

# 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/3IOxkM2>

December 7, 2021

The Board of Barton County Commissioners convened this 7th day of December 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  
Barry McManaman, Interim County Administrator  
Patrick Hoffman, County Counselor

## **I. OPENING BUSINESS:**

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

Commissioner Daily moved to approve the agenda and said Item E and Item F need to be removed from the agenda. Phil (Hathcock) is at the landfill. He has an inspection with KDHE, so his items need to be tabled.

Commissioner Schartz seconded the motion.

Commissioner Hutchinson said concerning Item E. Health Department Kohler generator, he spoke with Paul Pack and was comfortable proceeding and did not see a reason to hold it up.

Commissioner Schartz removed her second to the motion.

Commissioner Daily amended his motion to remove only Item F. from the agenda.

Commissioner Hutchinson seconded the amended motion.

All voted aye. Motion passed.

Commissioner Hutchinson moved to approve the agenda.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

Commissioner Schartz moved to approve the minutes of the November 9, 2021, and the November 16, 2021, Regular Meetings.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

Minutes of November 30, 2021, Regular Meeting were not available.

## **II. APPROVAL OF APPROPRIATIONS:**

-An Accounts Payable Register will be submitted to the Commission for the period of November 23, 2021, and ending December 7, 2021.

Commissioner Esfeld moved to approve appropriations for the period of November 23, 2021, to December 7, 2021. 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:**

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## **REQUEST FOR PROPOSAL: Risk Management and Insurance Request for Proposal:**

Barton County received Risk Management and Insurance proposals for 2022 until 2:00 p.m., November 12, 2021. KCAMP, KWORCC and EMC Insurance Company presented proposals. Amy Miller, Emergency Risk Manager, reviewed the proposals with the Commissioners. As Ms. Miller is unable to attend the meeting.

Matt Patzner, Finance Officer, said KCamp and EMC insurance were present at study session when discussed with the Commission.

Harvey Felzke, KCAMP, said he believes they are comparing apples and oranges in terms of coverage. Got a copy of the EMC proposal and said they are offering million-dollar occurrence limits for public officials' liability, general liability and law enforcement liability and a half million-dollar occurrence coverage for auto liability. Felzke said KCAMP is offering three-million-dollar limits for those options. Has seen recently the significant social inflation in judgements and plaintiffs' attorneys are moving things out of state courts and into federal courts. Felzke said EMC policy limits you with annual aggregates for law enforcement and public officials. If they pay a million dollar claim you are done. I am sure they would be willing to reinstate the aggregate, but it would cost you. The EMC proposal has a \$10,000 deductible for law enforcement and a \$3,000 deductible for public officials. Looked at 6-year loss and suggested the county will pay out an additional \$15,000 - \$20,000 per year on the retentions that the county would not pay with KCAMP. Also need to factor in the cost of the risk. KCAMP is a pool. You are not buying insurance you are joining a cooperative pool. Includes seventy-three other counties in the state including your surrounding counties. Pool governed by a board of Commissioners. Made up of members of these counties. Ellis County and Hodgeman County both have members on the board. Finally, the risk management tools are specifically tailored to governmental entities. There is a risk management tool for law enforcement that helps them manage claims. Felzke said the county would pay a little more for the KCAMP policy but would get the protection they need.

Cassidy Smith, Alliance Insurance / EMC, said they are local and said their work comp calculated at the .591 MOD was \$104,000. Refiguring work comp at the .76 MOD (which is what it was last year, and the MOD used by KWORCC), EMC would be at \$80,563. KWORCC will go up too because they must use the most updated MOD. EMC has presented umbrellas in the past, but the county has not been interested. We could add a two-million-dollar umbrella which would increase your limits to three-million dollars coverage. The cost of the increase would be about \$48,000 which would still be about \$36,000 under. We have all the training you can go to. EMC deals with municipalities and has more municipalities insured than KCAMP. EMC is actual insurance. You pay the premium and the deductibles. If KCAMP has a bad year you pay for it.

Commissioner Daily said a million dollars and done. Is that correct? Smith said that is correct, if those limits are a concern, they could throw an umbrella on it. If it goes beyond Kansas Tort it can get expensive, so we could increase the umbrella and would still be about \$26,000 - \$30,000 less expensive than KCAMP.

Commissioner Schartz said EMC quoted what we asked for and KCAMP offered additional.

Felzke said limits were not asked for in the proposal. It said to give the best proposal and they had to anticipate what would be the best for the county.

Commissioner Krier asked if we had ever met the limit in the past 10 years. Smith said nowhere close. Actual loss runs on the vehicles have been 5-10 vehicles per year. The difference is not going to add up to that much per year. One year might have a claim that costs, but you must look beyond one year. EMC has provided the coverage the past twenty plus years.

Commissioner Krier said it is \$58,074 difference. Smith said that is a skewed number.

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London Mann, KWORCC, said they prepared the bid based on the RFP and can update the numbers.

Cassidy Smith said take \$299,000 minus the \$24,000.

Hutchinson said take \$24,000 off that number, which is \$324,000 vs \$357,000.

Commissioner Schartz asked when the premiums need to be paid. Smith said it will not be due until January 12<sup>th</sup> and the decision must be made by 12/31/21.

Commissioner Schartz moved to table this until we can discuss it a little further and I am assuming we will be able to do that and get it back on the agenda next week.

Commissioner Krier seconded the motion.

Patrick Hoffman suggested the Sheriff be invited to that meeting.

Felzke began to recap the claims from last year.

Commissioner Schartz said those are the kind of things we should be able to look at later.

All voted aye. Motion passed.

## **B. KANSAS ASSOCIATION OF COUNTIES: Special Election Voting Delegates:**

-The Kansas Association of Counties (KAC) will hold a Special Election on Wednesday, January 5, 2022, to consider allowing the Kansas County Human Resource Association (KCHRA) to be admitted to the KAC as an affiliate member and after paying the appropriate affiliate dues, be granted a voting member on the Kansas Association of Counties Governing Board. At this time, the Commission will consider the appointment of a Voting Delegate, along with a First Alternate and a Second Alternate.

Commissioner Esfeld asked the Commission to have our County Clerk send in a delegate form with her delegate and Commissioner Shawn Hutchinson as first alternate and Commissioner Jim Daily as second alternate.

Commissioner Schartz asked if someone from Barton County would be able to participate.

Commissioner Esfeld said she believes it should be Matt Patzner.

Patzner said he would and noted the county does not currently belong but would be interested in any resources.

Commissioner Esfeld said Human Resources is important and would like to see us take a more active role.

Commissioner Krier moved to designate Commissioner Barb Esfeld as the Kansas Association of Counties Voting Delegate with Commissioner Shawn Hutchinson named as the First Alternate and Chairman James R. Daily named as the Second Alternate. Direct the County Clerk to complete the Certification of Special Election Voting Delegate and return to the KAC.

Commissioner Schartz seconded the motion and asked Commissioner Esfeld if it was her intent to vote in favor.

Commissioner Esfeld said yes, she should have mentioned that.

All voted aye. Motion passed.

## **C. JUVENILE SERVICES: CDC Drug-Free Community Grant, bid & subaward agreement.**

-Barton County seeks grant data analysis, evaluation, and reporting services for the Drug-Free Communities Support Program Grant award from the Centers for Disease Control and Prevention.

Marissa Woodmansee, Juvenile Services Director, said the next step was the grant data oversight piece and said they received a bid from Learning Tree Institute at Greenbush. They are already a data collector for their agency.

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Commissioner Krier moved to accept the bid from Learning Tree Institute at Greenbush for data analysis and management for the period of 9/30/2021 – 9/29/2022, for \$12,500 a year, renewable for up to four additional years. Cost to be paid from the CDC Drug Free Community Grant Fund, Other Contractual Services Line, 908-72-5465. Direct the Commission Chair to sign the Subaward Grant Agreement, which will be updated annually upon approval of the budget period by the Centers for Disease Control. This project is funded by the Centers for Disease Control, Department of Health and Human Services, Drug-Free Community Support Program Grants, award number NU17CE010086.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

## **D. CENTRAL KANSAS COMMUNITY CORRECTIONS: Improving Reentry for Adults with Substance Use Disorders Program, bid & subaward grant agreement:**

-Barton County is seeking grant data analysis, evaluation, and reporting services for our Improving Reentry for Adults with Substance Use Disorders Program grant award from the Office of Justice Programs.

Amy Boxberger, CKCC Director, said they accepted bids for grant analysis, evaluation, and reporting services.

Commissioner Hutchinson moved to accept the bid from Learning Tree Institute at Greenbush for data analysis and management for the period of 10/01/2020 – 09/30/2023, for a total of \$38,601, not to exceed \$12,867 annually. Payment to be made from the BGA Grant, Other Contractual Services Line, 907-70-5465. Direct the Commission Chair, James R. Daily, to sign the Subaward Grant Agreement. This project is funded by the Improving Reentry for Adults with Substance Use Disorders Program from the Office of Justice Programs, U.S. Department of Justice, award number 2020-RW-BX-0013.

Commissioner Daily said it is BJA, not BGA.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

## **E. HEALTH DEPARTMENT: Replacement of Kohler Generator:**

-The Barton County Health Department operates a Kohler backup generator to ensure that in the event of a power loss essential equipment and vaccination storage remains operational. This generator is mechanically failing and has become unreliable. Bids were received for a replacement generator.

Commissioner Hutchinson said we need a new generator to keep vaccinations cold at the Health Department. Hutchinson said he called Paul Pack at P & S and said they provide both Kohler and Generac and said he prefers Kohler for this project.

Commissioner Esfeld moved to award the bid of a Generator Replacement at the Health Department to P & S Electric for a total of \$7,874.40. Project cost to be paid from the Health Fund, Building and Fixed Equipment Line, 006-52-6325.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

## **F. SOLID WASTE: Municipal Buy Back of Bobcat skid steer:**

-The Barton County landfill operates a T770 Bobcat skid steer that was purchase with a municipal buy back option. The landfill has not exercised the buy back option for five years. Bobcat of Salina provided an estimate for exercising the buy back option for a 2021 T770 skid steer.

**(MOTION TABLED)**

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## **ROAD AND BRIDGE: Vehicle Repair:**

-Engine coolant was leaking internally which caused damage to the ERG valve, ERG cooler, the particulate filter, and the reductant fluid injector on a 2012 Ford F350 Super Duty pickup operated by the Road and Bridge Department. Marmie Ford has submitted a \$7,735.10 estimate to repair the pickup.

Darren Williams, County Works Director, said there was internal leaking that caused engine damage. Williams requested approval to repair the truck.

Commissioner Schartz moved to approve the repair for the 2012 Ford F350 Super Duty pickup by Marmie Ford. Repair cost, estimated at no more than \$9,000.00, to be paid by the Road and Bridge Fund, Repair Parts Line, 002-92-5310.

Commissioner Hutchinson seconded the motion and added Commissioner Schartz takes the easy motions.

Commissioner Daily asked if Williams anticipated the repair to be as high as \$9,000.

Williams said no, but just to play it on the safe side.

Commissioner Krier asked if OU has found a coach yet.

All voted aye. Motion passed.

## **H. COUNTY ENGINEER: KDOT Agreement No. 260-21 for Inspection Services:**

-With Commission approval, the Barton County Engineer's Office will do inspection work for the improvement projects at the intersection of North Washington Avenue and North 30 Road and on NW 50 Road east of NW 10 Avenue. The County Engineer submitted an estimate of inspection costs to the Kansas Department of Transportation (KDOT) in the amount of \$62,410.19. Under the agreement, KDOT will reimburse the County for 90% of inspection costs up to a maximum of \$55,861.97. In addition, Barry McManaman, County Engineer, will ask that the Commission approve the payment of up to \$548.22 for concrete testing to be done by Kirkham-Michael. The Kirkham Michael expense is included in the estimate of costs.

Barry McManaman, County Engineer, said this is a two-phase project. Part one are the signals at JUCO Road and Washington and part two was widening of the box bridge at NW 50 Rd just east of NW 10 Ave. Fees for concrete testing will also be included. McManaman said we need to encumber the funds to pay Kirkham-Michael.

Commissioner Daily asked when the project will start. McManaman said L&M will start the project sometime after the first of the year.

Commissioner Hutchinson said KDOT pays 90% of the inspection costs and asked will they not reimburse 90% of the project cost. McManaman said yes at 90%, we have already approved that.

Commissioner Krier moved to approve KDOT Agreement No. 260-21 for Inspection Services. Reimbursements received from KDOT are to be deposited in the General Fund, Engineering Bridge Inspection Fees Line, 001-00-4525. In addition, direct the Finance Officer to encumber \$6,548.22 for concrete testing to be done by Kirkham-Michael. That cost to be paid from the Finance General Account of the General Fund, Miscellaneous Contract Line, 001-26-5755.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

## **I. TERRACON: Proposal for Subsurface Exploration and Laboratory Testing Services:**

-The Commission entered into a purchase agreement on November 9, 2021, for the acquisition of approximately 53 acres of land directly north of the existing Ellinwood sandpit location. One of the stipulations for the finalization of the purchase is that the County has the right to confirm the existence of a suitable supply of sand. A Request for Proposals for the investigation of sand deposits on the parcel

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Proposals posted and proposals were due by 2:00 p.m., November 22, 2021. No proposals were received by the deadline. Terracon submitted an electronic proposal on November 24, 2021.

Barry McManaman, County Engineer, said no proposals were received. McManaman said in discussion with Terracon, they submitted a proposal two days after the deadline. Their proposal was for \$9,840. Their proposal is to bore holes at four separate locations up to approximately fifty-five feet deep. They will collect a sample every five feet of depth. Will also do other analysis such as grain size. McManaman said they should have information ready by the second week of January.

Commissioner Daily asked what if their sample does not have enough aggregate types we are looking for. McManaman said with only four bore holes they are hopeful they will find adequate sand. Will rely heavily on their analysis.

Commissioner Schartz asked if Terracon's bid was reasonable since it was the only one received. McManaman said yes it was. They have been the only company willing to bid at times.

Commissioner Esfeld moved to approve the Proposal for Subsurface Exploration and Laboratory Testing Services with Terracon at \$9,840.00. Price to be paid from the Courthouse General Account of the General Fund, Professional Services Line, 001-18-5475. Commissioner Hutchinson seconded the motion. All voted aye. Motion passed.

## **J. RISK MANAGEMENT: Ratify the Title Transfer of a 2006 Chevrolet Trailblazer to Progressive Insurance Company:**

-Amy Miller signed and transferred title of a 2006 Chevrolet Trailblazer to Progressive Insurance after the vehicle was declared a total loss following an October 19, 2021, accident. Barton County is now able to receive the settlement offer from Progressive Insurance.

Barry McManaman, Interim County Administrator, said the County Appraiser's Office had an accident on Main Street where another driver turned into our vehicle and was at fault. They are offering a settlement. As part of that transaction the title had to be signed. Amy Miller signed the title, and the purpose of this item is to create a record of that transaction. No employee was injured in that accident.

Commissioner Schartz moved to ratify the title transfer of a 2006 Chevrolet Trailblazer to Progressive Insurance Company. Total settlement, \$7,120.73, to be deposited in the General Fund, Insurance Reimbursements Line, 001-00-4547. Commissioner Hutchinson seconded the motion. All voted aye. Motion passed.

## **K. SERVICE AGREEMENT: Independent Contractor Agreement for County Counselor:**

-Duties carried out by the County Counselor are prescribed in K.S.A. 19-247. Specifically excluded are the duties of the County Attorney. Patrick Hoffman, County Counselor, will discuss the continuation of that agreement into 2022.

Patrick Hoffman, County Counselor, said he serves on a year-to-year contract and greatly enjoys working with the Commissioners, department heads and elected officials.

Commissioner Schartz said they have been very happy with Patrick Hoffman and would like to see the contract approved.

Commissioner Esfeld said Hoffman was always helpful with the Board of Tax Appeals and enjoys working with him.

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Hoffman said he cannot promise the perfect answer but will provide maximum effort.

Commissioner Krier said Commissioner Hutchinson would verify Patrick was an integral part of this land proposal.

Commissioner Hutchinson moved to extend the Independent Contractor Agreement for County Counselor services with Patrick Hoffman of Sherman, Hoffman, and Hoffman into 2022 at a rate of \$5,500.00 per month. Cost of services to be paid from the Special Liability Fund, Professional Service Fees Line, 0025-00-5475.

Commissioner Krier seconded the motion.

Commissioner Daily asked for a repeat of the line item.

Commissioner Hutchinson read 025-00-5475 and said he thought about changing the amount.

Commissioner Daily said he would like to see us pay \$6,000.

Commissioner Esfeld said when they traveled to Topeka he paid for his own lunch and would not disagree with Commissioner Daily.

Commissioner Schartz said she is not saying he is not worth more, but she would normally pay what someone asked for.

Hoffman said he looked at what he thought he would be working on next year and is perfectly happy with the amount he requested.

Commissioner Esfeld said if he finds it is not enough, we could look at that then.

Commissioner Hutchinson said we could use Commissioner Krier's salary to pay for the County Counselor.

All voted aye. Motion passed.

## V. ENDING BUSINESS:

Announcements

2. Appointments

## VI. OTHER BUSINESS:

There was no other business.

## VII. ADJOURN.

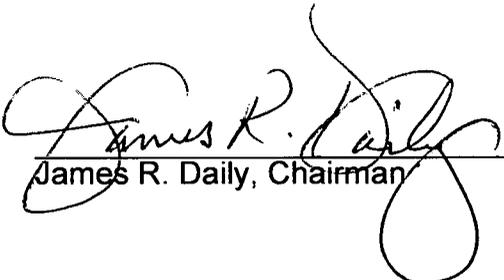
Commissioner Hutchinson moved to adjourn at 10:01 A.M.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

ATTEST:

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

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