

# 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/3Juxp37>

March 22, 2023

The Board of Barton County Commissioners convened this 22nd day of March 2023, at the Barton County Courthouse.

*Members present:*

Duane Reif, Commissioner, 1<sup>st</sup> District  
Barb Esfeld, Commissioner, 2<sup>nd</sup> District, (Chairman Pro-Tem)  
Shawn Hutchinson, Commissioner, 3<sup>rd</sup> District, Chairman  
Tricia Schlessiger, Commissioner, 4<sup>th</sup> District  
Donna Zimmerman, Commissioner, 5<sup>th</sup> District  
Bev Schmeidler, County Clerk  
Matt Patzner, County Administrator  
Patrick Hoffman, County Counselor

## I. OPENING BUSINESS:

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

Commissioner Schlessiger moved to approve the agenda.  
Commissioner Zimmerman seconded the motion.  
All voted aye. Motion passed.

Commissioner Zimmerman moved to approve the minutes of the March 8, 2023, and the March 15, 2023, Regular Meetings.  
Commissioner Reif seconded the motion.  
All voted aye. Motion passed.

## II. OLD BUSINESS:

-There was no Old Business.

## III. NEW BUSINESS:

### A. COUNTY CLERK'S OFFICE: Request for Approval – Added / Abated / Escaped / Refunded Taxes:

-Bev Schmeidler, County Clerk, will present a listing of Added / Abated / Escaped / Refunded Taxes. Orders for these actions are kept on file in the County Clerk's Office. These are used to correct assessments and are requested by the County Appraiser's Office or the County Clerk's Office.

Bev Schmeidler, County Clerk, presented details.

BATCH #4	VALUES	ESCAPED TAXES	ADDED / ABATED	REFUNDS
Gas				
Oil	(58,779)		(\$9,557.20)	\$1,702.83
Personal Property	(156,661)		(\$27,441.04)	\$259.44
Real Estate	(3,478)		(\$478.22)	
16/20 M Trucks	368		\$56.82	\$18.00
State Assessed Utilities				
Special Assessments				
Grand Totals	(218,550)	\$0.00	(\$37,419.64)	\$1,980.27
Total Taxes	(\$37,419.64)			
Full Records Selected	31			

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Commissioner Schlessiger moved to approve the Listing of Added / Abated / Escaped / Refunded Taxes as reviewed by the County Appraiser and presented by the County Clerk's Office. Direct the Chairman to sign on behalf of the Commission.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

## **B. YOUTH CREW: Take Down Tobacco Day:**

-Jasmine Figueroa, a Sophomore at Great Bend High School, will present details. Alvin Bowyer, Ellinwood High School; Paige Trendel, Great Bend Middle School; and Brody Rossman, Hoisington Middle School, represented Youth Crew at Take Down Tobacco Day in Topeka in early March. The students will be introduced and discuss their day. In addition, the youth will detail community goals determined after attending this event.

Jasmine Figueroa, Sophomore at Great Bend High School, said they were able to talk to legislators and share some ideas. Figueroa said she was on the State Council for Resist and had to make a plan and ice breaker. As part of that, the group put approximately 7,000 construction flags in front of the Capital to represent tobacco related deaths in Kansas. They spoke to legislators about focusing on punishing retailers instead of users.

Brody Rossman, Hoisington Middle School, said they talked to representatives and senators about taking on big tobacco to stop influencing young people. These companies get kids hooked on tobacco and know they have customers until they quit or die. Rossman said it was a good experience.

Paige Trendel, Great Bend Middle School, said she was able to speak to Senator Larry Alley about tobacco companies being held accountable for advertising to and targeting younger crowds. It was an amazing experience and she enjoyed making a difference.

Alvin Bowyer, Ellinwood High School, said the vape stores should be held liable for selling to underage kids. The \$9 million gotten from the JUUL company should be put back into the program to help kids stop vaping. As of 2019, 43 states had laws banning sales of tobacco to underage kids.

Commissioner Esfeld asked if there were a lot of kids from other areas in attendance. Figueroa said approximately 100 others.

Commissioner Hutchinson asked those present that were involved with Youth Crew to introduce themselves. Marissa Woodmansee, Juvenile Services, said she was part of the implementation of Youth Crew in Barton County. Woodmansee introduced Ryan Lichter, Juvenile Services, and said he was the male chaperone for the trip to Topeka. Proud parents in attendance were Mary Rossman and Lanie Trendel.

Figueroa said they will be having Kick the Habit, kickball, this Saturday at the Sports Complex. The next Sunday will be the nationwide Take Down Tobacco Day at Great Bend High School.

## **C. CITY OF PAWNEE ROCK: Community Park Restoration:**

-Denise Penn, Manager of Intermediary Relationships, Cuna Mutual and Pawnee Rock resident, will provide details. For some time, City of Pawnee Rock officials and Pawnee Rock residents have been working to secure funding to restore the community park to appeal to local families and restore pride in the community. Included in Phase I of the project is re-doing the roof on the public restrooms and the construction of a 20' X 40' pavilion. As funding is being raised from multiple sources, including a private donation pledge of \$50,000 if Barton County also commits \$50,000, the Commission will be asked to donate \$50,000 to the Pawnee Rock Revitalization Project.

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nise Penn, Manager of Intermediary Relationships, Cuna Mutual and Pawnee Rock resident, said she was here representing the Pawnee Rock Revitalization Group. Penn introduced others in attendance: Chris Mead and Yvonne Link, Pawnee Rock City Clerks Office; Jon Prescott, Laura Straub, Barb Esfeld and Tricia Schlessiger, committee members. They have come together in hopes of making Pawnee Rock a thriving community. A long time ago, this was the area between two forts for people to rest and have protection from the enemy. Penn has found many Civil War artifacts on her land just outside of Pawnee Rock. There have been many visitors to the rock, but in town there was no place to get a drink, no place to rest or relax and no place for children to play. A historic place established in 1822, 45 years before Barton County was established. Pawnee Rock town was established in 1887. Penn said there was a video on their Facebook page, Pawnee Rock Revitalization Project. Penn said there had been a few new families move into Pawnee Rock community in recent years. Penn said the committee had been meeting for about a year and they have a plan. The first step would be to build a gazebo for community members to gather. The second phase will be to acquire playground equipment. They have community support as well as support from American Plains Co-op and other businesses. They have raised approximately \$12,000.00 so far including funds from Golden Belt Community Foundation, KHF Childrens Health Endowment, CPI Great Bend and Barton County Donor Advisor Fund, as well as other donations. Their goal to raise through community fundraising efforts of their own was \$50,000.00 and were asking for a \$50,000.00 match from the Barton County Commissioners. An anonymous donor through Golden Belt Community Foundation had committed to a \$50,000.00 match provided the commissioners gave financial support.

Commissioner Schlessiger said she applauded their efforts. She said the previous commission asked the committee to go back and do some leg work, the committee did that.

Commission Hutchinson said Barton County's motto was Barton County invests in growth. Growth without plan and people to implement that plan was not growth at all. Pawnee Rock has a plan, but more importantly, Pawnee Rock has the people willing to put in the time and hard work to see it through. Today, Barton County not only invests in growth but also invests in people.

Commissioner Esfeld said as we did the Neighborhood Revitalization Program countywide and the Façade Improvement Grants, as these things happen, the community will come back. This was an investment that we do not get the chance to make very often.

Commissioner Esfeld moved to approve financial support to the City of Pawnee Rock in the amount of \$50,000.00 for the Pawnee Rock Revitalization Project. The full amount to be paid from the Capital Improvement Fund, Buildings & Fixed Equipment Line, 071-00-6305, to the City of Pawnee Rock. Commissioner Schlessiger seconded the motion. All voted aye. Motion passed.

Commissioner Reif asked that the committee come back and update the commission.

Commissioner Hutchinson asked Penn about the timeline. Penn said they will meet and order materials for the gazebo. Late spring or summer, the gazebo should be up and then start on the playground equipment.

Yvonne Link suggested a grand opening with the commissioners.

Commissioner Esfeld said next year they can look at the new properties that are taxable and what had been brought into the community.

Christy Tustin, Golden Belt Community Foundation, said the anonymous donors were Brad and Jeanine Jones Donor Advised Fund in memory of Jeanine's parents, Keith and Marian (Schmitt) Mull. The Mull family had been farmers/stockmen in the area since 1923.

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## **D. KANSAS NATURAL RESOURCE COALITION: Vote on Lesser Prairie-chicken Lawsuit:**

-Matt Patzner, County Administrator, will present details. Kansas Natural Resource Coalition (KNRC) member counties, representing the majority of the geographically defined Lesser Prairie-chicken (LPC) range in Kansas, are asked to vote on a lawsuit against U.S. Fish and Wildlife Service (USFWS) in reference to the Lesser Prairie-chicken listing.

Matt Patzner, County Administrator, said on November 25, 2022, the U.S. Fish and Wildlife Service (FWS) published a final rule on the federal register listing the northern distinct population segment of the Lesser Prairie-chicken as a threatened species in Kansas, Colorado, Oklahoma, and the northeastern portion of the Texas panhandle. Endangered in New Mexico and 7 western counties in Texas under the endangered species act. The final rule was originally scheduled to go in effect January 24, 2023 was later delayed by FWS until March 27, 2023. The listing had come under fire from Kansas Congressional Delegations and state legislators including a 60-day notice of intent to sue by Kansas Attorney General Kris Kobach. The Kansas Department of Wildlife and Parks recently also announced their disapproval of the listing due to an uptrend in LPC populations in Kansas. KNRC member counties represent the majority of the geographically defined LPC range in Kansas. KNRC currently has 30 member counties and was experiencing continual growth. The organization recently received an offer from the Pacific Legal Foundation, a public interest law firm, for free legal representation challenging the FWS November 25, 2022 ESA Section 4D rule for the northern dps of the Lesser Prairie-chicken. The 4D rule restricts farmers and ranchers by requiring grazing plans for livestock and prevents conversion of the privately owned land to tillable acreage within LPC range. The goal of the lawsuit was to set aside 4D rule for the northern dps and remand the matter to FWS to take further action in accordance with requirements of the ESA, the Administrative Procedures Act and the Regulatory Flexibility Act. Asked the commission to consider a "Yea" or "Nay" vote on pursuing litigation. A yes vote means to engage KNRC as the plaintiff in a lawsuit. No vote means for KNRC to not engage in a lawsuit.

Commissioner Hutchinson said there were no Lesser Prairie-chickens in Barton County, so why would we want restrictions imposed for something not here. He believed a yes vote was what they wanted to do.

Commissioner Schlessiger said even though they are not present in Barton County, we do not want them on the endangered species list because that will restrict landowner rights.

Commissioner Esfeld received a letter from KNRC outlining what they were doing in Topeka, representing us.

Commissioner Esfeld moved to vote "Yea" on the Kansas Natural Resource Coalition Pacific Legal Foundation Litigation Member Ballot. Direct the Commission Chair to complete the ballot and submit it to the KNRC, the Kansas Natural Resource Coalition.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

## **E. EXECUTIVE SESSION:**

-Chairman Shawn Hutchinson will present. Any Commissioner may make a motion for the board to recess to executive session at this time as allowed by K.S.A. 75-4319. Any motion must contain the justification for the executive session, the subject matter to be discussed, any individuals in addition to the board who will attend the executive session and the time at which the regular session shall resume.

At 9:37, Commissioner Esfeld moved that the Commissioners adjourn into Executive Session, oh, how about until 9:55. With this governing body and the following individuals in attendance. I would like the County Administrator and the County Counselor. The justification for the Executive Session is to discuss matters protected by attorney client privilege and the subject matter to be discussed shall be legal matters related to potential litigation involving the county.

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Commissioner Reif seconded the motion.  
All voted aye. Motion passed.

At 9:56, Commissioner Zimmerman moved to come out of Executive Session with no action taken.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

## IV. ENDING BUSINESS:

1. Announcements
2. Appointments

## V. OTHER BUSINESS:

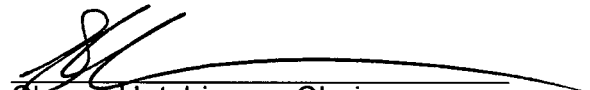
Commissioner Esfeld – they received calls from Michael Patton regarding the intersection of North Washington and Northwest 30 Road. They will revisit the intersection with County Engineer Barry McManaman in the future.

## VI. ADJOURN.

Commissioner Zimmerman moved to adjourn at 9:59 A.M.  
Commissioner Reif seconded the motion.  
All voted aye. Motion passed.

ATTEST:

  
Bev Schmeidler  
Barton County Clerk

  
Shawn Hutchinson, Chairman