applicants for the Barton County Planning Commission. The focus of the Planning Commission is to plan for the proper growth and development of Barton County through the enactment of planning and zoning laws for the protection of the public health, safety and welfare. Although all applicants must reside in Barton County, the majority of members must be from the unincorporated area.

Judy Goreham, Environmental Manager, said three positions were open each year. There were nine positions on the Planning Commission and the majority must live in rural areas. This year, there were three members seeking reappointment, Rusty Carson, Toni Rice and Penny Gullett. The term would end in 2027.

Commissioner Hutchinson asked Goreham if all three signed up for reappointment. Goreham said they did. Goreham added that Carson had been on the board more than 20 years, Rice for 12 years and Gullett for 5 years. They were very dedicated.

Commissioner Esfeld asked how long Jim Welch had been on the commission. Welch said over 20 years.

Goreham said it had been over 25 years.

Commissioner Reif said that showed dedication.

Commissioner Zimmerman moved to re-appoint Russell Carson, Toni Rice and Penelope Gullett to the Barton County Planning Commission for uncompensated positions terming March 31, 2027.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

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D. FIRE DISTRICT NO. 2: Appointment of a Board of Trustees:

-Matt Patzner, County Administrator, will provide details. Per Resolution 2018-10, which created Fire District No. 2, the members of the Fire District Board of Trustees shall consist of not more than one (1) appointee from each participating township and not more than one (1) from each participating city. At this time, Olmitz city representation is open. The position expires December 31, 2025.

Matt Patzner, County Administrator, presented details and asked that Curtis Peterson be appointed.

Commissioner Reif said Peterson was the current Mayor of Olmitz and was a Charter Member.

Commissioner Reif moved to appoint Curtis Peterson to the Board of Trustees for Fire District No. 2, Barton County, Kansas. The uncompensated term ends December 31, 2025.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

The commissioners took a five-minute recess to allow time for a guest to arrive. Moved Executive Session to after Other Business.

V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

Sean Kelly – Storm Fury on the Plains tonight at the Crest Theater, 6:30 P.M.

Trish Bryant and Steve Neeland – Barton County landowners, presented a slide show regarding solar regulations, landowners and the environment.

Dan Witt – presented the commissioners with a petition against solar development by Acciona.

Jettie Zoller – thanked commissioners for their work on the solar issue and expressed concerns she had against solar development.

E. EXECUTIVE SESSION:

-Chairman Barb Esfeld will present. Any Commissioner may make a motion for the board to recess to executive session at this time as allowed by K.S.A. 75-4319. Any motion must contain the justification for the executive session, the subject matter to be discussed, any individuals in addition to the board who will attend the executive session and the time at which the regular session shall resume.

At 9:50 A.M., Commissioner Hutchinson moved that we go into Executive Session for attorney / client privilege for a time of thirty minutes.

Patrick Hoffman said until 10:20 A.M.

Commissioner Hutchinson said until 10:20 A.M. with the commission, County Counselor, County Administrator and Mr. Kuhlman present.

Hoffman said the subject matter is confidential attorney information. The justification is to protect matters that are subject to attorney / client privilege.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

At 10:20 A.M., Commissioner Zimmerman moved to come out of Executive Session with no action taken. Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

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At 10:20 A.M., Commissioner Zimmerman moved that the Commission go into Executive Session for a period of fifteen minutes. The subject to be discussed will be consultation with the County Counselor to discuss matters related to attorney client privilege as this matter is protected by attorney / client privilege. The reason this needs to be discussed in Executive Session is to provide the attorney / client privilege and the County's position on the matter on which legal advice is being sought. The County Counselor, County Administrator the Governing Body and Mr. Kuhlman are to be included in said meeting. The Open Meeting will resume at 10:40 a.m. in this room.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

At 10:40 A.M., Commissioner Zimmerman moved to come out of Executive Session with no action taken.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

Commissioner Reif wanted to share that Kiley Klug, from Odin, would be on Wheel of Fortune Friday, April 5th.

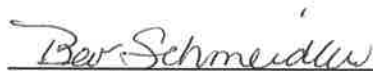
VII. ADJOURN:

Commissioner Hutchinson moved to adjourn at 10:44 A.M.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

ATTEST:



Bev Schmeidler
Barton County Clerk



Barb Esfeld, Chairman