

# 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).

August 29, 2016

The Board of Barton County Commissioners convened this 29th day of August 2016, at the Barton County Courthouse.

## *Members present:*

Kenny Schremmer, Commissioner, 1st District *(Chairman Pro-Tem)*  
Homer Kruckenber, Commissioner, 2nd District  
Don Davis, Commissioner, 3rd District, Chairman  
Alicia Straub, Commissioner, 4th District  
Jennifer Schartz, Commissioner, 5th District  
Donna Zimmerman, County Clerk  
Richard Boeckman, County Counselor/Administrator

## **I. OPENING BUSINESS:**

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

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

Commissioner Straub moved to approve the minutes from the August 8, 2016, and the August 15, 2016, and the August 22, 2016, Regular Meetings.  
Commissioner Schartz seconded the motion.  
All voted aye. Motion passed.

## **OLD BUSINESS:**

There was no old business.

## **III. NEW BUSINESS:**

### **A. RESOLUTION 2016-15: Conditional Land Use Permit Application for a Described Tract of Land – “Ellinwood North Tower”:**

-On August 9, 2016, the Barton County Planning Commission held a public hearing to consider an application submitted by Midwest Energy, Inc. for a Conditional Land Use Permit to build a 160' Communications Tower at their Ellinwood substation which is located in the NW/4, Section 23, Township 19 South, Range 12 West, and commonly known as: “Ellinwood North Tower”, 194 NE 80 Ave, Ellinwood, KS 67526. The site is zoned as Agricultural District and a Communications Tower is listed as a Conditional Use. The Planning Commission has recommended the Conditional Land Use Permit for this purpose be approved.

Judy Goreham, Zoning Administrator, said Tim Flax, Midwest Energy, who she had been working with, could not be present, but James Wright was present for questions. Goreham said three public hearings were held and noted that even though Midwest Energy, Inc. is not subject to the bulk regulations in the Ag District where these three sites are located it was still “requested” by the Planning Commissioners that Midwest Energy, Inc. either provide a Certificate of Insurance or obtain an Easement Agreement with the adjoining landowners for the Ellinwood North Tower site and the Great Bend North Tower site. Midwest Energy has already submitted a Certificate of Insurance. The Heizer Tower site is actually owned by NGPL and the Planning Commission “requested” that Midwest Energy, Inc. submit a copy of the lease agreement, which they have already done. At two of the sites, the towers would be located in extreme corners of the property. Goreham said all but one Planning Commission member was present at the hearings and asked that the Commissioners uphold the unanimous recommendation of the Planning Commission. Goreham said no opposition has been received for these proposed Conditional Land Use Permits.

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Commissioner Schartz moved to approve Resolution 2016-15, Conditional Use Permit Application for a Described Tract of Land – “Ellinwood North Tower”.  
Commissioner Schremmer seconded the motion.  
All voted aye. Motion passed.

## **B. RESOLUTION 2016-16: Conditional Land Use Permit Application for a Described Tract of Land – “NGPL Heizer Tower”:**

-On August 9, 2016, the Barton County Planning Commission held a public hearing to consider an application submitted by Midwest Energy, Inc. for a Conditional Land Use Permit to build a 195' Communications Tower at the Heizer substation owned by NGPL – Houston, TX which is located in the W ½ of the SE/4, Section 1, Township 19 South, Range 15 West, and commonly known as: “NGPL Heizer Tower”, 834 NW 40 Rd, Great Bend, KS 67530. The site is zoned as Agricultural District and a Communications Tower is listed as a Conditional Use. The Planning Commission has recommended the Conditional Land Use Permit for this purpose be approved.

Commissioner Schartz moved to approve Resolution 2016-16, Conditional Use Permit Application for a Described Tract of Land – “NGPL Heizer Tower”:  
Commissioner Schremmer seconded the motion.  
All voted aye. Motion passed.

## **C. RESOLUTION 2016-17: Conditional Land Use Permit Application for a Described Tract of Land – “Great Bend North Tower”:**

-On August 9, 2016, the Barton County Planning Commission held a public hearing to consider an application submitted by Midwest Energy, Inc. for a Conditional Land Use Permit to build a 160' Communications Tower at their Great Bend North substation which is located in the NE/4, Section 11, Township 19 South, Range 14 West, and commonly known as: “Great Bend North Tower”, 303 NW 40 Rd, Great Bend, KS 67530. The site is zoned as Agricultural District and a Communications Tower is listed as a Conditional Use. The Planning Commission has recommended the Conditional Land Use Permit for this purpose be approved.

Commissioner Schartz moved to approve Resolution 2016-17, Conditional Land Use Permit Application for a Described Tract of Land – “Great Bend North Tower”.  
Commissioner Schremmer seconded the motion.  
All voted aye. Motion passed.

## **D. 911 / COMMUNICATIONS: Memorandum of Agreement – Next Generation 911:**

-Put simply, Next Generation 911 (NG 911) is an Internet Protocol (IP)-based system that allows digital information (e.g., voice, photos, videos, text messages) to flow seamlessly from the public, through the 911 network, and on to emergency responders. With the failure of an analog server in late 2015, it was determined that NG911 should be installed as soon as practical. At this time, the Commission will be asked to approve a Memorandum of Agreement detailing program use and cost with Kansas 911 Coordinating Council.

Dena Popp, 911 Director, said Next Generation 911 is a State hosted system with a lot of new features, has updated mapping and is fully functional. Popp said on December 14, 2015, the Commissioners approved the pricing and installation of NG911 with an expected cost of \$74,400.00 annually. That system was installed on August 8 & 9, 2016 and is currently being utilized. The bill for 2016 was prorated to \$29,000 since we did not get the new system until August. Popp said there is a MOA Memorandum of Agreement to be signed stating that Barton County will comply with the stipulations and use the system properly. Popp said the new system is unique in that the mapping for Barton County can be accessed where in the State.

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Commissioner Schremmer moved to approve and then sign, the Memorandum for Agreement with Kansas 9-1-1 Coordinating Council.

Commissioner Straub seconded the motion.

All voted aye. Motion passed.

## **E. 911 / COMMUNICATIONS: NextGen 911 – Payment:**

-Should the Commission approve the Memorandum of Agreement with Kansas 9-1-1 Coordinating Council for the NextGen 911, the County will be required to make payment for services. The Kansas Coordinating Council proposes that the Commission authorize a deduction from 911 tax monies as remitted to Barton County. Scheduled payments would include a \$29,000 withdraw for 2016, with 2017 and 2018 allocations to be made in the amount of \$74,400.00 annually.

Dena Popp, 911 Director, presented details about the ACH automatic withdrawal of funds for payment as the State requires.

Commissioner Schremmer moved to approve the 2016, 2017 and 2018 allocations to the Kansas Coordinating Council from the 911 tax money contributions and the allocations shall be made from the 911 Tax Fund, 080-86-5475.

Commissioner Straub seconded the motion.

All voted aye. Motion passed.

## **F. ROAD AND BRIDGE: Replacement of a Motor Grader – Correction of Payment Information:**

-At the August 22, 2016, agenda meeting, the Commission agreed to trade two 1994 Caterpillars for a 2011 John Deere Grader 672G with 2,930 hours and a 2013 John Deere Grader 670G with 2,095 hours. Murphy Tractor & Equipment offered the newer equipment at a net price of \$216,500.00. One line number provided in the recommended motion was incorrect.

Matt Patzner, Finance Officer, said the August 22 agenda listed an incorrect "revenue line" in the motion which needs to be corrected with the proper expenditure line.

Commissioner Schartz moved to approve the purchase of a 2011 John Deere Grader model 672G with 2,930 hours from Murphy Tractor & Equipment. With the trade of a 1994 Caterpillar 140G, the net price is \$119,000.00. Funding for equipment purchase is as follows:

Road and Bridge Fund, Equipment Line 002-92-6190 for \$42,048.50. And the Equipment Replacement Fund, Road and Bridge Line 072-00-6485 in the amount of \$76,951.50.

And further move to approve the purchase of a 2013 John Deere Grader model 670G with 2,095 hours from Murphy Tractor & Equipment. With the trade of a 1994 Caterpillar 140G, the net price is \$97,500.00. Funding for the equipment purchase as follows:

Road and Bridge Fund, Equipment Line 002-92-6190 in the amount of \$34,451.50 and the Equipment Replacement Fund, Road and Bridge Line 072-00-6485 in the amount of \$63,048.50 and the total for both of those is \$216,500.00.

Commissioner Schremmer seconded the motion.

All voted aye. Motion passed.

## **ANNOUNCEMENT:**

- Judge Keeley: Thursday, September 8<sup>th</sup> at 9:30AM, two members of the Kansas Supreme Court (Chief Justice Nuss and Justice Luckert) will be visiting on 3<sup>rd</sup> floor. Judge Keeley invited the Commissioners and the public for a "Meet-N-Greet" event. They are stopping on their way to the Southwest Kansas Bar Meeting on Friday.

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## **ROAD AND BRIDGE: Sand Sealing Operations:**

-The County is responsible for 796 lane miles of asphalt road. In order to preserve the roadways, the Road and Bridge Department patches areas throughout the year and sand seals a pre-determined number of miles each summer. Dale Phillips, Road and Bridge Director, will review the process via a power point presentation.

Dale Phillips, Road & Bridge Director, said they plan to sand/seal 100 to 107 miles and explained the plants will be set up at Odin and northwest of Hoisington. \$1.2 million is spent on the operation within four weeks any given summer.

Commissioner Davis commended Phillips and his staff for all that they do.

Commissioner Schartz asked if the County limits heavy traffic on our county roads. Phillips said there is signage posted which limits the tonnage, however it is difficult to enforce.

Phillips said there is 389½ miles of county blacktop x 2 lanes which equals 779 lane miles.

Information Only. No Action Required.

## **H. COUNTY SERVICES: Informational Update:**

-Mr. Boeckman will provide the informational report of work completed during the last period. The report, which will be made available to the media, will serve as a public reminder of the services provided by the County on a regular basis.

Information Only. No Action Required.

## **IV. ENDING BUSINESS:**

1. Announcements
2. Appointments

## **V. OTHER BUSINESS:**

- Comm Kruckenberg: Has heard a lot of displeasure concerning moving the Driver's License Office to the 4<sup>th</sup> floor.


## **VI. ADJOURN:**

Commissioner Schartz made a motion to adjourn at 9:50 A.M.

Commissioner Schremmer seconded the motion.

All voted aye. Motion passed.

ATTEST:

  
Donna Zimmerman  
Barton County Clerk

  
Don Davis, Chairman

**RESOLUTION 2016-15**

**RESOLUTION FOR APPROVAL OF CONDITIONAL LAND USE PERMIT  
FOR A DESCRIBED TRACT OF LAND - "Ellinwood North Tower"**

**WHEREAS**, on January 28, 2013, the Barton County Planning Commission recommended to the Board of Barton County Commissioners the adoption of the Barton County Zoning Regulations, including the Official Zoning Map of Barton County, Version II. Said recommendation resulting in the adoption of the current version of the Zoning Regulations; and

**WHEREAS**, on the 9th day of August, 2016, the Planning Commission approved a recommendation to the Board of County Commissioners to take action on zoning conditional land use of a certain tract of land.

**WHEREAS**, that the Barton County Planning Commission recommends that:

*The tract of land being situated in the NW/4, Section 23, Township 19 South, Range 12 West in the County of Barton, State of Kansas, commonly known as: "Ellinwood North Tower", 194 NE 80 Ave, Ellinwood, KS 67526.*

*Currently zoned as Agricultural District shall be Approved for Midwest Energy, Inc. a Conditional Land Use Permit to construct a Communications Tower at their existing substation located NW of Ellinwood, KS - As said conditional use is allowed under the Barton County Zoning Regulations, Version II, Article III, District Regulations, Part 1. Agricultural Community District, Section 3-101 (B) Conditional Uses (2) Broadcasting and Telecommunication Towers.*

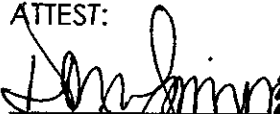
**NOW, THEREFORE**, the Board of County Commissioners of Barton County, Kansas, hereby adopts the recommendation of the Barton County Planning Commission as contained herein; and

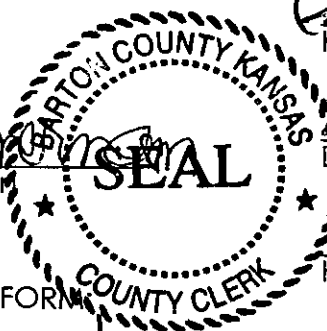
**FURTHER**, that the Secretary of the Planning Board is hereby directed to have said revision reflected in the official zoning records of Barton County and that a method be established for tracking this and future actions taken in zoning areas.

**ADOPTED** this 29<sup>th</sup> day of August, 2016.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

  
Donna Zimmerman  
County Clerk

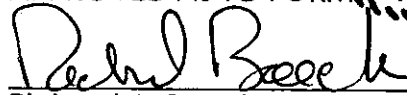


  
Kenny Schremmer, Chair

  
Don Davis, Commissioner

  
Homer Kruckenberg, Commissioner

APPROVED AS TO FORM:

  
Richard A. Boeckman,  
County Counselor

  
Jennifer Schartz, Commissioner

  
Alicia Straub, Commissioner

**RESOLUTION 2016-16**

**RESOLUTION FOR APPROVAL OF CONDITIONAL LAND USE PERMIT  
FOR A DESCRIBED TRACT OF LAND - "NGPL Heizer Tower"**

**WHEREAS**, on January 28, 2013, the Barton County Planning Commission recommended to the Board of Barton County Commissioners the adoption of the Barton County Zoning Regulations, including the Official Zoning Map of Barton County, Version II. Said recommendation resulting in the adoption of the current version of the Zoning Regulations; and

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*The tract of land being situated in the W 1/2 of the SE/4, Section 1, Township 19 South, Range 15 West in the County of Barton, State of Kansas, commonly known as: "NGPL Heizer Tower", 834 NW 40 Rd, Great Bend, KS 67530.*

*Currently zoned as Agricultural District shall be Approved for Midwest Energy, Inc. a Conditional Land Use Permit to construct a Communications Tower at the Heizer substation owned by NGPL – Houston, TX which is located SW of Heizer, KS – As said conditional use is allowed under the Barton County Zoning Regulations, Version II, Article III, District Regulations, Part 1. Agricultural Community District, Section 3-101 (B) Conditional Uses (2) Broadcasting and Telecommunication Towers.*

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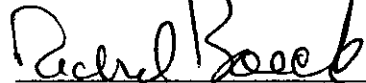
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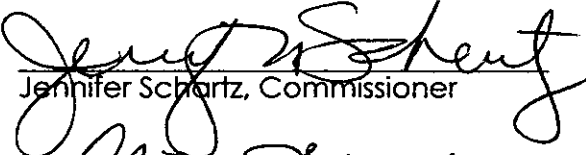
APPROVED AS TO FORM:

  
Richard A. Boeckman,  
County Counselor

  
Kenny Schremmer, Chair

  
Don Davis, Commissioner

  
Homer Kruckenberg, Commissioner

  
Jennifer Scharz, Commissioner

  
Alicia Straub, Commissioner



**RESOLUTION 2016-17**

**RESOLUTION FOR APPROVAL OF CONDITIONAL LAND USE PERMIT  
FOR A DESCRIBED TRACT OF LAND - "Great Bend North Tower"**

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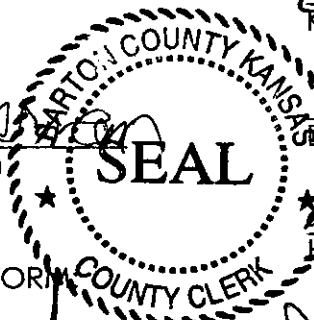
  
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Alicia Straub, Commissioner

ATTEST:

  
Donna Zimmerman  
County Clerk



APPROVED AS TO FORM:  
  
Richard A. Boeckman,  
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