

# 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/2NkXCGz>

April 12, 2021

The Board of Barton County Commissioners convened this 12th day of April 2021, at the Barton County Courthouse.

*Members present:*

Kirby Krier, Commissioner, 1st District  
Barb Esfeld, Commissioner, 2nd District  
Shawn Hutchinson, Commissioner, 3<sup>rd</sup> District (*Chairman Pro-Tem*)  
James R. Daily, Commissioner, 4th District, Chairman  
Jennifer Schartz, Commissioner, 5th District  
Donna Zimmerman, County Clerk  
Phil Hathcock, County Administrator  
Patrick Hoffman, County Counselor

## I. OPENING BUSINESS:

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

Roll Call taken by County Clerk.

Commissioner Krier moved to approve the agenda with the addition of Item D in reference to the Tech Fund.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

Commissioner Schartz moved to approve the minutes of the April 5, 2021, Regular Meeting.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

## II. APPROVAL OF APPROPRIATIONS:

-An Accounts Payable Register will be submitted to the Commission for the period of March 29, 2021 and ending April 12, 2021.

Commissioner Schartz moved to approve the appropriations for the period of March 29, 2021, to April 12, 2021 and authorize the Chairman to sign on behalf of the Commission.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

## III. OLD BUSINESS:

There was no old business.

## IV. NEW BUSINESS:

### **A. PROCLAMATION 2021-07: National Public Safety Communications Officers Week, April 11-17, 2021:**

-Dena Popp, 911 Director, has asked that the Commission consider the adoption of Proclamation 2021-07, National Public Safety Communications Officers Week. In part, the Proclamation honors Public Safety Communications Officers for their vital role in protecting the life and property of Barton County citizens.

Dena Popp, 911 Director, said 911 is the first point for individuals seeking services and they must be able to handle high stress loads. Popp said they are the face that is never seen. During the pandemic they received two calls that stand out. One was a call from a truckdriver that was passing through. Another

# 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/2NkXCGz>

Call from a family member who appreciated the call they had with the dispatch center. Popp introduced employees who were present: Liz Nolan, Mellissa Herren, and Tim McQuade.

Commissioner Krier moved to adopt Proclamation 2021-07, National Public Safety Telecommunications Week.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

## **B. RESOLUTION 2021-09: A Resolution Establishing a Permitting System for Bailing Hay in County Right of Way:**

-The proposed Resolution creates a permitting system for bailing hay in County right-of-way. Included with the Resolution is a Barton County Harvesting Hay on County Right-of-Way application which describes the Permit, Performance and Liability directives. The County Works Director would manage the program under established guidelines and provide the Commission an annual report relative to the permitting and permitting fees collected.

Darren Williams, County Works Director, said the permit fee will be \$1,000 with \$500 returned after they successfully finish the project. Williams said this helps to keep the right-of-ways clean and said occasionally people leave the hay bale for several weeks causing a hazard.

Commissioner Hutchinson moved to adopt Resolution 2021-09, A Resolution Establishing a Permitting System for Bailing Hay in the County Right of Way.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

## **. ROAD AND BRIDGE: Ratify the Purchase of a Replacement Vehicle:**

-On October 12, 2020, the Commission authorized the purchase of 2021 Silverado 3500HD One Ton Dually Cab and Chassis from Manweiler Chevrolet in conjunction with the installation of a bed and equipment from BS Trailer Sales. Since that time, Manweiler Chevrolet changed ownership. It is suggested that the purchase of the Silverado be ratified to the new dealership owner, Ehler Chevrolet.

Darren Williams, County Works Director, said since they ordered their vehicle Manweiler Chevrolet sold to Ehler Chevrolet. They need to change the name of the business to be paid for the truck.

Commissioner Hutchinson moved to ratify the purchase of a 2021 Silverado 3500HD Chevrolet pickup for \$31,578.80, as approved on October 12, 2020, to Ehler Chevrolet.

Commissioner Krier seconded the motion but when people see that price they are going to get a lot of phone calls.

All voted aye. Motion passed.

## **ADDED ITEM D. REGISTER OF DEEDS: Tech Fund:**

Commissioner Krier said probably because of the China virus, the county missed making this transfer. Krier said usually at the beginning of the year, the county looks at the balances in the tech funds. Anything over \$50,000 can be transferred to the General Fund by State Statute.

Commissioner Krier moved to transfer \$24,871.61 out of the Register of Deeds Tech Fund to the General Fund.

Commissioner Daily said generally we let the department heads come in to discuss these items before taking them to an agenda.

Motion died for lack of a second.

# 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/2NkXCGz>

Commissioner Schartz moved to table this to a further meeting after we have been able to talk to our Register of Deeds about her plans for the money.  
Commissioner Hutchinson seconded the motion.  
All vote aye. Motion passed.

## V. ENDING BUSINESS:

1. Announcements
2. Appointments

## VI. OTHER BUSINESS:

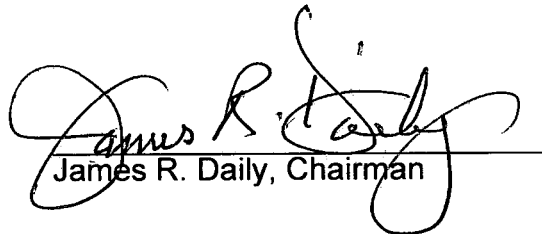
- Comm Schartz: Do we have a timeline for vaccine this week?
- Phil Hathcock: Will conduct a drive-thru clinic this Wednesday from 9am to 12pm at Brit Spaugh Park.
- Comm Hutchinson: Can we make it a normal update in the agenda from now on?
- Phil Hathcock: Yes, we can do that.
- Comm Hutchinson: Have you seen any negative results from the Johnson & Johnson vaccine.
- Phil Hathcock: None that I have seen.

## VII. ADJOURN.

Commissioner Schartz moved to adjourn at 9:23 A.M.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

ATTEST:

\_\_\_\_\_  
Donna Zimmerman  
Barton County Clerk

  
\_\_\_\_\_  
James R. Daily, Chairman

PROCLAMATION 2021-07

National Public Safety Communications Officer Week, April 11-17, 2021

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of all emergency service personnel is dependent upon the quality and accuracy of information obtained from citizens who telephone the Barton County Communications Center; and

WHEREAS, Communications Officers are the first and most critical contact citizens have with emergency services; and

WHEREAS, Communications Officers are the single vital link for emergency responders, monitoring their activities by radio, providing them information and insuring their safety; and

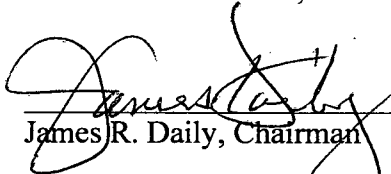
WHEREAS, Barton County Communications Officers have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year.


NOW, THEREFORE, BE IT PROCLAIMED that the Board of County Commissioners of Barton County, Kansas, declares the week of April 11 through 17, 2021, to be National Public Safety Communications Officer Week in honor of the men and women whose diligence and professionalism keep our communities and citizens safe.

Signed this 12<sup>th</sup> day of April, 2021.

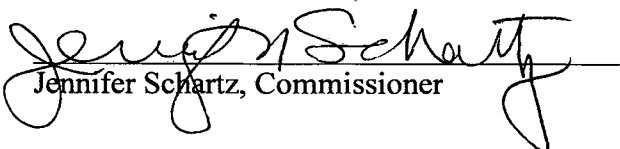
BOARD OF COUNTY COMMISSIONERS OF  
BARTON COUNTY, KANSAS

  
James R. Daily, Chairman


APPROVED VIA TEAMS  
Barb Esfeld, Commissioner

  
Shawn Hutchinson, Commissioner

  
Kirby Krier, Commissioner

  
Jennifer Schartz, Commissioner

ATTEST:

  
Donna Zimmerman, County Clerk



**RESOLUTION 2021-09**

**A Resolution Establishing a Permitting System for  
Bailing Hay in County Right of Way**

**WHEREAS**, the Board of County Commissioners of Barton County, Kansas, is responsible for the management of Barton County's infrastructure, to include those rights-of-way adjacent to County roadways; and

**WHEREAS**, the Road and Bridge Department has been designated to provide daily oversight of matters related to the care and maintenance of said rights-of-way; and

**WHEREAS**, it seems prudent to develop a policy that allows petitioners to harvest hay from the rights-of-way under an annual permitting system that is operated under the supervision of the County Works Director.

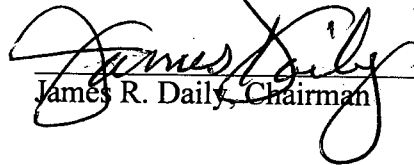
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Barton County, Kansas, that a permitting system is established for bailing hay in County right-of-way; and

**FURTHER**, that the Barton County Harvesting Hay on County Right-of-Way application, along with its Attachment I describing the Permit, Performance and Liability directives are hereby authorized for use in Barton County, Kansas; and

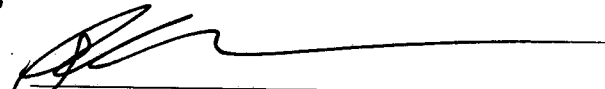
**FURTHER**, that the County Works Director shall manage said program under the guidelines established herein and provide to the Commission an annual report relative to the permitting and permitting fees collected.

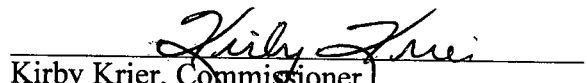
Dated this 12<sup>th</sup> day of March, 2021.

**BOARD OF COUNTY COMMISSIONERS**

  
James R. Daily, Chairman

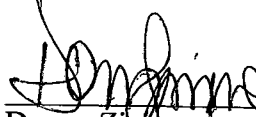
APPROVED VIA TEAMS  
Barb Efeld, Commissioner

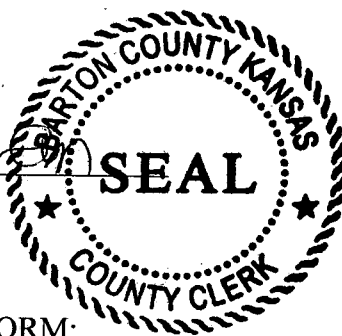
  
Shawn Hutchinson, Commissioner

  
Kirby Krier, Commissioner

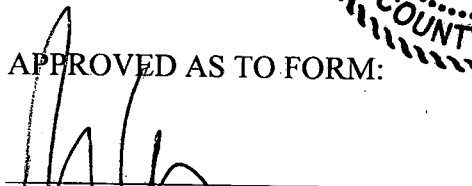
  
Jennifer Schartz, Commissioner

ATTEST:

  
Donna Zimmerman  
County Clerk



APPROVED AS TO FORM:

  
Patrick Hoffman, County Counselor

Permit # \_\_\_\_\_

**Barton County  
Harvesting Hay on County Right-of-Way**

This Agreement is entered into \_\_\_\_\_, 20\_\_ by and between the Board of County Commissioners of Barton County, Kansas, and Petitioner as identified below:

Name of Firm or Individual \_\_\_\_\_

Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Phone Number / Email \_\_\_\_\_

and the individual and / or firm doing the actual haying if different than above:

Haying Individual if any \_\_\_\_\_

Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Phone Number / Email \_\_\_\_\_

**AGREEMENT**

The County has jurisdiction over Barton County rights-of-way; and

The County believes it is in the best interest of its citizens to permit certain work to be performed upon County rights-of-way by Petitioner; and

Petitioner requests permission from the County and the County agrees to allow Petitioner to harvest hay from the below described County rights-of-way for his / her benefit, subject to the provisions of this permit. Harvesting of hay is to be accomplished by mowing designated portions of the right-of-way and baling the clippings from such mowing; and

Permitting fee shall be set at \$1,000.00. Should the bailing be performed without damaging described rights-of-way, blacktops or other issue as described herein, \$500.00 shall be returned to Petitioner following an inspection of the permitted rights-of-way.

No permitting fee shall be charged to landowners requesting permission to harvest from right-of-way adjoining their property.

## DESCRIPTION

List each location separately. Indicate the road name, the beginning and ending points, and the side of the road where the permit is requested. For example, *NW 150 Road beginning 0.5 miles E of NW 120 Avenue and continuing E for 1.0 miles on the N and S side of the road.* If necessary, please use an additional sheet of paper for location information.

- A. \_\_\_\_\_ Road / Avenue beginning \_\_\_\_\_ miles N S W E of \_\_\_\_\_ Road / Avenue \_\_\_\_\_ and continuing N S W E \_\_\_\_\_ miles on the N S W E side of the road.
- B. \_\_\_\_\_ Road / Avenue beginning \_\_\_\_\_ miles N S W E of \_\_\_\_\_ Road / Avenue \_\_\_\_\_ and continuing N S W E \_\_\_\_\_ miles on the N S W E side of the road.
- C. \_\_\_\_\_ Road / Avenue beginning \_\_\_\_\_ miles N S W E of \_\_\_\_\_ Road / Avenue \_\_\_\_\_ and continuing N S W E \_\_\_\_\_ miles on the N S W E side of the road.
- D. \_\_\_\_\_ Road / Avenue beginning \_\_\_\_\_ miles N S W E of \_\_\_\_\_ Road / Avenue \_\_\_\_\_ and continuing N S W E \_\_\_\_\_ miles on the N S W E side of the road.
- E. \_\_\_\_\_ Road / Avenue beginning \_\_\_\_\_ miles N S W E of \_\_\_\_\_ Road / Avenue \_\_\_\_\_ and continuing N S W E \_\_\_\_\_ miles on the N S W E side of the road.

The terms and conditions of this permit are included in Attachment 1, which is incorporated by reference, are mutually agreed to by the Petitioner and the County.

Harvesting hay on County rights-of-way by the Petitioner will be done with the full knowledge that the vegetation may contain chemical residue of automotive emissions and /or chemical herbicides used for vegetative control or other foreign substances.

In order to meet the requirements of Chapter 2, Article 13 of the Kansas Statute Annotated 2-1314, Control and Eradication of Noxious Weeds, the Petitioner acknowledges that he / she has reviewed the Statute and will comply with the requirements.

The Petitioner agrees to notify the County Works Director at 620.793.1816 or [dwilliams@bartoncounty.org](mailto:dwilliams@bartoncounty.org) at least one (1) week prior to cutting of hay. Petitioner shall not commence cutting without the specific consent of the County Works Director as a result of the required notification.

All haying operations will be completed by August 15th in the year the permit is issued. The petitioner is allowed a 5-day window to remove the bales from the right-of-way. This permit is valid for one cutting in the calendar year in which the permit is issued. A new permit is required for succeeding years.

We / I, the Petitioner, have read and accept the Requirements and Guidelines as stated on this permit and agree to abide by them.

---

Signature of Petitioner

---

Date of Application

Approved By:

---

County Works Director

---

Approval Date



*Authorized under the adoption of Barton County Resolution 2021-09, A Resolution Establishing a Permitting System for Bailing Hay in County Right of Way as adopted by the County Commission on April 12, 2021.*

**Harvesting Hay on County Right-of-Way  
Attachment 1**

**Permit**

1. No person, firm or corporation shall mow any portion of any County right-of-way without obtaining a written permit.
2. The permit application shall be submitted to the County Works Director, Barton County Road and Bridge, 2401 – 7<sup>th</sup>, Great Bend, Kansas, 67530. Telephone – 620.793.1816. Email – [dwilliams@bartoncounty.org](mailto:dwilliams@bartoncounty.org).
3. Haying permit applications will be accepted after January 1 for that year's mowing season.
  - a. Adjacent landowners will be given permit priority until April 30 of a given year. Applications by others will be held until April 30.
  - b. After April 30, permits will be issued in the order received if the adjacent landowner has not applied.
4. There is a \$1,000.00 permit fee. Half of that will be returned to Petitioner following completion of the bailing in accordance with the terms of the permit. No permit fee is required for adjacent landowners mowing rights-of-way under the permitting system.
5. Poor performance or failure to comply with the requirements and guidelines may result in immediate termination of this permit. If terminated, fee will not be returned, in full or part, to Petitioner.
6. Future permits may be denied for any reason. The Petitioner recognizes the permit contains no property right and no guarantee of future permits being issued.
7. All haying operations will be completed by August 15th.

**Performance**

1. All work shall be conducted in accordance with the requirements of this permit and attachments hereto.
2. Mowing shall be continuous within the designated area. Selective mowing and baling to avoid noxious weeds will be permitted.
3. Vegetation shall be mowed to a minimum height of 5".
4. Work shall be performed only when the soil is dry enough to prevent rutting or damage to County right-of-way.
5. Operations will be permitted during daylight hours only.

6. The County right-of-way shall be left in clean and neat condition upon completion of work.
7. All bales within 15' of a highway shall be removed immediately. All other bales shall be removed within 5 days of baling or they will be removed by County personnel without compensation to the Petitioner.
8. Unattended equipment must be parked near the right-of-way line. Equipment shall not be left on the right-of-way longer than 5 days.
9. Permit must be available on site with the person performing the hay harvesting operation.

### **Liability**

1. The Petitioner, his or her successor, or assigns shall assume all risk and liability for injuries, accidents, damages and loss that may occur to persons or property as a result of this work conducted pursuant to this permit including any injury or damage which may result from debris, foreign objects or chemical contamination resulting from handling or feeding hay obtained through this permit. Petitioner shall indemnify and hold harmless the County from any and all costs, liabilities, expenses, suits, judgments, or damages to person, to property, or claims of any nature arising out of or in connection with this permit or the actions of the Petitioner, Petitioner's employees, agents or sub-contractors.
2. Barton County make no warranties, either express or implied, regarding the quality of hay obtained through this permit.
3. The Petitioner assumes all liability pertaining to the quality of hay obtained through this permit.
4. The Petitioner shall be liable for any damage to County right-of-way, fences, signs, guardrail, trees, shrubs and appurtenances as a result of this work. The cost of materials, labor, and equipment to repair damages will be paid by the Petitioner commensurate with the County's actual costs.