

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/2NiV1wO>

April 26, 2021

The Board of Barton County Commissioners convened this 26th day of April 2021, at the Barton County Courthouse.

Members present:

Kirby Krier, Commissioner, 1st District
Barb Esfeld, Commissioner, 2nd District
Shawn Hutchinson, Commissioner, 3rd 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.
Commissioner Hutchinson seconded the motion.
All voted aye. Motion passed.

Commissioner Esfeld moved to approve the minutes for April 12th as presented.
Commissioner Schartz seconded the motion.
All voted aye. Motion passed.

The minutes of the April 19, 2021, Regular Meeting were not available.

II. APPROVAL OF APPROPRIATIONS:

-An Accounts Payable Register will be submitted to the Commission for the period of April 12, 2021, and ending April 26, 2021.

Commissioner Hutchinson moved to approve appropriations for the period of April 12, 2021, to April 26, 2021 and authorize the Chairman to sign on behalf of the Commission.
Commissioner Krier seconded the motion.
All voted aye. Motion passed.

III. OLD BUSINESS:

There was no old business.

IV. NEW BUSINESS:

A. PROCLAMATION 2021-09: A Proclamation that Barton County is a 2nd Amendment Sanctuary for the Preservation and Defense of the Second Amendment of the United States Constitution:

-Under this proposed Proclamation, Barton County would be proclaimed as a Sanctuary for the 2nd Amendment. Further, the Proclamation states the Commission does not condone the creation of any unlawful and unconstitutional statutes, executive orders or other regulations and proclamations which conflict, and are expressly preempted by, the United States Supreme Court's rulings on the right of an individual to keep and bear arms.

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Commissioner Shawn Hutchinson said in 1984 the legal drinking age went from 18 to 21. The people who were 18, 19, or 20 were grandfathered in so they were able to continue to purchase alcohol. In 1994, there was an assault weapons ban. That ban was also grandfathered in. Anything you owned prior to that law was not taken away. In 2019, we had a bump stock ban which came with a heavy penalty of 10 years in prison and a \$250,000 fine. Had a gentleman working for him who went into the army. He could go across the street to buy smokes. The legal age to buy tobacco went from 18 to 21. He was mature enough to fight for our country, but not mature enough to decide whether to buy tobacco. He was of legal age to buy tobacco when he enlisted and not when he got out. The proclamation is so important because the people in Washington could make half of the Barton County citizens felons overnight.

Commissioner Hutchinson moved to adopt Proclamation 2021-09, A Proclamation that Barton County is a 2nd Amendment Sanctuary for the Preservation and Defense of the Second Amendment of the United States Constitution.

Commissioner Krier seconded the motion.

Commissioner Hutchinson read the proclamation.

Commissioner Esfeld said she is no expert in this area, but just wants everyone to know she has some concern. There are a lot of people emailing with concern about the assault rifle. Esfeld said the 2nd amendment is very important. People are concerned we are allowing people to have assault rifles. Hate to pick out one amendment and not look at voting and other amendments.

Commissioner Hutchinson said it is not about assault rifles, it is about the 2nd amendment. New gun legislation is landing on the President's desk each day. Hutchinson said he wants to be proactive. Do not take our rights away. We can look at other amendments under attack. We need to start early and act often.

Commissioner Krier said we need to learn from the past. In WW II, the sole reason the Japanese did not invade the United States, was because every household had guns.

Jon Prescott said he is all for this proclamation. Does this proclamation prevent any agency from changing the definition of assault rifles? Does this proclamation protect us?

Commissioner Hutchinson said they are after semi-automatic rifles and noted the proclamation is symbolic in nature but does not think it will be symbolic if the national government decides to make half of our citizens felons with the stroke of a pen. This is us saying "leave us alone, we don't need more gun control in Barton County, we need less hypocritical politicians".

Crystal Cross said in declaring yourself a sanctuary county, does that mean if a law or statute is passed does it mean we would not abide by it?

Commissioner Hutchinson said he would like to think we would not stand for it and that the Sheriff would not enforce it but does not really have an answer. It is symbolic in nature and letting everyone know where we stand.

Cross asked where the commission stands on red flag and ghost guns issues. Would we not abide by them either?

Commissioner Hutchinson said this proclamation is defending the 2nd amendment, the right to keep and bear arms.

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Cross said what about curtailing assault rifles in the future. We would not follow it if we are a sanctuary county.

Commissioner Daily said this proclamation is symbolic. We are stating we support the United States Constitution. The 2nd Amendment states that “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed”. The constitution says anyone who follows the law can own a gun. Your chances of being a victim grows exponentially without the means to protect yourself. An assault weapon is something you attack someone with. It can be a knife, a ball bat. The United States is not the only country in the world that can protect themselves. The Japanese did not attack the United States because the people had firearms. It would take a vote on the Federal level to change this. We are not going to see this constitutional amendment taken out of the constitution anytime soon.

Cross said why do you see eliminating the amendment to also include any kind of control.

Commissioner Daily said we have more laws on the books than can be enforced. The problem is we do not eliminate the old laws. Daily said after WWII, WWI, the Civil War, anytime there is a war, there is a surplus of weapons afterwards. Guns are not dangerous until someone picks it up to do harm. Criminally minded people make guns dangerous.

Commissioner Krier asked Crystal Cross her definition of assault weapons.

Cross said the weapons used in mass shootings. Guns used by mentally impaired people. Not worried about an invasion of a foreign country, worried about how we are killing each other in masses. Asked if Barton County would consider declaring ourselves a sanctuary county for humanitarian reasons.

Commissioner Krier said there are hypocrites in DC who are wanting to defund the police. How would we protect ourselves? There are cities who are defunding the police.

All voted aye. Motion passed.

Commissioner Krier moved to send this proclamation to all our elected officials at the state and house of the State of Kansas, and the Governor and Lt. Governor, and our representatives that are in Washington, DC today. Our state representatives that are in DC.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

Commissioner Esfeld and the commissioners thanked Crystal Cross for coming in and presenting her views.

B. PROCLAMATION 2021-10: Commemorating the 20th Anniversary of the Hoisington Tornado, April 21, 2001:

-At approximately 9:15 p.m., Saturday, April 21, 2001, a funnel touched down just a mile southwest of the City of Hoisington and quickly grew to a F4 tornado. Crossing northwest through Hoisington, the total path length of the tornado was 5 miles with a maximum width of 660 yards. There were 28 injuries reported and one fatality. The tornado destroyed 200 homes and 12 businesses, while severely damaging 85 homes with another 200 homes receiving minor to moderate damage. The Commission will consider adopting a Proclamation commemorating the 20th Anniversary of the tornado.

Amy Miller, Emergency Risk Manager, asked the Commission to adopt a resolution commemorating the Hoisington tornado. Miller said this is in recognition of the rebuilding the last 20 years and also the many individuals who responded to that event.

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Commissioner Krier said Amy was huge over there. She was an enormous help as well as Road and Bridge and the other departments. The county stepped up and did a great job.

Miller said there were numerous people who responded. It illustrates how you come together during a disaster. The FEMA people were amazed at our "come together and get it done attitude". Miller said the Hoisington tornado changed how things are done across the state. BJ Wooding and the Appraiser's Office were particularly instrumental. Seeing the maps were extremely helpful. It changed how we did damage assessment. The Treasurer's Office helped people to get vehicle titles replaced, etc. People then had to go to the Register of Deeds to get copies of their deeds, and the County Clerk's Office was also there to help.

Commissioner Esfeld said Barton County was a role model in helping with maps. You could not even tell where the blocks were after the tornado, so the maps were instrumental.

Cecilia Conrad, Hoisington City Clerk, said they are proud of what they did to rebuild their city.

Commissioner Daily moved to adopt Resolution 2021-10, Commemorating the 20th Anniversary of the Hoisington Tornado, April 21, 2001.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

C. INFORMATION TECHNOLOGY: Malwarebytes Anti-Virus Software:

-Barton County manages 140 end-user computers and 12 servers that need Anti-Virus software. The Information Technology Department recently accepted bids to renew the Malwarebytes Anti-Virus software. Specifications included a three-year service period.

Dereck Hollingshead, Information Technology Director, said three bids are submitted for their review and noted CDW-G also bid but did not meet specifications.

FUND	LINE	LICENSES	9to5	SHI	OPI
Tech - County Clerk	046-00-5425	8	\$ 710.57	\$ 746.78	\$ 984.06
General	001-24-5423	244	\$21,672.31	\$22,776.94	\$30,013.86
Total		252	\$22,382.88	\$23,523.72	\$30,997.92

Commissioner Krier moved to approve the \$22,382.88 bid from 9to5 for Malwarebytes Anti-Virus Software for a three-year service period. Cost to be paid as follows:

IT Account of the General Fund, Subscription Line, 001-24-5423 of \$22,382.88

Further, I move to transfer \$22,382.88 from the Clerk's Tech Fund, Software Line, 046-00-5425 to the General Fund and reclassify the Malwarebytes expenditure to this new expenditure line once set-up.

Commissioner Hutchinson asked for clarification.

Commissioner Krier said basically we are paying for it out of the General Fund and then we are transferring \$22,382 from the Clerk's Tech Fund to the General Fund and reclassifying the Malwarebytes expenditure to this new expenditure line once set up. Commissioner Hutchinson said we are taking \$22,000 out of the Clerk's Tech Fund? Commissioner Krier said yes, do you approve of that Donna? Donna Zimmerman, Barton County Clerk said sure.

Commissioner Hutchinson seconded the motion.

Commissioner Esfeld said she understood we could not transfer up to \$50,000.

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Commissioner Krier said no, she is transferring the money.

Commissioner Hutchinson said that is the only reason he seconded it, because Donna is volunteering it, I guess.

Commissioner Daily asked if they could use all of her money for that.

Commissioner Krier said she has \$39,000.

Commissioner Daily said he understood that, but can we use the amount you are asking for out of the Clerk's fund, because his understanding is the monies that the Clerk has, or the Register of Deeds has, or the Treasurer has must be used for their purposes.

Commissioner Krier said it is being transferred to the General Fund. Once in the General Fund they can use it.

Commissioner Daily asked Zimmerman if she was OK with doing that.

Zimmerman said that's fine.

All voted aye. Motion passed.

D. COVID UPDATE:

-The Commission will receive an update on COVID-19 operations.

Phil Hathcock, County Administrator, said this update is provided by Karen Winkelman, Health Director. The 166 total doses of Moderna vaccine were administered last week (39 prime doses and 127 boost doses). They declined a shipment Moderna week of April 12th but received an additional shipment of 1,000 Moderna doses last week. That brings her total number of doses on hand to 2,250. They still have 945 doses of Johnson & Johnson on pause. His understanding is the CDC lifted the pause, but it is still on pause by KDHE. Is awaiting approval for EUA (Emergency Use Authorization) of Pfizer Vaccine for 12 years of age and older. KDHE is reporting approximately 30% of the Barton County population has been vaccinated. Hathcock said he is assuming that is considering what has been administered at pharmacies.

Hathcock reported 7 active cases currently. Provided COVID testing last week on a case-by-case basis. Total positive cases to date stand at 2,503 cases.

Commissioner Daily said Sedgwick County is up significantly on cases and encouraged everyone to get vaccinated.

Commissioner Schartz asked if we have any knowledge if any of our active cases are due to the variant. Hathcock said he did not know.

Commissioner Daily said 30% is not near where we need to be. We need to encourage all citizens to get out and get vaccinated.

Commissioner Schartz suggested the 30% might be low as half of our population includes children.

Information Only. No Action Required.

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V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

- Comm Krier: Thanked Commissioner Daily and Commissioner Hutchinson for their presentation on the proclamation. It was educational. Owns guns, does not shoot them, but does not want to give them up.
- Comm Esfeld: Will attend the NW county officials meeting in Colby known as little KAC this Wednesday. Troy Waymaster, Ken Rahjes, Barbara Wassinger, Jim Minnix, Adam Smith, Elaine Bowers, Rick Billinger, Tracy Mann and Jerry Moran have all been invited to speak.
- Comm Esfeld: Sits on Humane Society Board. Ride for the Animals fundraiser car show will be June 19th.

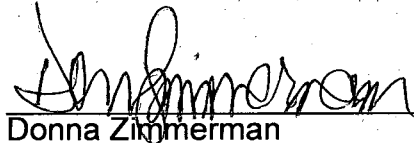
VII. ADJOURN.

Commissioner Krier moved to adjourn at 9:56 A.M.

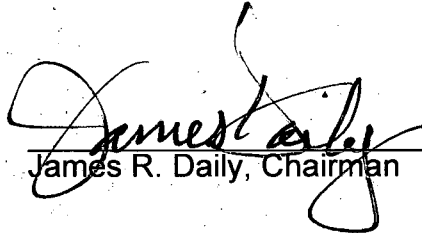
Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

ATTEST:



Donna Zimmerman
Barton County Clerk



James R. Daily, Chairman

PROCLAMATION 2021-09

A PROCLAMATION THAT BARTON COUNTY IS A 2ND AMENDMENT SANCTUARY FOR THE PRESERVATION AND DEFENSE OF THE SECOND AMENDMENT OF THE UNITED STATES CONSTITUTION

WHEREAS, the Second Amendment of the Constitution of the United States of America states that, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed;" and

WHEREAS, the Supreme Court of the United States in two recent cases, District of Columbia v. Heller and McDonald v. City of Chicago, has held that the right to keep and bear arms is an individual right; and

WHEREAS, the State of Kansas has enacted the Second Amendment Protection Act as codified at K.S.A. 50-1201, et. seq.; and

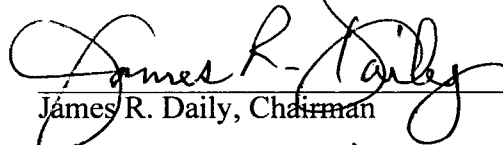
WHEREAS, the Board of County Commissioners of Barton County, Kansas desires to adopt a Proclamation of their commitment to provide a sanctuary for the preservation and defense of the Second Amendment of the United States Constitution.

NOW, THEREFORE, BE IT PROCLAIMED by the Board of County Commissioners of Barton County, Kansas, that the County of Barton, Kansas is a Sanctuary for the 2nd Amendment, and this Board does not condone the creation of any unlawful and unconstitutional statutes, executive orders or other regulations and proclamations which conflict, and are expressly preempted by, the United States Supreme Court's rulings on the right of an individual to keep and bear arms; and

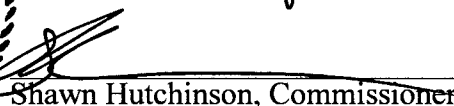
BE IT FURTHER PROCLAIMED that the Board of County Commissioners of Barton County, Kansas calls upon the United States Congress, the Governor of the State of Kansas and all elected officials of the State of Kansas to preserve and defend the Second Amendment of the Constitution of the United States as an individual right of the citizens and to nullify any statutes, executive orders or other regulations and proclamations that infringe on the right of an individual to keep and bear arms.

This Proclamation was approved and adopted this 26th day of April, 2021.

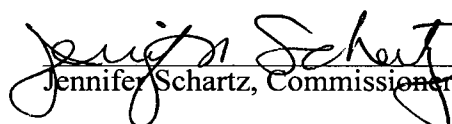
BOARD OF COUNTY COMMISSIONERS
OF BARTON COUNTY, KANSAS


James R. Daily, Chairman



Barb Efeld, Commissioner

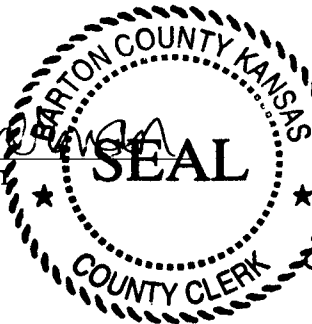

Shawn Hutchinson, Commissioner


Kirby Krier, Commissioner


Jennifer Schartz, Commissioner

ATTEST:


Donna Zimmerman
County Clerk



PROCLAMATION 2021-10

Commemorating the 20th Anniversary of the Hoisington Tornado April 21, 2001

WHEREAS, at approximately 9:15 p.m., Saturday, April 21, 2001, a funnel touched down just a mile southwest of the City of Hoisington and quickly grew into a F4 tornado; and

WHEREAS, while crossing northwest Hoisington, the tornado created a path nearly 2 miles long and approximately 2 blocks wide, destroying most of the structures within that area. In total, the path length was 5 miles with a maximum width of 660 yards. There were 28 injuries reported and one fatality; and

WHEREAS, 200 homes and 12 businesses were destroyed and 85 homes were severely damaged with another 200 homes receiving minor to moderate damage; and

WHEREAS, each County office was able to assist the City of Hoisington and its citizens, beginning at the moment the tornado touched down. Communications coordinated efforts while the Sheriff's Office responded to the event. Emergency Risk Management put plans in place for recovery while the Health Department was on site to provide first aid. The Road and Bridge and Noxious Weed Departments removed debris and the Solid Waste Department waived fees for Hoisington residents. The Appraiser's Office prepared damage estimates and the Treasurer's Office had staff on site to assist citizens with replacing legal documents as needed. Other County departments worked with FEMA, provided backup for employees working in Hoisington or went on site to help as needed; and

WHEREAS, the Barton County Commission met daily in the City of Hoisington to provide direction in reference to Solid Waste, Organizational and other matters following the adoption of Resolution 2001-13, State of Local Disaster Emergency; and

WHEREAS, private citizens, local businesses, cities, townships and counties from across the state of Kansas, and local, state and federal officials came together to assist the citizens of Hoisington in recovery, remediation and rebuilding.

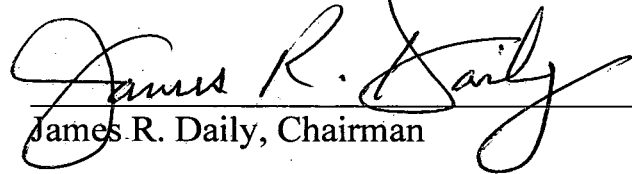
NOW, THEREFORE, BE IT PROCLAIMED that the Board of County Commissioners of Barton County, Kansas, commemorates the 20th Anniversary of the April 21, 2001, Hoisington Tornado; and

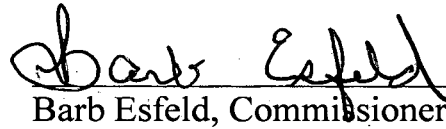
FURTHER, that the citizens, business owners, school board and city council members and employees are recognized for their recovery efforts that started 20 years ago and for their continued success in having rebuilt their community; and

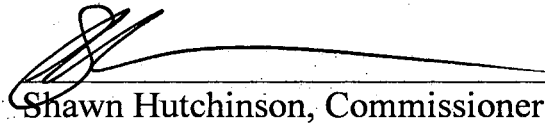
FURTHER, that the Commission again expresses its appreciation to those who assisted the City and its citizens at that time, knowing that efforts moved forward quickly due to the collaborative effort of so many.

Signed this 26th day of April, 2021.

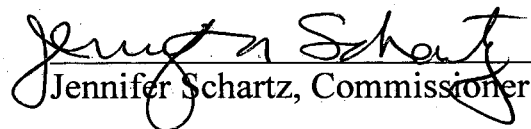
BOARD OF COUNTY COMMISSIONERS


James R. Daily, Chairman

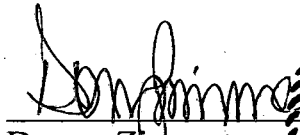

Barb Esfeld, Commissioner


Shawn Hutchinson, Commissioner


Kirby Krier, Commissioner


Jennifer Schartz, Commissioner

ATTEST:


Donna Zimmermann
County Clerk

