

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/3qK32eh>.

February 23, 2022

The Board of Barton County Commissioners convened this 23rd day of February 2022, at the Barton County Courthouse.

Members present:

Kirby Krier, Commissioner, 1st District
Barb Esfeld, Commissioner, 2nd District, *(Chairman Pro-Tem)*
Shawn Hutchinson, Commissioner, 3rd District, Chairman
James R. Daily, Commissioner, 4th District
Jennifer Schartz, Commissioner, 5th District
Bev Schmeidler, County Clerk
Matt Patzner, Director of Operations
Patrick Hoffman, County Counselor

I. OPENING BUSINESS:

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

Commissioner Krier moved to approve the agenda with the addition of Item F, Base Grant Application. Commissioner Esfeld seconded the motion. All voted aye. Motion passed.

Commissioner Schartz moved to approve the minutes of the February 16, 2022 Regular Meeting. Commissioner Daily seconded the motion. All voted aye. Motion passed.

OLD BUSINESS:

There is no Old Business at this time.

III. NEW BUSINESS:

A. RESOLUTION 2022-10: A Resolution Establishing a Temporary Burn Ban:

-Amy Miller, Emergency Risk Manager, will present details. Extremely dry weather conditions and lack of moisture have created a fire hazard situation within Barton County. At this time, the Commission will be asked to consider the declaration of a temporary burn ban until conditions improve.

Amy Miller, Emergency Risk Manager, said the burn ban was lifted 3 weeks ago. The western two thirds of Barton County was now in a severe drought situation. Over the weekend there were a couple of unplanned and uncontrolled burns. Great Bend Fire Chief Luke McCormick and Ellinwood Fire Chief Spencer Proffitt were present to speak about those fires. Miller noted it was a temporary burn ban and would be in place until the commission rescinded it although the fire chiefs could allow burning under certain conditions.

Commissioner Hutchinson asked Miller if she could give a weekly update when a burn ban was in place. Miller said she could do that and she usually emails the fire chiefs asking for any issues they had seen the previous week.

Luke McCormick, Fire Chief, Great Bend Fire Department, said the fire chiefs in the county had met and felt the conditions were such that a burn ban was needed. They will work with farmers for agricultural burning in the upcoming weeks on a case-by-case basis. They recently had a few grass fires that would not have been prevented by a burn ban. They were the results of vehicle accidents and downed power lines. McCormick shared that Reno County allowed some burning while there was snow on the ground. A week later, they had a significant grass fire as well as another fire two weeks later from the allowed burn.

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Wancer Proffitt, Fire Chief, Ellinwood Fire Department, said they recently had a couple of unusual grass fires. One was caused when a trailer lost a tire and started a fire. A firefighter was in the area, helped the driver and covered the fire with dirt. When the wind came up that night, it started a ditch fire that burned a significant area. Proffitt echoed McCormick that they did not wish to hamper agricultural burning if it could be done within reason and responsibly.

Commissioner Krier said he appreciated the consideration for farmers.

Commissioner Daily moved to adopt Resolution 2022-10, A Resolution Establishing a Temporary Burn Ban.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

Commissioner Schartz said that Luke McCormick was instrumental in saving her husband Shannon's life seven years ago when he suffered a cardiac arrest on the tennis court. Today was Shannon's 70th birthday. She appreciated all that he and everyone involved did that day.

B. ENVIRONMENTAL MANAGEMENT: Zoning Amendment Application for a Described Tract of Land:

-Patrick Hoffman, Barton County Counselor, will present details. On February 8, 2022, the Barton County Planning Commission held a public hearing to consider an application submitted by Larry and Sheree Marshall, dba Marshall Towing, to change the zoning classification from Residential District to Industrial District in order that the property may be used to store abandoned vehicles as an overflow from their towing business, subject to a separate Conditional Use Permit application being approved. The Barton County Planning Commission recommends that the Zoning Amendment for the property address, 514 '20 Road, Great Bend, Kansas, be denied.

Patrick Hoffman, Barton County Counselor, explained the motion options and how many votes would be necessary to pass each one. Hoffman said if none of the motions were passed, it would go to Old Business at the next meeting.

Commissioner Krier moved to return the Zoning Amendment application to the Barton County Planning Commission and ask the Planning Commission to reconsider their original recommendation and to find common ground with the Marshalls, as well as the landowners within 1000-feet and the reason was it gets the discussion going because I was compelled by the people that came in here last week and talked to us about their concerns. I listened to both sides and I think there needs to be something done and I think the zoning planning board can make this work for both parties and make it work because I think they all have good concerns.

Commissioner Esfeld seconded the motion. With respect to the landowners out there, I too, like Kirby, listened to both sides with respect to the Marshalls. The number of people that are here today, this is a very sensitive subject and I believe that it deserves as much consideration as it can be given. It is one of those situations, it is the hardest topic that I have had since I have been here, my short little time as commissioner. In all fairness, I really would ask that the zoning commission please take that under consideration and it is not going to be a win-win situation for everybody. It is going to be one of those that hopefully can be a compromise that both sides, the people that live out there and the Marshalls, can live with. With that said, I second that.

Commissioner Schartz asked before we take a vote, would we be able to hear some comments from some people.

Commissioner Hutchinson said we are open for discussion; I was going to allow the commissioners. Commissioner Esfeld said Mr. Chairman, I have a question for Patrick. If that goes back to the zoning commission, do they have to have another public hearing.

Hoffman said it is kind of unusual to go back to it. I am sure we probably, I think they would. I mean they will, what they will do would be probably vote on the rezoning and then vote on the conditional

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use permit, which would be the second thing that, they kind of tie together. So, not to go too far down in the weeds, but I think the appropriate thing would be to come up with this “solution” but then it would have to be voted on by the planning commission. They would have to take a vote to send it back to you guys and you guys would again, whatever they come up with, you guys would still have the final approval, whether or not you supported the “compromise”.

Commissioner Daily said my only comment is there has to be some compromise here, somewhere along the line because everybody involved has valid considerations. And so it would seem to me that putting this back to the planning commission would yield those kinds of compromises to where everybody could live with it. It is not going to be a win-win like Barb says, it is not going to be, somebodies not going to like it, but it can be a situation that can be workable.

Commissioner Scharz said Barb, you have only been here a little more than a year and this is one of the biggest issues. I have been here 18 years and this is one of the biggest issues that we have had because it takes such careful consideration on all parts because I can side with either one of them and it is going to be up to us to find a common ground.

Commissioner Hutchinson said I think any time you have got this many people with completely opposing opinions, we should exhaust all of our resources to try to find a compromise. That way this side of the room does not completely lose or this side of the room does not completely lose. We are all neighbors, if we can figure out how to find some kind of common ground, I think we should exhaust that path before we make winners and losers out of it. With that, I will open the floor for discussion. Is there anyone that would like to speak.

Mary Anne Stoskopf said she is a member of the Barton County Planning Commission. I have been a member of the Barton County Planning Commission since it was established and even served on the task force before the county passed zoning regulations. In the previous times, we have not had very many issues returned to the planning commission. We have had a couple and we have not had to hold public hearings again. When we hold a public hearing, then there is a requirement for a publication of so many days and notification and that kind of thing. I will defer to the county counselor on that, but just as a point of reference, we have not had to go to that expense or that step in previous times.

Hoffman said it was probably one of those things that if Judy were here, she would have been able to handle that better than I was.

Commissioner Hutchinson said it was my understanding that it would not have to go back to a public hearing.

Hoffman said but you guys will be having to vote on it and that vote will be an open meeting.

Stoskopf said yes.

Commissioner Hutchinson said it will be March.

Commissioner Krier said March 8th.

Stoskopf said the second Tuesday.

Hoffman said the clarification is between having an open meeting and public comment where people will have a chance versus an open meeting available for the public to watch deliberations.

Stoskopf said we have always accepted comments from the public.

Commissioner Krier said basically we are giving public notice today, it is the second Tuesday.

Hoffman said I guess we definitely are, just the way we describe it is important but I think the main thing is that people want to know they will have a chance to at least participate in that meeting to some extent.

Commissioner Hutchinson said okay, is there anyone else that would like to make a comment. Well, that was a lot easier than I thought it was going to be.

Commissioner Krier said I would also like to have an opportunity for the commissioners to contact Judy and with written conditions they would like to see in there. That way each individual commissioner can state to Judy what they would like to see in the conditions and that way she can relay it to the board.

Commissioner Hutchinson said I think there is an opportunity for Larry's company and Judy to find some common ground and bring us back their opinion and what they can compromise on and that

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everyone can live with. That is what I am looking for. It has been moved and seconded for option three on the recommended motion, all those in favor, say aye, all opposed.

All voted aye. Motion passed.

C. ENVIRONMENTAL MANAGEMENT: Conditional Land Use Permit Application for a Described Tract of Land:

-Patrick Hoffman will present details. On February 8, 2022, the Barton County Planning Commission held a public hearing to consider a Conditional Land Use Permit Application submitted by Larry and Sheree Marshall, dba Marshall Towing. As with the previous agenda item for the Zoning Amendment request, the Barton County Planning Commission recommends that the Conditional Land Use Permit Application be denied.

Patrick Hoffman, Barton County Counselor, said the Conditional Land Use Permit was applicable only if they had made the zoning change. This would be brought back to the commission if the zoning change would be made in the future.

Commissioner Daily moved to return the Conditional Land Use Permit application to the Barton County Planning Commission and ask the Planning Commission to reconsider their original recommendation and to find common ground with the Marshalls, as well as the landowners within 1000-feet.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

Commissioner Krier said that this commission valued the Barton County Planning Commission and look forward to their input.

ROAD AND BRIDGE: Veterans Memorial Stone Monument:

-Darren Williams, County Works Director, will present details. Road and Bridge accepted bids until February 7, 2022, for the installation of a veteran's memorial stone monument at Golden Belt Memorial Park. Specifications were developed to ensure that the new stone would match the stones currently in place. Chet Cale, Sculptor, submitted the only bid of \$28,837.00. Cale has worked on this project since its inception. It is noted that the cost of the stone is offset by the purchase of engraved lines.

Darren Williams, County Works Director, presented details.

Commissioner Daily asked Williams if Chet Cale did the engravings. Williams said no, he does not.

Commissioner Esfeld moved to accept the \$28,837.00 bid from Chet Cale, Sculptor, for the Veterans Memorial Stone Monument. Cost to be paid from the Barton County Stewardship Fund, Vets Memorial – Golden Belt line, 073-00-5556.

Commissioner Daily seconded the motion.

All voted aye. Motion passed.

E. ROAD AND BRIDGE: Mural Restoration:

-Darren Williams will present details. Road and Bridge accepted bids until February 7, 2022, for the restoration of two stone murals at Hillcrest Cemetery. Work includes cleaning, prep and paint restoration of The Good Shepherd and The Lord's Supper. Bids were to include the anticipated life expectancy of paint.

Darren Williams, County Works Director, said bids were received:

Chet Cale	\$6,769.00	included restoration of the painted areas of the 2 stone murals
Melanie Ryan	\$4,300.00	Last Supper – Restore color to disciples only and restore inscribed lettering on side panels. Good Shepherd – full color restoration, original design of side panels.

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Melanie Ryan \$5,300.00 Last Supper -Restore full color scene and inscribed letter on side panels. Good Shepherd – Full color restoration, side panels add block to engraved design and inscribed lettering.

Williams said the Cemetery Board recommended Melanie Ryan's second bid for \$5,300.00.

Melanie Ryan said she will be using a flexible paint that will allow the granite to breathe. A special paint will be used for the engravings.

Commissioner Hutchinson asked how long the paint would last. Ryan said longer than him, and she will provide maintenance for 5-10 years.

Commissioner Krier moved to approve the \$5,300.00 bid from the most talented Melanie Ryan, Plan B, to perform the Mural Restoration. Cost to be paid from the Cemetery Fund, Cemetery Improvements line, 004-92-6360-98.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

ADDED ITEM

F. BASE GRANT APPLICATION:

-Sue Cooper, Grant & Compliance Manager will present details.

Sue Cooper, Grant & Compliance Manager, said she identified a grant, SPARK, Building a Stronger Economy, Base Grant. The deadline to apply is February 25, 2022. Barton County's application is to support infrastructure investment for the agricultural supply chain demand for Southeast 40 Road to be asphalt. Included is a requirement for a 25% match. She understood that the commission would want to make a 26% match. Cooper said she would need a letter of support from the commission. They did receive bids from Kirkham Michael and the project cost had been updated to approximately \$1.9 million for the 1 ½ mile stretch of road. The 26% match would be \$506,820.60. They have to provide proof of the funds, a letter of support and identify which funds the match would be taken from.

Commissioner Hutchinson said this item was added to the agenda because of the deadline. Thinks they should apply and see if it would be accepted by the state, then it could be discussed.

Cooper said she understood that they had met with Jonathan Clayton and received more information about the size of the project. She took that into consideration. She had been contacted by several entities and individuals that would provide letters of support, the maximum allowed is three letters of support.

Commissioner Krier said you also need a letter of support from the commission. Cooper said she would need a letter of support for the match, and she had one drafted for their consideration. There would need to be a motion to sign the letter.

Commissioner Schartz asked why 26% instead of 25% match.

Commissioner Hutchinson said because of a points structure, 26% is the minimum amount to give the maximum value.

Matt Patzner, Director of Operations, said Capital Improvement Fund could be used. May have to transfer funds to different line items. Improvement not Buildings Line 071-00-6310 could be used if the commission moves to do so.

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Commissioner Krier moved to approve the BASE Grant funding for, I am going to use the terminology, Feedlot Road, Barton County Feeders Feedlot Road, Southeast 40 Road, money to be taken from the Capital Improvement Fund, 071-00-6310, Improvement Fund and also that transfer from, of \$500,000.00 from 071-00-06305 to line item 071-00-6310.

Patzner said Commissioner Krier, you have one extra zero in there, it is just 6305.

Commissioner Krier said okay, 6305, that is the transfer from of \$500,000.00 from 071-00-6305 to line item 071-00-6310.

Commissioner Daily seconded the motion.

Commissioner Daily said I know we are just voting on Sue making the application, but this project has been on the back burner and the front burner and the side burner and everything under the sun over the course of time. And it is one of those kinds of projects that is obvious that it is going to have a positive benefit to not only that business but around that area. The one thing that we have talked about in the past is that we do not want this to give the impression or the perception that we are doing something for a single business. I think we would do this and give this kind of consideration to any business in town, or in the county rather that would have the same kind of considerations or same situation.

Commissioner Hutchinson said the same economic impact.

Commissioner Daily said yes and that is what this is about, is what kind of economic impact it will have overall in the county, so I just wanted to make that clear.

Commissioner Schartz said Jim is correct and this has been long term planning for a long time. I said it numerous times here recently, that it has been on the books for a long time but we never had any money to do anything with it. Now we are in a position that we have some money to make projects that have been on the back burner for a long time, to move forward.

Commissioner Hutchinson said and to get somebody to pay for $\frac{3}{4}$ of it.

Commissioner Krier said I was on the board and I am sure that Jennifer was too, we had a meeting here probably fifteen years ago. Roger Murphy was standing right out here in support of, at that time Barton County Feeders, now ILS owns all these feedlots. It brings memories back, a lot of people came in to support other feedlots.

Commissioner Hutchinson said he wished he could have been there for that.

All voted aye. Motion passed.

Cooper asked if the motion included the ability for the chairman to sign the Letter of Support.

Commissioner Krier moved that the BASE Grant Funding application will be signed by the chairman.

Commissioner Daily seconded the motion.

All voted aye. Motion passed.

IV. ENDING BUSINESS:

1. Announcements
2. Appointments

V. OTHER BUSINESS:

Commissioner Krier – school districts had a tough decision regarding mask mandates. Parents fought for optional mask wearing and Barton County schools all went to optional mask wearing.

VI. ADJOURN.

Commissioner Esfeld moved to adjourn at 9:49 A.M.

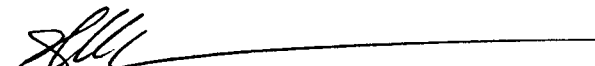
Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

TEST:



Bev Schmeidler
Barton County Clerk



Shawn Hutchinson, Chairman

RESOLUTION 2022-10

A RESOLUTION ESTABLISHING A TEMPORARY BURN BAN IN BARTON COUNTY, KANSAS

WHEREAS, the Barton County Board of County Commissioners is authorized by K.S.A. 19-101(a) to perform all powers of location legislation and administration it deems appropriate, subject to certain limitations; and

WHEREAS, the Barton County Board of County Commissioners recognizes the need to establish a burn ban due to extremely dry weather conditions in Barton County, Kansas; and

WHEREAS, the Barton County Board of County Commissioners recognizes that weather conditions may cause a reverse of the burn ban; and

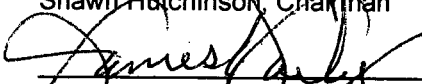
NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that:

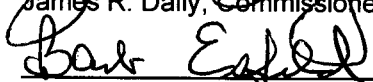
1. There is an imminent threat of fire affecting Barton County, Kansas, at this time.
2. Effective immediately, all outdoor open burning is prohibited in the rural areas of Barton County, Kansas. Agricultural burning for crop and pasture management practices may be exempted from this order only upon issuance of a written permit by the Fire Chief having jurisdiction of the area where the Burning is to take place and in accordance with the provisions of Barton County Resolution 2005-04, Resolution Regarding Opening Burning and Creating a Permitting System for such Burning and Repealing Resolution 2004-05, Same, Adopted January 26, 2004.
3. This Resolution is being adopted pursuant to County home-rule power and K.S.A. 19-101d. Violations of this Resolution by any person shall be punishable as a Class B Misdemeanor with penalties for each separate offense by a term of confinement in the Barton County Detention Facility not to exceed six months and \ or a fine in an amount not to exceed One Thousand Dollars (\$1,000.00). Any person who aids, assists or abets another in violating the provisions of this Resolution will be deemed to have committed a violation of the Resolution.
4. The effective date of this Resolution shall be the 23rd day of February, 2022, at 10:00 a.m. and it will continue in force until such time as suspended by the Board of County Commissioners, Barton County, Kansas.

DECLARED by the Board of Barton County Commissioners, Barton County, Kansas this 23rd day of February, 2022.

**BOARD OF COUNTY COMMISSIONERS
BARTON COUNTY, KANSAS**


Shawn Hutchinson, Chairman



James R. Daily, Commissioner

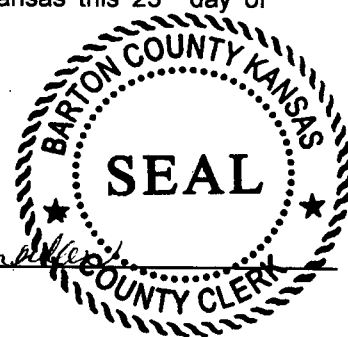

Barb Esfeld, Commissioner


Kirby Krier, Commissioner


Jennifer Scharz, Commissioner

ATTEST:


Bev Schmeidler
County Clerk



APPROVED AS TO FORM:


Patrick Hoffman
County Counselor