

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/35WOkHf>

April 5, 2021

The Board of Barton County Commissioners convened this 5th 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 Schartz moved to approve the agenda.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

Commissioner Schartz moved to approve the minutes of the March 29, 2021, Regular Meeting.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

II. OLD BUSINESS:

There was no old business.

III. NEW BUSINESS:

A. APPRECIATION AWARD: Volunteers for COVID 19 Vaccination Clinics:

-The Barton County Health Department has been assisted by volunteers at each of the COVID 19 Vaccination Clinics that have been held almost weekly since January, 2021. These volunteers have served countless hours in wind, rain and freezing temperatures providing assistance in delivering 5,175 prime and 3,548 booster doses to date. At this time, Karen Winkelman, Health Director will present an appreciation award to the volunteers.

Karen Winkelman, Health Director, said as April is National Volunteer Month, it seems appropriate to thank the volunteers from the vaccination clinics at this time. These volunteers have served countless hours in wind, rain and freezing temperatures providing assistance in delivering 5,175 prime and 3,548 booster doses to date for a total of 8,723 total doses. Their willingness to give so freely of their time and service is greatly appreciated. The volunteers brought a lot of joy, laughter, and humor to the group. Every volunteer now owns a pair of coveralls if they did not have them pre-COVID. Hand counters, who knew those would be needed. I need a hard number was a phrase heard so many times. We all know that pickle juice freezes, we can keep pizza warm on a car's engine, and put your car in park. The timekeepers will always be 15 minutes ahead of the normal time and they realized the importance of giving suckers. Candy can mysteriously appear in lane of the most efficient, empty COVID vials can be turned into art thanks to Kathy Krier for a COVID wreath. They had the cleanest and most organized clip boards, music makes everything better, and a person brought a celebration to the event that was greatly appreciated.

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Winkelman presented plaques to the following persons:

Shawn Hutchinson
Preston Moore, not present
Randy Smith
Donna Zimmerman
Alison Moore
Kirby Krier
Dena Popp
Roger Krier
Kathy Krier
Kyle Schartz
Duane Reif
Deb Reif
Barton County Sheriff's Office

Information Only. No Action Required.

B. PROCLAMATION 2021-06: World Autism Acceptance Month:

-World Autism Acceptance Day is recognized on April 2 by Presidential proclamation in the United States of America. According to the Centers for Disease Control, autism affects an estimated 1 in 54 children in the United States today. In support of those individuals and their families facing life with autism spectrum disorders, the Commission will be asked to adopt Proclamation 2021-06, World Autism Acceptance Month.

Pos Neeland, Pilot Club Autism Committee Chairman, Autism Workshop, read the proclamation.

Neeland said her granddaughter Elaine was born in 2010 and came to live with them while her dad was deployed. She noticed she never pointed at objects or showed curiosity. Not age-appropriate reactions. She screamed through second birthday party. Although they lived in Lawrence where services were more readily available, her daughter's family moved to Great Bend to be near family. More options for care were needed in western Kansas. Sunflower Diversified has the Applied Behavioral Analysis classroom, which is the gold standard of care. Neeland said they also have a new therapy dog. More and more towns, including Great Bend have autism specialists on staff in schools and mental health facilities. The Pilot Club has workshops and takes brain health seriously. Neeland said her granddaughter now attends Eisenhower first grade and said she is different, not less.

Commissioner Krier asked where you can take a child to be diagnosed. Neeland said they took their child to KU Med Center. Can have up to a year wait, but Sunflower Diversified can expedite the process. Wesley pediatrics can make referrals and get them in sometimes within 1-3 months. Krier asked at what age do you normally detect autism. Neeland said prior to age three results in the best outcome. Krier asked why there is such a difference in the degree of autism. Neeland said Autism Spectrum Disorder is now rated from one to three.

Alyson Burkhart said she has been in training for a therapy dog and introduced "Star" the therapy dog.

Commissioner Krier asked where are support groups for families. Burkhart said that her daughter is working on starting a support group. Neeland said childcare was a huge obstacle for their family.

Commissioner Hutchinson moved to adopt Proclamation 2021-06, World Autism Acceptance Month.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

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BOARD APPOINTMENT: Barton County Planning Commission:

-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 every year on March 31st, three planning commissioner terms end. The three members who have termed are Rusty Carson, board member since before zoning was adopted; Toni Rice on since 2012 and Penelope Gullet who has also reapplied for reappointment. Goreham said the planning commission has well over the minimum five members from the unincorporated areas. Goreham said she learned one of the members moved to Russell, so that position remains open and noted a person has indicated they will apply for the last open position.

Current membership:

Appointment	Requirement	Date Appointed	Term Date
Toni Rice	Unincorporated	4/02/2018	3/31/2021
Russell Carson	Unincorporated	4/02/2018	3/31/2021
Penelope Gullett	City	4/23/2018	3/31/2021
Mary Anne Stoskopf	Unincorporated	3/25/2019	3/31/2022
Billie Bonomo	Unincorporated	3/25/2019	3/31/2022
James Welch	Unincorporated	3/25/2019	3/31/2022
JC Bosch	Unincorporated	4/06/2020	3/31/2023
Earl Moses	City	4/06/2020	3/31/2023
Open	County	Open	3/31/2023

Commissioner Esfeld moved to reappoint Russell Carson, Toni Rice and Penelope Gullett to the Barton County Planning Commission for an uncompensated positions terming March 31, 2024. Commissioner Hutchinson seconded the motion. All voted aye. Motion passed.

D. BOARD APPOINTMENT: Memorial Parks Advisory Committee:

-The Memorial Parks Advisory Committee is charged with advising and assisting the Commission regarding the care and maintenance of the Barton County Owned and Operated Memorial Parks and Cemetery. With not less than five, nor more than seven members, there are two positions open.

Darren Williams, County Works Director, said two ladies applied for appointment and are present this morning. Williams said both applicants worked for USD 428 and recommends their appointment.

Current membership:

APPOINTMENT	REQUIREMENT	DATE APPOINTED	TERM DATE
Dan Esfeld	Resident, 4 yr trm	8/20/2018	7/1/2021
Frank S Ochs	Resident, 4 yr trm	8/20/2018	7/1/2021
Mick Lang	Resident, 4 yr trm	7/15/2019	7/1/2023
Stanley Jantz	Resident, 4 yr trm	8/26/2019	7/1/2023
John Haberman	Resident, 4 yr trm	12/14/2020	7/1/2024
	Resident, 4 yr trm		7/1/2024
	Resident, 4 yr trm		7/1/2024

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Commissioner Krier moved to appoint Ginger Herrman and Toni Rice to the Barton County Memorial Parks Advisory Committee. The uncompensated terms end July 1, 2024.
Commissioner Schartz seconded the motion.
All voted aye. Motion passed.

E. COUNTY WORKS: Update of Equipment Radios for Noxious Weed:

-The County Works Department has mounted radios in equipment to facilitate work assignments. Mr. Williams requests authorization to replace a portion of those units with 800 megahertz radios. The suggested project includes refurbished Motorola XTL 2500 radios, antenna and installation. If approved, it is suggested that the billings be paid through the Noxious Weed Fund.

Darren Williams, County Works Director, said the Road and Bridge upgraded to 800 MHz and now the Noxious Weed Department needs to upgrade.

Commissioner Schartz moved to approve the purchase of seven refurbished Motorola XTL 2500 radios, with antenna and programming for the Noxious Weed Department. Cost, estimated at no more than \$3,500.00, to be paid through the Noxious Weed Fund, Vehicular Equipment Line, 005-90-6205.
Commissioner Hutchinson seconded the motion.
All voted aye. Motion passed.

F. COUNTY ENGINEER: Redwing Intersection Improvement Project No. 4-5 KA-5588-01:

-Bids were opened on Tuesday, March 23, 2021, for the Redwing intersection improvement project. Three bids were received, with the low bid submitted by L & M Contractors, Inc., in the amount of \$294,531.90. On February 10, 2020, the Commission encumbered \$275,660.00 for Kansas Department of Transportation (KDOT) Project No. 4-5 KA-5588-01 based on the estimated construction cost at that time. Under the agreement, KDOT will reimburse the County for 75% of the actual construction cost, up to a maximum of \$206,745.00, after the work is done. Should the L & M bid be approved, the County will need to encumber an additional \$18,871.90. These calculations are subject to overrun cost.

Barry McManaman, County Engineer, said they received three bids with L&M Contractors providing the low bid at \$294,531.90. Flavor Construction bid \$341,910.90 and Meis Construction bid \$391,289.90. This is a KDOT cost share program, Project No. 4-5 KA-5588-01. As per the agreement signed with KDOT, they will reimburse the county up to a maximum of \$206,745.00 after the work is done. At the time of the agreement, the commissioners had encumbered \$275,660. Due to the bid being a little higher, the county needs to encumber an additional \$18,871.90.

Commissioner Hutchinson said L&M is a local bidder.

Judy Goreham said Barry McManaman should be recognized for his efforts and noted this project is moving forward because of his efforts.

Commissioner Krier said he agrees, and this has been an issue for years. Krier reported he had taken his semi out there years ago and demonstrated the turn cannot be made from the proper lane.

Commissioner Hutchinson moved to recognize our County Engineer, Barry McManaman.
Commissioner Schartz seconded the motion.
All voted aye. Motion passed.

Commissioner Krier moved to approve the contract with L & M Contractors, Inc. for a total bid cost of \$294,531.90. Authorize the Commission Chairman to sign the Notice of Award and the Agreement with L & M Contractors. Move to encumber an additional \$18,871.90 to the Project through the Special Bridge Fund, Construction Related Items Line, 003-92-6191-02. The anticipated reimbursement of \$206,745.00 will be deposited in the Special Bridge Fund, State Fund Received Line, 003-00-4325.
Commissioner Schartz seconded the motion.

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Commissioner Hutchinson asked what it means it can be reimbursed up to 75%.

McManaman said, if they happen to come in under the estimated cost, they can only be reimbursed up to \$206,745.

All voted aye. Motion passed.

G. CITIZEN COMPLAINT: Rural Property Near Ellinwood City Limits:

-Pat Streck has asked that time be scheduled to discuss a fire damaged house near the Ellinwood city limits.

Pat Streck said premise liability is an area of personal injury law under which property owners or lessees may be responsible for injuries sustained on a property they own or occupy. Liability depends on the applicable principles of negligence or breach of duty owed to the person on the property. The duty owed depends on the status of the person. If an adult trespasses on a property, the landowner only has a duty to refrain from intentionally or willfully harming the person. However, when a child trespasses on the property and suffers injuries, the specific special rule of premise liability applies. The attractive nuisance doctrine determines the liability of the property owner. Children do not have mental awareness to recognize dangerous conditions. Examples are swimming pools, abandoned appliances, constructions sites, abandoned cars and farm equipment.

The nuisance property is located at 211 E Street which is directly across the blacktop from low-income housing and a potential danger to children. Aerial photograph shows low-income housing playground equipment is 100 yards away from the burned-out structure. Streck presented a petition to the commission to request they demolish the structure. Streck said the landowners do not have resources or insurance.

Streck said Chris Komarek and Chance Bailey said it is a problem. Ellinwood has an ordinance that they use that after a certain length of time they can fine the landowners and can eventually arrest them. Streck noted the burnt property has been there for two years.

Judy Goreham, Environmental Manager, said unfortunately this has been on her radar since 2005 due to failed septic systems, junk outside etc. First became aware of the property fire in March 2019. Goreham contacted the owner's ex-husband who was willing to get phone message to the homeowner. Once she made contact, the homeowner said she has no money to do anything about it. Goreham said the homeowner tried to clean up the debris but cannot do anything about the shell of the home. Goreham said in August of 2020, she again called the homeowner who said she had no job and was dealing with health issues. Goreham said adjoining landowners have offered her money and would be willing to clean up the property. The county cannot legally remediate the property as we run the risk of being sued by the landowner. Goreham said the county cannot force clean-up only cities have that authority, counties do not. Last week, another letter was sent to Nancy Tucker (homeowner) inviting her to this meeting. Goreham said the homeowner said she had a chemo treatment last week and cannot leave the house. The homeowner said she called Mr. Knop last August and negotiated the purchase price up from \$2,000 to \$3,000 so he could take the property and clean it up. The property owner said she then called the Treasurer's Office and was told she owed \$4,600 in back taxes and noted she could not sell for \$3,000 as she still would not be out from under it. The homeowner said she called the Treasurer's Office again last week and was told she only owes \$2,100. The homeowner said her daughter, Amanda Tucker, who is a grade schoolteacher in Ellinwood, and her fiancée, Tyler Schmidt, have agreed to pay the back taxes and clean up the property. Goreham said she would recommend putting pressure on Amanda Tucker and her fiancée to get it done.

Patrick Hoffman said he agrees they have a nuisance problem and said he has helped cities with due process to clean up properties. The county does not have the same remedy as cities, but it would be what if we had the power of condemnation.

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Phil Hathcock said he visited with Chris Komarek, Ellinwood City Manager, in the event steps needed to be taken to annex the property into the city. Sounds like Judy Goreham may have a solution in the works. If the property were sold in the tax sale it would be money out the door.

Commissioner Schartz asked if the city annexed the property, could they then turn around and de-annex it. Hoffman said he did not know if that had ever happened, but it might be possible. Hathcock said the annex option should be the last option.

Pat Streck said if she is willing to sell it, Danny Knop has the equipment to tear it down.

Commissioner Krier said the problem is the landowner is in total control and asked if we can expedite the sale of this property at a tax sale. Patrick Hoffman said a property must be three years in arrears. Commissioner Esfeld said residential real estate is a shorter term. Phil Hathcock said the treasurer reported he will not have a tax sale until next October. Commissioner Krier asked if we had a legal right to have a tax sale right now. Commissioner Hutchinson said he and Commissioner Krier want to know if just this property could be sold at a tax sale right now to get it demolished immediately. Hoffman said it was inefficient to do just one property.

Sheriff Bellendir said there is a statute on maintaining a public nuisance. The county could file a criminal case in District Court. A judge could rule they clean it up. Does believe there is something about a dangerous property in that statute. Provides a defense against civil liability. Patrick Hoffman said he would talk to Levi Morris about it. Said the Judge would probably order the landowner to clean it up.

Jim Jordan said there is no tax sale in 2021 due to COVID. \$2,195.00 is owed in back taxes on the property, but the owner owes a total of \$4,000 on two properties. Jordan said the property must be delinquent three years on residential and two years on commercial and noted since they own more than one property it can be classified as commercial. Jordan said we cannot pick and choose properties for a tax sale.

Information Only. No Action Required.

IV. ENDING BUSINESS:

1. Announcements
2. Appointments

V. OTHER BUSINESS:

- Phil Hathcock: Vaccination clinic Wednesday 9am-5pm at the Farm and Ranch Show.
- Comm Krier: Would like to call it the Redwing Aubrey project from this point forward.
- Barry McManaman: We could do that here unofficially but cannot add it to the KDOT project.

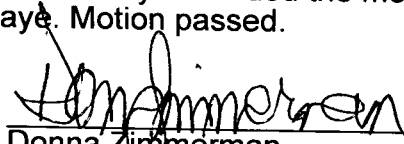
VI. ADJOURN.

Commissioner Krier moved to adjourn at 10:24 A.M.

Commissioner Daily seconded the motion.

All voted aye. Motion passed.

ATTEST:



Donna Zimmerman
Barton County Clerk



James R. Daily, Chairman

PROCLAMATION 2021-06

Joint Proclamation with the City of Great Bend

WORLD AUTISM ACCEPTANCE MONTH, APRIL, 2021

WHEREAS, autism, or autism spectrum disorders (ASD), refers to a broad range of conditions characterized by challenges with social skills, repetitive behaviors, speech and nonverbal communication. According to the Centers for Disease Control, autism affects an estimated 1 in 54 children in the United States today; and

WHEREAS, a child's autism diagnosis affects family members in different ways. Caregivers focus on helping their child with ASD, which may put stress on marriages, other children, work, finances, and personal relationships and responsibilities as time and resources are directed to treatment and interventions for their child, to the exclusion of other priorities; and

WHEREAS, our communities can help these families through the gift of grace and understanding and by learning more about the signs of autism, understanding the challenges faced by those with autism spectrum disorders, and supporting individuals with autism spectrum disorders and their families; and

WHEREAS, it is time for the federal government to help facilitate the discussion surrounding causes and cures for this disorder as well as recognize the need for federal funding for further, more advanced research; and

WHEREAS, World Autism Acceptance Day is recognized on April 2, by Presidential proclamation in the United States of America.

NOW, THEREFORE, BE IT JOINTLY PROCLAIMED by the Board of County Commissioners of Barton County, Kansas, and the Governing Body of the City of Great Bend, Kansas, that April, 2021, is recognized as World Autism Acceptance Month; and

FURTHER, that all citizens are encouraged to recognize the importance of turning scientific discoveries into real solutions for people with complex health issues like autism and autism spectrum disorders.

FURTHER, area schools; medical, social and care providers; the Barton County Health Department and others are recognized for their service to our ASD families.

Dated this 5th day of April, 2021.

CITY OF GREAT BEND

COUNTY COMMISSIONERS

Cody Schmidt
Cody Schmidt, Mayor

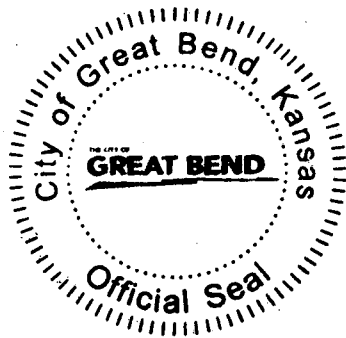
James R. Daily
James R. Daily, Chairman

Barb Efeld
Barb Efeld, Commissioner

Shawn Hutchinson
Shawn Hutchinson, Commissioner

Kirby Krier
Kirby Krier, Commissioner

Jennifer Scharz
Jennifer Scharz, Commissioner



ATTEST:

Shawna Schafer
Shawna Schafer, City Clerk

ATTEST:

Donna Zimmerman
Donna Zimmerman, County Clerk

