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August 23, 2021

The Board of Barton County Commissioners convened this 23rd day of August 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

REVENUE NEUTRAL RATE HEARING

At 9:04 A.M. Commissioner Schartz moved to enter into the Revenue Neutral Rate Hearing. Commissioner Hutchinson seconded the motion.
All voted aye. Motion passed.

REVENUE NEUTRAL RATE HEARING: 2022 Operating Budget:

-The requirement to hold a Revenue Neutral Rate public hearing was passed into law in 2021. The revenue neutral rate is the tax rate that would generate the same total property tax in dollars for the County as the previous tax year using the current tax year's total assessed valuation.

Phil Hathcock, County Administrator, said SB13 was passed into law requiring a hearing if the county anticipates exceeding the Revenue Neutral Rate. The Revenue Neutral Rate is the tax rate that would generate the same property tax in dollars for the county as the previous year using current years' assessed valuation. This year the Revenue Neutral Rate was calculated at 45.312 and the proposed tax rate was calculated at 44.361. However, it was advised entities should hold the hearing in the event that valuations decline and would need to exceed the calculated rate of 45.312. Hathcock explained it was more of a procedural matter.

Commissioner Esfeld said there could be payments under protests and oil & gas exemptions and this action would protect the county. Esfeld said if we didn't have the hearing, the treasurer could have to do a lot of work, so it was better to hold the hearing.

Commissioner Hutchinson said he appreciates Commissioner Esfeld attending the meetings to let them know what they needed to do to prepare. We may exceed Revenue Neutral Rate at no fault of our own. Hutchinson asked what meeting Esfeld attended. Esfeld said they went over it a lot in the Commissioners Association meeting.

Information Only. No Action Required.

At 9:08 A.M. Commissioner Hutchinson moved to close the Revenue Neutral Rate Hearing. Commissioner Esfeld seconded the motion.
All voted aye. Motion passed.

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BUDGET HEARING

At 9:09 A.M. Commissioner Hutchinson moved to enter into the Budget Hearing. Commissioner Krier seconded the motion.
All voted aye. Motion passed.

BUDGET HEARING: 2022 Operating Budget:

-Elected officials, Department Heads and supported agencies were asked to submit budget requests for the 2022 Operating Year. The Commission and administration reviewed the requests and drafted the proposed operating budget. The proposed 2022 Operating Budget is now presented to receive public comment.

Phil Hathcock, County Administrator, said the proposed 2022 operating budget represents an organizational blueprint to maintain delivery of quality public services at an affordable cost to the taxpayer while lowering the amount of levied dollars and mill levy. Fortunately, the 2022 budget includes a valuation increase of \$6,622,410, which equates to an increase of budget authority of \$293,777. The 2022 budget includes increasing uncontrollable costs such as a \$49,000 increase in health insurance costs and a \$50,000 increase in general liability insurance costs. Other costs that were included in the budget were a \$73,000 increase in 911/Communications costs, a tiered raise for county employees, an increase for the gubernatorial election, \$213,500 increase in EMS subsidy and \$250,000 for economic development. Hathcock said there were other requests to increase expenditures that were not funded. Supported agencies as well as all county departments were held at the 2021 level except the increases already mentioned.

Hathcock said Public Works and Public Safety compile 57% of he planned expenditures for 2022. These include Road & Bridge, law enforcement and 911.

Hathcock said the Notice of Budget Hearing details the actual expenses for 2020, adopted expenses for 2021 and the proposed budget for 2022. The most significant number is the estimated mill levy of 44.361 which is lower than the 2020 mill levy that funded the 2021 budget. The total mill levy generates \$12,002,246 in property tax and is equivalent to \$270,562 per mill.

The 2022 budget is funded by a lower mill levy, which is possible due to increased cash carry forward, increased valuation and other budget reductions. Hathcock said depending on where a person lives, only 25% of your tax dollars support county government. Hathcock noted the county has adequate cash reserves in the Capital Improvement and Equipment Replacement funds and remains fiscally sound in a position to sustain a constant mill levy while providing quality services.

Hathcock recognized Matt Patzner, Finance Officer, for his help in putting together the budget document.

Information Only. No Action Required.

At 9:17 A.M. Commissioner Esfeld moved to close the Budget Hearing.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

I. OPENING BUSINESS:

Commissioner Daily called the meeting to order at 9:17 A.M.

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Commissioner Hutchinson moved to approve the agenda.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

Minutes of the August 16, 2021, Regular Meeting were not available.

II. OLD BUSINESS:

There was no old business.

III. NEW BUSINESS:

A. RESOLUTION 2021-20: A Resolution of the Board of County Commissioners of Barton County, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate:

-The proposed 2022 Barton County Operating Budget is funded at a mill levy of 44.361. The Revenue Neutral Rate for Barton County is calculated at 45.312 mills. It is recommended that the Commission consider the adoption of the proposed Resolution in the event that Barton County's valuation falls below calculated estimates.

Phil Hathcock, County Administrator, presented the resolution and asked for approval.

Commissioner Esfeld moved to adopt Resolution 2021-20, A Resolution of the Board of County Commissioners of Barton County, Kansas to Levy a Property Tax Rate Exceeding the Revenue Neutral Rate.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

B. ADOPTION OF THE 2022 BARTON COUNTY OPERATING BUDGET:

-At the Budget Hearing for the proposed 2022 Operating Budget for Barton County, conducted prior to this Regular Agenda Meeting, public comments were received. The Commission is now asked to consider adoption of the budget.

Phil Hathcock, County Administrator, requested approval of the 2022 budget.

Commissioner Krier moved to adopt the 2022 Barton County Operating Budget.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

C. SOUTHWEST DEVELOPMENTAL SERVICES, INC: Agreement for Services:

-Southwest Developmental Services, Inc. (SDSI) is the Community Developmental Disability Organization (CDDO) for the County. Under the 2022 service agreement, SDSI will provide all services required by Kansas statutes for a CDDO for a total of \$70,000.00.

Phil Hathcock, County Administrator, said \$70,000 was budgeted in the 2022 budget that was just approved.

Commissioner Esfeld said she serves on their board and noted they do not determine where people go for services, but they do determine the level of services.

Commissioner Esfeld moved to approve the SDSI Agreement for Services for 2022 at \$70,000.00. Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

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D. GRANT AWARD: Kansas Department of Health and Environment, Kansas Competitive Solid Waste Grant Program for Local Government:

-Barton County was awarded \$16,759.11 from the Kansas Department of Health and Environment, Kansas Competitive Solid Waste Grant Program for Local Government. This project creates a cost-free college campus recycling program at Barton Community College (BCC). BCC will collaborate with Sunflower Diversified Services for household recycling and Rosewood Services for electronic recycling. This program is relevant to Barton County's solid waste management plan as recycling is the primary source of diverting waste from the Landfill. A \$5,586.37 match is a requirement of the grant.

Phil Hathcock, County Administrator, said Sue Cooper originally applied for this grant and noted it is a collaborative event with Barton County Community College, Sunflower Diversified and Rosewood Services to provide recycling services for the college. Hathcock explained that under this grant, the county would purchase two trailers and several electronic recycling bins to be placed at the college. The college, Sunflower and Rosewood would be responsible for removing the recycled materials. Hathcock said this supports recycling and will save space at the landfill.

Commissioner Schartz moved to accept the Kansas Department of Health and Environment, Kansas Competitive Solid Waste Grant Program for Local Government and authorize the Commission Chairman to sign the required KDHE grant agreement. Move to approve the required grant match in the amount of \$5,586.37 from the Solid Waste Fund, Grant Line, 140-68-5905.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

E. COMMUNICATIONS: Tower Lease Agreement – IWG / American Tower / Insite:

-Barton County leases space on the IWG / American Tower / Insite tower located at 886 NW 180 Road. As all agencies are currently utilizing the 800-megahertz system, it is suggested that the lease be terminated as the UHF repeater at that site is no longer needed.

Dena Popp, 911 Director, said in April 2011, Barton County entered into a lease agreement with IWG and explained the purpose of the tower was to provide service to the northwest part of the county. Popp said the tower is located one mile east and one mile south of Galatia. In mid-2018, the Sheriff's Office transitioned to 800 megahertz, Hoisington EMS transitioned in early 2019 and over the last few months, Galatia Fire Department also transitioned so that repeater is no longer utilized. Popp asked for approval to terminate the lease agreement. They must provide 30 days' notice and have all Barton County owned equipment removed. Popp suggested a termination date of October 1, 2021.

Commissioner Daily asked if there is a need to keep the UHF system going for a while. Popp said no, there is no equipment utilizing that frequency.

Commissioner Krier moved to terminate the Tower Lease Agreement with IWG / American Tower / Insite. Direct Ms. Popp to provide notice to IWG / American Tower / Insite, effective date October 1, 2021. Commissioner Esfeld seconded the motion. All voted aye. Motion passed.

F. RESOLUTION 2021-21: Establishing Speed Limits on a Portion of NE 20 Road, Great Bend Township, Barton County, Kansas:

-The County Engineer was contacted by the Great Bend Township Board to do a speed study on NE 20 Road between North Washington Avenue and US-281, and on NE 20 Road east of US-281. After a review of the speed study results, the Township Board requested a speed zone of 35 miles per hour be established from North Washington Avenue to a point 0.25 miles east of US-281 in the residential area.

Barry McManaman, County Engineer, said Great Bend Township requested a speed study for one of their residential roads. McManaman reported the township met on August 10th and a couple of residents

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spoke about the speed limit. The results of the speed study supported a lower speed limit, so the township board asked that a speed limit of 35 mph be established.

Commissioner Hutchinson said we really can't be adjusting speed limits on every county road. Hutchinson said he then drove the road in question and was surprised to see a house every 100 yards up and down the road.

McManaman said a few people were recorded driving really fast. The statutory speed limit is 55 mph since it is not posted. The speed being reduced to 35 mph might help to slow people down. McManaman said 65mph and 69mph speeds were clocked within a half mile distance.

Commissioner Hutchinson moved to adopt Resolution 2021-21, Establishing Speed Limits on a portion of NE 20 Road, Great Bend Township, Barton County, Kansas. Commissioner Krier seconded the motion. All voted aye. Motion passed.

G. EXECUTIVE SESSION: Personnel matters of non-elected personnel:

-The Commission will enter into Executive Session to discuss personnel matters of non-elected personnel. The subject matter to be discussed shall be to evaluate the performance of one or more County employees. The Commission meeting will resume in twenty minutes.

At 9:34 A.M. Commissioner Krier moved that the Commissioners enter into an Executive session until 9:55, with the Governing Board and the following individuals in attendance: County Counselor. The justification of the Executive Session is to discuss personnel matters for non-elected personnel and the subject matter to be discussed shall be to evaluate the performance of one or more County employees. The Commissioners, County Counselor, the County Administrator. Is that it? Donna?

Patrick Hoffman, County Counselor, asked if the commission wanted to invite everybody into the first

session or conduct the second session with Phil (Hathcock).

Commissioner Daily said yeah, but I think Phil needs to be in this.

Commissioner Krier said okay.

Hoffman said it is your motion.

Commissioner Daily said if that's alright with your motion.

Commissioner Krier said that's fine.

Commissioner Daily seconded the motion.

All voted aye. Motion passed.

H. ACTION FROM EXECUTIVE SESSION: Personnel matters of non-elected personnel: -The Commission will make any necessary announcements as a result of the Executive Session. If necessary, further discussion or a decision may be made at this time.

At 9:55 A.M. Commissioner Krier moved to go back into regular session and no action taken. Commissioner Hutchinson seconded the motion. All voted aye. Motion passed.

I. EXECUTIVE SESSION: Personnel matters of non-elected personnel:

-The Commission will enter into Executive Session to discuss personnel matters of non-elected personnel. The subject matter to be discussed shall be to evaluate the performance of one or more County employees. The Commission meeting will resume in twenty minutes.

At 9:56 A.M. Commissioner Krier moved that the Commissioners enter into an Executive session until 10:30, with the Governing Board and the following individuals in attendance: County Administrator, County Counselor and the five commissioners. The justification for the Executive Session is to discuss

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personnel matters of non-elected personnel and the subject matter to be discussed shall be to evaluate the performance of one or more County employees.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed

J. ACTION FROM EXECUTIVE SESSION: Personnel matters of non-elected personnel:

-The Commission will make any necessary announcements as a result of the Executive Session. If necessary, further discussion or a decision may be made at this time.

At 10:32 A.M. Commissioner Krier moved to come out of executive session and no action taken.

Commissioner Esfeld seconded the motion.

Commissioner Daily, Commissioner Esfeld and Commissioner Krier voted aye.

(Commissioner Schartz and Commissioner Hutchinson were not present)

Motion passed 3-0.

Commissioner Daily moved to enter into recess until 12:00 P.M. and then reconvene at 12:00 P.M.

Commissioner Esfeld seconded the motion.

Commissioner Daily, Commissioner Esfeld and Commissioner Krier voted aye.

(Commissioner Schartz and Commissioner Hutchinson were not present)

Motion passed 3-0.

At 12:00 P.M. Commissioner Hutchinson moved to go back into regular session.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

J. ACTION FROM EXECUTIVE SESSION: (continued)

Commissioner Hutchinson moved Item J is not necessary.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

At 12:03 P.M. Commissioner Krier moved to close the meeting that we have now presently.

Commissioner Hutchinson said no.

Phil Hathcock said he believed they would want to recess again and then move into the Revenue Neutral Rate Hearing for the Fire District, then the Budget Hearing for the Fire District and then reopen the Regular Meeting.

Commissioner Krier moved to end our recess and go into recess with the volunteer fire department.

Patrick Hoffman said step 1 is to recess the meeting.

Commissioner Krier moved to recess the agenda meeting.

Commissioner Hutchinson seconded the motion.

All voted ave. Motion passed.

At 12:13 P.M. Commissioner Esfeld moved to go back into regular session.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

ADDED ITEM: Employee contract:

Commissioner Krier moved to add to the agenda an item for the approval of a contract of an employee.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

Patrick Hoffman said you have a modified contract for Phil Hathcock where he will function as the Landfill Director and as the Director of Facilities.

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Commissioner Krier moved to approve the employee contract with Phil Hathcock.

Commissioner Hutchinson seconded the motion.

Cole Reif, Eagle Radio, asked if there is a reason why. Is someone taking over the County Administrator's position?

Commissioner Daily said that is yet to be determined.

Sheriff Bellendir asked if it was the intention of the commission to fill the Administrators position.

Commissioner Daily said he believed that would be a yes.

Cole Reif asked for a reason why.

Commissioner Daily said the Landfill takes up a lot of his time. Although he has not had the title of Director of Facilities, he will be taking over that function. Daily said it would better serve the county if Hathcock puts all his effort to those two areas.

Cole Reif asked if that is effective immediately.

Commissioner Daily said the contract says effective as of today.

Sheriff Bellendir said it was his understanding that they were going to look for another County

Administrator and spend in excess of \$100,000 of taxpayer money.

Commissioner Krier said we did not say that. You are making an assumption.

Sheriff Bellendir said he assumed you are going to pay the next County Administrator. Seems like a lot of money for something that has been working very well the past several years. Sheriff Bellendir said he wondered if this was a wise decision.

Dale Hogg asked if this is a demotion.

Commissioner Daily said this is not necessarily a demotion, but a change in desire. Phil is a very, very dedicated man. Has put in a lot of years for the county. County Administrator for the last five years. Commissioner Daily said Hathcock has done an outstanding job, but they decided it would be best to put his dedication, continuing at the Landfill and Facilities.

Dale Hogg asked if he initiated this.

Commissioner Daily said this is an amicable agreement between the commission and Phil.

Cole Reif asked if there was a timeline for a new Administrator and who takes over the duties in the interim.

Commissioner Daily said the administrative duties will be taken over by the Assistant County Administrator Donna Zimmerman.

Donna Zimmerman said you cannot have an assistant if there was no administrator.

Commissioner Esfeld then announced the administrative duties would be taken over by the County Commission at this time.

Sheriff Bellendir said this is where problems will arise. One county commissioner cannot make a decision with our current resolutions and statutes without having a quorum present.

Commissioner Krier said we are the acting Administrator and Zimmerman is the Assistant

Administrator. She will handle those duties.

Dale Hogg asked can she though without an Administrator in charge.

Commissioner Krier said that Hathcock was gone for a few weeks and Zimmerman acted in his absence.

Commissioner Daily said they will defer to the County Counselor to make sure they are not in violation of any statutes.

Donna Zimmerman said she needed to step back.

Commissioner Esfeld asked Zimmerman is she was resigning as Assistant County Administrator.

Donna Zimmerman said yes.

Sheriff Bellendir said you can not proceed without an administrator under your resolutions.

Patrick Hoffman said the commission can make a motion for an interim administrator. You are making an assumption that they are not going to appoint an interim.

Commissioner Daily said there was a motion on the floor and asked for a vote.

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Commissioner Krier, Commissioner Hutchinson and Commissioner Esfeld voted aye. Commissioner Daily and Commissioner Schartz voted nay. Motion passed 3-2.

Commissioner Daily asked for a motion to appoint an interim County Administrator.

Hoffman said that his suggestion would be to add an agenda item.

Commissioner Daily asked for a motion to add an agenda item.

Commissioner Krier said not at this time.

Commissioner Esfeld said not until after further research.

No motion made.

Commissioner Daily asked how we are going to direct Department Heads and Elected Officials in the day-to-day function of their jobs if they have questions or an incident occurs. Daily said in his opinion it would require a special meeting of at least three commissioners to make a decision in those situations.

Commissioner Hutchinson said he felt there is someone they could appoint as an interim County Administrator.

Commissioner Esfeld said she felt they needed to do more research before making that decision.

Commissioner Daily said he agreed.

Commissioner Esfeld asked how it was done before when there was no County Administrator.

Commissioner Schartz said very poorly.

Commissioner Esfeld said when she was the Appraiser, she was assigned a commissioner to answer her questions, but how was it done if there were no special meetings.

Commissioner Daily said he has always operated under a County Administrator. It will take a little more study and research. Should probably be discussed under another executive session.

Sheriff Bellendir asked what about the day-to-day operations. Sheriff Bellendir said he is not worried about elected officials, it is the Department Heads he is worried about. Sheriff Bellendir said he thought Donna Zimmerman had been appointed Assistant County Administrator and acted as Interim County Administrator until one could be hired, but since Zimmerman has resigned as Assistant County Administrator, there is no one.

Commissioner Esfeld said she doesn't believe she was interim at the time before Hathcock. Sheriff Bellendir said you are in violation of statutes and of your own resolutions. Commissioner Esfeld asked what violations.

Sheriff Bellendir said if there is a personnel issue and they come to you, you cannot make a decision. Hoffman said he believed that Department Heads could function for a week without an administrator. Commissioner Esfeld said it is not our intent to do anything wrong.

Commissioner Daily said this is our priority.

Commissioner Esfeld said this has not been easy for any of us. This has been the worst day she has had in many years and is hoping to make the best decisions for all of us.

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IV. ENDING BUSINESS:

1. Announcements

2. Appointments

V. OTHER BUSINESS:

There was no other business.

VI. ADJOURN:

Commissioner Hutchinson made a motion to adjourn at 12:31 P.M.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

ATTEST:

Donna Žimrherman Barton County Clerk James R. Daily, Chairman

RESOLUTION 2021-20

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BARTON COUNTY, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE

- WHEREAS, the Revenue Neutral Rate for the Board of County Commissioners of Barton County, Kansas, was calculated as 45.312 mills by the Barton County Clerk; and
- WHEREAS, the budget proposed by the Governing Body of Barton County, Kansas, may require the levy of a property tax rate exceeding the Revenue Neutral Rate; and
- WHEREAS, the Governing Body held a hearing on August 23, 2021, allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony; and
- WHEREAS, the Governing Body of Barton County, Kansas, having heard testimony, still finds it may be necessary to exceed the Revenue Neutral Rate.
- **NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of Barton County, Kansas: that the Board of County Commissioners of Barton County, Kansas may levy a property tax rate exceeding the Revenue Neutral Rate of 45.312 mills.
- **FURTHER**, this Resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

ADOPTED this 23rd day of August, 2021 and SIGNED by the Governing Body.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

Donna Zinamerman,
County Clerk

Barb Esfeld, Commissioner

APPROVED AS TO FORM:

Patrick Hoffman,
County County Counselor

hartz, Commissioner

RESOLUTION 2021-21

ESTABLISHING SPEED LIMITS ON A PORTION OF NE 20 ROAD, GREAT BEND TOWNSHIP, BARTON COUNTY, KANSAS

WHEREAS, the Board of County Commissioners of Barton County, Kansas, is empowered to set speed limits on County highways that allow for both the safe operation of all vehicles and convenience for citizens.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, as a legally elected, qualifying, and acting body that has jurisdiction of the following described roads, it is deemed in the public interest that the speed limit on the said roadways be set as herein set forth.

FIRST, that the speed limit of the following described road be, and the appropriate signs erected in accordance with the Manual on Uniform Traffic Control Devices (MUTCD), as follows: 35 miles per hour on NE 20 Road from the intersection with North Washington Avenue east to a point 0.25 miles east of US-281 Highway, excepting the US-281 highway right of way, for a total distance of approximately 0.75 miles, and

FURTHER, the described speed limit shall become effective after the publication of this Resolution in the official County newspaper and upon the installation of appropriate signage; and

FURTHER that should this Resolution conflict with any other resolution of the Board of County Commissioners of Barton County, Kansas, that only the conflicting part of the previous resolution, and not the previous resolution in total, shall be declared void and ineffective.

ADOPTED this 23rd day of August, 2021.

BOARD OF COUNTY COMMISSIONERS

James R. Daily, Chairman

Barb Esfeld, Commissioner

Shawn Hutchinson, Commissioner

Kirby Krier, Commissioner

ATTEST:

Donna Zimmerman

County Clerk

APPROVED AS TO FORM:

Patrick Hoffman,

County Counselor