

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
Requests to be made pursuant to the Kansas Open Records Act and County Policy. Estimated cost of disk – Five Dollars (\$5.00).

November 30, 2015

The Board of Barton County Commissioners convened this 30th day of November 2015, at the Barton County Courthouse.

Members present:

Kenny Schremmer, Commissioner, 1st District, Chairman
Don Davis, Commissioner, 3rd District
Alicia Straub, 4th District
Jennifer Schartz, Commissioner, 5th District (Chairman Pro-Tem)
Donna Zimmerman, County Clerk
Richard Boeckman, County Counselor/Administrator

Members absent:

Homer Kruckenberg, Commissioner, 2nd District

I. OPENING BUSINESS:

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

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

The minutes of the November 23, 2015 Regular Meeting were not available.

II. APPROVAL OF APPROPRIATIONS:

Accounts Payable Register will be submitted to the Commission for the period of November 16, 2015, and ending November 30, 2015.

Commissioner Davis moved to approve appropriations for the period of November 16, 2015 to November 30, 2015 and authorize the Chair to sign on behalf of the Commission.
Commissioner Schartz seconded the motion.
All voted aye. Motion passed.

III. OLD BUSINESS:

There was no old business.

IV. NEW BUSINESS:

A. RESOLUTION 2015-23: Retailer's License – Alcoholic Liquor:

-In order for an applicant to receive a license to sell retail alcoholic liquor outside city limits, the County Commission is required to adopt a Resolution approving the issuance of such license. Once approved, the license is remitted to the Director of the Kansas Department of Revenue, Division of Alcoholic Beverage Control. A request for such a business has been made to the Commission. Esten V. Millard, d/b/a Outer Limits Liquor LLC, wishes to open an establishment at 31 NE 30 Road, Great Bend, Kansas.

Donna Zimmerman, County Clerk, presented details said Esten Millard recently requested zoning verification in order to apply for a state liquor license. Zimmerman said the City of Great Bend provided written documentation said the property located within the 3 mile zone was zoned appropriately for such use.

Commissioner Straub moved to adopt Resolution 2015-23, Retailer's License – Alcoholic Liquor.
Commissioner Schartz seconded the motion.
All voted aye. Motion passed.

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B. RESOLUTION 2015-24: A Resolution Authorizing Sunday Sales of Alcoholic Liquor and Cereal Malt Beverage in the Original Package within the Unincorporated Areas of Barton County, Kansas:

-At this time, no person can sell alcoholic liquor or cereal malt beverages in the original package on Sundays outside city limits. Should the Commission adopt the proposed Resolution, the sale of alcoholic liquor and cereal malt beverages would be allowed on any Sunday, except Easter, between the hours of 12 noon and 8 pm in the rural area of the County.

Donna Zimmerman, County Clerk, said the Resolution shall be published once, within two weeks after its adoption, in the official County newspaper. The resolution shall take effect 61 days after publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Resolution as provided in K.S.A. 41-2911, in which case this Resolution shall become effective upon approval by a majority of the electors voting thereon.

Commissioner Straub said she would abstain since her district spans Great Bend, Ellinwood and Claflin, and Great Bend voted against Sunday liquor sales while Ellinwood voted in favor of Sunday sales. Straub said she did not feel she could vote fairly for all of her constituents.

Commissioner Scharz said she doesn't want to stop it at this point. Scharz said her vote in favor would allow the voters to vote if they want to.

Commissioner Scharz moved to adopt Resolution 2015-24, A Resolution Authorizing Sunday Sales of Alcoholic Liquor and Cereal Malt Beverage in the Original Package within the Unincorporated Areas of Barton County, Kansas.

Commissioner Davis seconded the motion.

Motion passed with 3 ayes, 1 abstention by Commissioner Straub.

C. ROAD AND BRIDGE: Sand Dredge – Property Insurance:

-Barton County took possession of a Cutterhead Suction Dredge from Custom Dredge Works in October 2015. Quotes for property insurance were then requested from Alliance Insurance, with three insurance brokers replying.

Amy Miller, Emergency Risk Manager, said Liz with Alliance Insurance requested the following quotes:

| | | <u>Deductibles</u> |
|---------------------|--------------|--------------------------------|
| Scottsdale | \$ 6,672.70 | 2% all perils, \$5,000 minimum |
| Marine Underwriters | \$ 17,975.00 | \$5,000 \$25,000 Windstorm |
| Markel Marine | \$ 7,579.00 | \$10,000 all perils |

Commissioner Scharz moved to request that the Risk Manager complete the required forms for insurance coverage on the sand dredge with Scottsdale Insurance Company and direct that the annual premium of \$6,672.70 be paid from the Courthouse General Account of the General Fund, Insurance/Bonds line, 001-18-5520.

Commissioner Straub seconded the motion.

All voted aye. Motion passed.

Commissioner Scharz asked Dale Phillips about using surveillance cameras to protect equipment. Phillips said he could check into it.

Commissioner Schremmer said, years ago, there was an agreement with the City of Ellinwood to check on the equipment and said maybe they would agree to that again. Boeckman said he would contact Mr. Newberry in Ellinwood and see if they can help. Commissioner Schremmer asked Sheriff Bellendir to have his employees to check on it, especially during the holidays.

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D. BOARD OF COUNTY COMMISSIONERS: Requirements of Regular and Special Meeting Notification:

-KSA 75-4318 states, in general, as an open meeting requirement, a public body may require that a request to receive notice (of regular and special meetings) must be submitted to the body prior to the commencement of a fiscal year. As the County prepares for Fiscal Year 2016, the Commission may direct staff to request written notification from the public to receive meeting announcements. Such requests would be made of the businesses and persons currently receiving announcements.

Richard Boeckman, County Counselor/Administrator, said this is an annual occurrence.

Commissioner Straub moved to direct the Administrator's Office to provide a notice to individuals, the media and local governments asking for notification that they wish to continue receiving notice on all Commission Agenda and Special Meetings for 2016.

Commissioner Davis seconded the motion.

All voted aye. Motion passed.

E. OCCUPANCY AGREEMENTS: 12th and Kansas, Great Bend:

-The KSU \ Barton County Extension Council and the State of Kansas Parole Office are housed in the Barton County Office Building at 12th and Kansas, Great Bend. The proposed agreements, set to expire December 31, 2016, allow each agency office space, as well as use of the County's phone and long distance services. Each agency has a separate agreement for the provided space and services.

Richard Boeckman, County Counselor/Administrator, presented details.

Donna Krug, Barton County Extension Council, said the meeting room is still chilly, but other than that everything is good. Commissioner Schremmer asked Boeckman to check on adding additional duct work. Krug said there also had been discussions about adding a blower. Boeckman said the 911 Center was also cold over the weekend.

Commissioner Straub moved to approve the Occupancy Agreements for the KSU \ Barton County Extension Council and the State of Kansas Parole Office, with both agreements set to expire December 31, 2016 and direct staff to submit the approved agreements to those listed agencies.

Commissioner Davis seconded the motion.

All voted aye. Motion passed.

V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

There was no other business.

VII. ADJOURN:

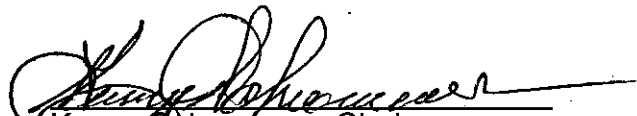
Commissioner Schartz made a motion to adjourn at 9:26 A.M.

Commissioner Davis seconded the motion.

All voted aye. Motion passed.

ATTEST:


Donna Zimmerman
Barton County Clerk


Kenny Schremmer, Chairman

RESOLUTION 2015-23
RETAILER'S LICENSE – ALCOHOLIC LIQUOR

WHEREAS, the Board of County Commissioners of Barton County, Kansas, has the authority and responsibility to legislate on areas of local concern for the protection of the public health, safety and welfare; and

WHEREAS, such responsibility includes the approval or disapproval of a retailer's license to sell retail alcoholic liquor in the original package on premises not located in an incorporated city for use or consumption off the premises.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, pursuant to KSA 41-303, Retailer's license, premises outside city, that:


1. Esten V. Millard, d/b/a Outer Limits Liquor LLC, applicant, wishes to acquire a license to sell at retail alcoholic liquor in the original package on premises not located in an incorporated city for use or consumption off the premises; and
2. Said premises, commonly known as 31 NE 30 Road, Great Bend, Kansas, and legally described as: A tract of real estate situated in the Northwest Quarter (NW/4) of Section Sixteen (16), Township Nineteen (19) South, Range Thirteen (13) West, Barton County, described as follows: Commencing at a point 790.90 feet West of the Northeast corner (NEc) of the NW/4 of said Section 16 and 33.0 feet South of the North line of said Section 16 as a point of beginning (said point being on the West right of way line of Highway U.S. No. 281 and the South right of way line of the South Black Top Road); thence West parallel with the North line of Section 16 a distance of 200.00 feet; thence South at a 90 degree angle a distance of 200.00 feet; thence East parallel with the North line of said Section 16 a distance of 316.65+ feet to the West right of way line of Highway U.S. No 281; thence in a Northwesterly direction and along the West right of way line of said Highway U. S. No. 281 a distance of 231.75+ feet to the point of beginning; and
3. That Outer Limits Liquor LLC cannot be open any earlier than 9:00 am and no later than 11:00 pm, Monday through Saturday, exclusive of Memorial, Independence and Labor Days on which no alcoholic beverages can be sold; and
4. As to Sunday sales, should Barton County allow the retail sale of alcoholic liquor in the original package, said hours of operation shall be determined by Kansas law and / or local Resolution.

FURTHER, that Esten V. Millard, d/b/a Outer Limits Liquor LLC, shall be assessed a local fee of One Hundred Fifty Dollars (\$150.00) for the Retailer's License.

FURTHER, knowing that final approval on said license rests with the Director of the Kansas Department of Revenue, Division of Alcoholic Beverage Control, and that all requirements of said division must be met by Applicant, the Barton County Commission XXX APPROVES or _____ DISAPPROVES the issuance, provided that Applicant is qualified, by the Director a license to sell at retail alcoholic liquor in the original package on premises commonly known as 31 NE 30 Road, Great Bend, Kansas.

ADOPTED this 30th day of November, 2015.

BOARD OF COUNTY COMMISSIONERS


Kenny Schremmer, Chairman


Don Davis, Commissioner

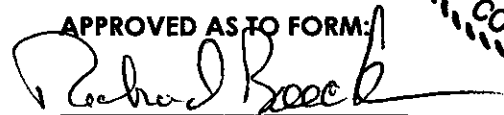
(ABSENT)
Homer Kruckenber, Commissioner


Jennifer Schartz, Commissioner


Alicia Straub, Commissioner

ATTEST:


Donna Zimmerman,
County Clerk

APPROVED AS TO FORM:

Richard A. Boeckman,
County Counselor



RESOLUTION 2015-24

A RESOLUTION AUTHORIZING SUNDAY SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE IN THE ORIGINAL PACKAGE WITHIN THE UNINCORPORATED AREAS OF BARTON COUNTY, KANSAS.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BARTON COUNTY, KANSAS:

Section 1. Pursuant to K.S.A. 41-2911, the sale at retail of cereal malt beverage in the original package is allowed within the city on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 p.m.

Section 2. Pursuant to K.S.A. 41-2911, the sale at retail of alcoholic liquor in the original package is allowed within the unincorporated areas of Barton County, Kansas on any Sunday, except Easter, between the hours of 12:00 noon and 8:00 p.m., and on Memorial Day, Independence Day and Labor Day.

Section 3. This Resolution shall be published once, within two weeks after its adoption, in the official County newspaper.

Section 4. This Resolution shall take effect 61 days after publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the Resolution as provided in K.S.A. 41-2911, in which case this Resolution shall become effective upon approval by a majority of the electors voting thereon.

ADOPTED this 30th day of November, 2015.

BOARD OF COUNTY COMMISSIONERS


Kenny Schiemmer, Chairman



Don Davis, Commissioner

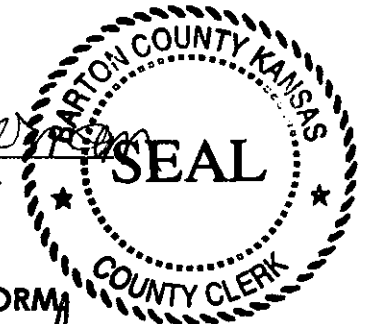
(ABSENT)
Homer Kruckenber, Commissioner


Jennifer Scharz, Commissioner

(ABSTAINED)
Alicia Straub, Commissioner

ATTEST:


Donna Zimmerman,
County Clerk



APPROVED AS TO FORM


Richard A. Boeckman,
County Counselor