

Barton County Commission Agenda Meeting Minutes

Recorded audio is available on compact disk upon 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
Requests to be made pursuant to the Kansas Open Records Act and County Policy. Estimated cost of disk – Five Dollars (\$5.00).

August 14, 2017

The Board of Barton County Commissioners convened this 14th day of August 2017, at the Barton County Courthouse.

Members present:

Kenny Schremmer, Commissioner, 1st District (Chairman Pro-Tem)
Homer Kruckenberg, Commissioner, 2nd District
Don Davis, Commissioner, 3rd District
Alicia Straub, Commissioner, 4th District
Jennifer Schartz, Commissioner, 5th District, Chairman
Donna Zimmerman, County Clerk
Phil Hathcock, Operations Director
Carey Hipp, County Counselor

I. OPENING BUSINESS:

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

Commissioner Straub moved to approve the agenda.
Commissioner Davis seconded the motion.
All voted aye. Motion passed.

Commissioner Straub moved to approve the July 31, 2017, minutes.
Commissioner Davis seconded the motion.
All voted aye. Motion passed.

Minutes of the August 7, 2017, Regular Meeting were not available.

II. OLD BUSINESS:

There was no old business.

III. NEW BUSINESS:

A. PUBLIC INFORMATION: Oxford House, Great Bend:

-Oxford House is a concept in recovery from drug and alcohol addiction. In its simplest form, an Oxford House describes a democratically run, self-supporting and drug free home. Barb Esfeld, County Appraiser, will be joined by Amy Boxberger, CKCC Director, on providing an update on the two Oxford Houses in Great Bend.

Barb Esfeld, County Appraiser, said Jason Cavendar visited with the commission a year ago in January, about opening an Oxford House and noted she was interested in starting an Oxford House, but learned Cavendar was already working on one. Esfeld said the men's house opened in January with the woman's house opening a month later. Esfeld introduced Oxford house members: Clinton, Laura, Dustin and Jamie. Esfeld said Oxford houses started in 1975, there are 6 -15 members in a house and to date, there are over 1,200 houses. Esfeld explained if someone stays in a house for a year to 18 months, they typically have an 87% success rate and mentioned our Oxford houses have not asked the community for any money.

Amy Boxberger, CKCC Director, said almost everyone came to the poverty meeting Sunday and noted this is another layer of support.

Jamie Baldwin, President of Serenity Way Oxford House, said she has struggled with addiction for 15 yrs. Baldwin said this has been the only true success she has found and said that is due to the

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accountability in the house. Oxford houses require them to attend support groups which create a routine for recovery. Baldwin said Serenity Way meetings are at 7:00 P.M. on Sundays.

Clinton Golay, President of Hope Central Oxford House, said, after 21 years of active addiction, he is just shy of 1 year clean. He is now the manager at Burger King and able to be a part of the community. Rent for a multiple man room is \$100 per week and \$110 for a single room. Golay said Hope Central house meetings are at 3:00 P.M. on Sundays.

Commissioner Schartz asked what happens when a person graduates from the program. Baldwin said you can stay as long as you want, there is no time limit.

Commissioner Schartz asked if there were plans to open more houses. Baldwin said yes, there are plans to open another woman's house as it has been consistently full.

Commissioner Davis said he was glad to hear that they pray at meetings and asked if any of the members attend local churches. Golay said he, as well as several others, do attend church services.

Information Only. No Action Required.

B. RESOLUTION 2017-14: A Resolution Concerning the Use of Brakes on Certain Motor Vehicles:

-The Commissioners find that the operation of a compression release engine brake on a gasoline- or diesel-powered motor vehicle creates excessive noise. In addition, given the flat, wide roads in Barton County, there is no safety concern that would require the use of an additional braking system in populated areas. Should the proposed Resolution be adopted, it would be unlawful for motor vehicle operator to use an engine compression brake to aid in the deceleration of any vehicle that results in the emission of excessive and loud noise within one mile of any corporate city limit within Barton County.

Phil Hathcock, Operations Director, said about a month ago, an individual came to the commission with a complaint about the use of jake brakes. This resolution makes it unlawful to use engine brakes on big trucks within 1 mile of the city limits of Great Bend.

Commissioner Davis moved to adopt Resolution 2017-14, A Resolution Concerning the Use of jake brakes on Certain Motor Vehicles.

Commissioner Straub seconded the motion.

All voted aye. Motion passed.

C. RESOLUTION 2017-14: A Resolution Concerning the Use of Brakes on Certain Motor Vehicles – Placement of Signage:

-On July 17, 2017, Gary Burke requested that the Commission place signage concerning the use of engine brakes along the McKinley Street extension to Railroad Avenue, Great Bend, Kansas. The County did not have a mechanism in place at that time allowing for such signage. With the adoption of the previous Resolution, the Commission can now direct the Road and Bridge Department to place the appropriate signage.

Phil Hathcock, Operations Director, said this directs the Road & Bridge Department to put up the signage.

Commissioner Davis moved to direct the Road and Bridge Department to place appropriate signage reference the use of engine brakes along the McKinley Street extension to Railroad Avenue, Great Bend, Kansas.

Commissioner Straub seconded the motion.

All voted aye. Motion passed.

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D. RESOLUTION 2017-15: Barton County Policy Regarding the Maintenance and Repair of City and Township Roads and Rescinding Resolution 2009-17, Same, Adopted April 27, 2009, and Rescinding Resolution 2015-12, Same, Adopted May 26, 2015:

-From time to time, the Commissioners receive requests from the cities, townships and private citizens for assistance with the repair and maintenance of city or township roads. Adopted under Resolution, the policy adopted outlines the circumstances and procedure the Commission will use in providing assistance. In the proposed revision, the "Road and Bridge Director" language is updated to "County Works Director". Generally, the Director can approve work, at a not to exceed price of \$7,500.00. In addition to the municipality reimbursing the County, the Commission will be provided details of the actual service provided.

Phil Hathcock, Operations Director, said this was another housekeeping issue and explained the previous resolution allows the "Road & Bridge Director" to authorize the work. Hathcock said the name needs to be changed to "County Works Director". Hathcock said the resolution allows Darren Williams to authorize work up to \$7,500.00.

Commissioner Straub moved to adopt Resolution 2017-15: The Barton County Policy Regarding the Maintenance and Repair of City and Township Roads and Rescinding Resolution 2009-17, the Same, Adopted April 27, 2009, and Rescinding Resolution 2015-12, Same, Adopted May 26, 2015. Commissioner Schremmer seconded the motion. All voted aye. Motion passed.

E. DISTRICT CORONER: Appointment of Deputy Coroner:

-Under the procedures outlined by Kansas Statutes and by Resolution 2006-11, A Resolution Establishing District Coroner Procedures, Dr. Edward Jones requests the appointment of Dr. Roger Klein as a Deputy Coroner. Deputies serve a term equal to that of the coroner.

Phil Hathcock, Operations Director, said Dr. Jones asked that Dr. Roger Klein be appointed as a Deputy Coroner for Rice County. Resolution 2006-11 allows Dr. Jones to do this, and noted Dr. Klein is working out of the Lyons Medical Center.

Current appointees include:

County	Name	Type	Term
20th JD	Dr. Edward Jones	Coroner	12/31/2018
Barton	Dr. William King	Deputy	12/31/2018
Barton	Dr. Lyle Noordhoek	Deputy	12/31/2018
Barton	Dr. Dan Witt	Deputy	12/31/2018
Ellsworth	Dr. Jerzy Slomka	Deputy	12/31/2018
Ellsworth	Dr. Katie McWilliams	Deputy	12/31/2018
Ellsworth	Dr. Ronald Whitmer	Deputy	12/31/2018
Rice	Dr. Kristina R Darnauer	Deputy	12/31/2018
Rice	Dr. Stacy L Dashiell	Deputy	12/31/2018
Rice	Dr. James Decker	Deputy	12/31/2018
Rice	Dr. Roger Tobias	Deputy	12/31/2018
Stafford	Dr. Fred Farmer	Deputy	12/31/2018
Barton	Rick Robison EMT	Special	12/31/2017
Ellsworth	Shawn McGowan, PA	Special	12/31/2017
Russell	Steve Boltin EMT	Special	12/31/2017
Stafford	Doris Tompkins, RN	Special	12/31/2017

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Commissioner Schremmer moved to appoint Dr. Roger Klein as a Deputy Coroner for the Twentieth Judicial District.

Commissioner Davis seconded the motion.

All voted aye. Motion passed.

IV. ENDING BUSINESS:

1. Announcements
2. Appointments

V. OTHER BUSINESS:

- Amy Boxberger: CKCC is closed to the public today due to a water main break. Tyler Lehmkuhl found the break when he stopped by the office on Sunday.
- Amy Boxberger: CKCC's secretary was diagnosed with leukemia in April. They are looking for a donor for her. Earlier this month, there was a community marrow drive where 22 registered donors were collected. CKCC staff members, Sarah Schenek, Tyler Lehmkuhl and Pattie McGurk collected 69 donors at BCC recently. Anyone age 18 – 44 can donate by contacting "Be The Match.org".
- Amy Boxberger: The poverty group met on Sunday. They had 50 interested parties come to their table. Anyone interested can contact Becky Gillette at Barton County Academy.
- Comm Schartz: Good to be able celebrate the good things happening in our community.

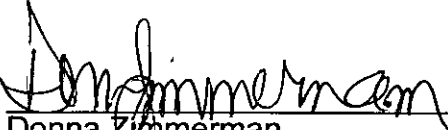
VI. ADJOURN:

Commissioner Davis made a motion to adjourn at 9:32 A.M.

Commissioner Schremmer seconded the motion.

All voted aye. Motion passed.

ATTEST:



Donna Zimmerman
Barton County Clerk



Jennifer Schartz, Chairman

RESOLUTION 2017-14

A RESOLUTION CONCERNING THE USE OF BRAKES ON CERTAIN MOTOR VEHICLES

WHEREAS, the Board of County Commissioners of Barton County, Kansas, finds that the operation of a compression release engine brake on a gasoline- or diesel-powered motor vehicle creates excessive noise through the use of said engine brakes; and

WHEREAS, given the flat, wide roads in Barton County, Kansas, there is no safety concern that would require the use of an additional braking system in populated areas; and

WHEREAS, the use of compression release engine brakes is commonly considered a nuisance in populated areas.

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

Section 1 Definitions

"Engine compression brake" shall mean any device that utilizes air compression and/or rapid release of compressed air in the cylinders of combustion engines to slow or retard vehicle speed. These devices are commonly referred to as "air brakes," "compression brakes," "engine brakes," "engine retarders" or "exhaust brakes;" and

"Noise baffling device" shall mean a properly functioning muffler or engine exhaust silencer that eliminates the offensive and disturbing noise caused by use of engine compression brakes that must comply with all federal, state or local laws and regulations relating to vehicle noise levels.

Section 2 Use of Engine Compression Brake Prohibited

It shall be unlawful for the operator of a motor vehicle to engage, or allow to be engaged, operate, or use, an engine compression brake, or any similar mechanical exhaust device designed to aid in the deceleration of any vehicle which results in the emission of excessive and loud noise from the vehicle, while the vehicle is operated within one mile of any corporate city limit within the bounds of Barton County, Kansas.

Section 3 Exclusions

This Resolution shall not apply to operation of any public safety vehicle or to the operation of a vehicle involved in an emergency not caused by the operator of the vehicle utilizing the engine compression brake, wherein the operator reasonably believes that use of the engine compression brake is necessary to avoid or mitigate a collision or mishap.

Section 4 Penalties

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 Five Hundred Dollars (\$500.00).

Section 5

Signage

The County is authorized, but is not required, to place "No Engine Brake" traffic control signage, or other similar signs, along black top highways within one mile of any corporate city limit warning drivers of the prohibition.

Section 6

Severability

If any sentence, clause, section or part of this Resolution is for any reason be found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Resolution.

Section 7

Effective Date

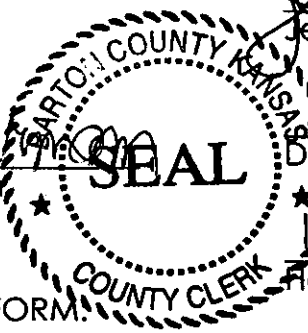
This Resolution shall be in effect from its adoption and publication once in the official County newspaper.

ADOPTED this 14th day of August, 2017.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

Donna Zimmermann
Donna Zimmermann
County Clerk



Jennifer Scharz
Jennifer Scharz, Chair

Don Davis
Don Davis, Commissioner

Flomer Kruckenberg
Flomer Kruckenberg, Commissioner

APPROVED AS TO FORM:
Carey Hipp
Carey Hipp
County Counselor

Kenny Schremmer
Kenny Schremmer, Commissioner

Alicia Straub
Alicia Straub, Commissioner

RESOLUTION 2017-15

BARTON COUNTY POLICY REGARDING THE MAINTENANCE AND REPAIR OF CITY AND TOWNSHIP ROADS AND RESCINDING RESOLUTION 2009-17, SAME, ADOPTED APRIL 27, 2009, AND RESCINDING RESOLUTION 2015-12, SAME, ADOPTED MAY 26, 2015

WHEREAS, the Board of County Commissioners of Barton County, Kansas, is responsible for the maintenance and repair of County roads; and

WHEREAS, the City Councils of the various cities within the County are responsible to maintain and repair city roads within their service areas; and

WHEREAS, the various Township Boards are responsible to maintain and repair the township roads under their jurisdiction; and

WHEREAS, from time to time, the Board of County Commissioners receive requests from the cities, the townships and private citizens for assistance with the repair and maintenance of city or township roads; and

WHEREAS, circumstances exist when Barton County may have the only specialized equipment available to assist other municipalities; and

WHEREAS, circumstances exist when the cost to be incurred by a city or a township is such that private contractors may not be able or willing to perform the work; and

WHEREAS, the Board of County Commissioners considers it appropriate to adopt a policy to clarify under what circumstances the County will assist a city or township with the maintenance and repair of roads.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Barton County, Kansas, believes it appropriate that each governing body in the County having responsibility for the maintenance and repair of roads within its jurisdiction and raise an appropriate amount of taxes to affect said maintenance and repair of such roads. Barton County will not assist a city or township with the routine maintenance and repair of roads within the jurisdiction of another taxing entity.

FURTHER, the Board prefers that the city or township use the services of a private contractor(s) as opposed to the County Road and Bridge Department when performing maintenance or repair projects for which the cities or townships do not have the necessary equipment.

FURTHER, the Board recognizes there are occasions when it may be expedient for the County to assist other governing bodies relating to road maintenance and repair; and

FURTHER, the Board authorizes the County Works Director of Barton County to agree to perform work for other governing bodies located within the County if the County has specialized equipment not generally available to contractors or if the estimate cost to perform the work does not exceed \$7,500.00.

When the County Works Director agrees to perform work as set forth herein, he will require the other governing body to reimburse the County for the actual cost of such work. The County Works Director shall report to the Commissioners in study session the nature of work performed, and the cost, for other governing bodies. Said report shall be within a reasonable time of the work being performed.

All other projects, other than those determined to be emergencies, shall be considered by the Board of County Commissioners.

FURTHER, should the Board of County Commissioners receive a request to exercise its authority pursuant to K.S.A. 68-124 to repair a township road and charge the costs to the township, the Board of County Commissioners shall conduct a quasi-judicial hearing to make factual determinations whether the conditions set forth in the statute exist. Appropriate township officials shall be given notice of the hearing. If, after the hearing, the Board of County Commissioners determines it is proper to maintain or repair the road in question, the work shall be performed by the County Road and Bridge Department and costs assessed to the township in question.


FURTHER, the County Works Director is authorized, in emergency circumstances, to provide assistance to cities and townships with road maintenance and repair if requested by said city or township.

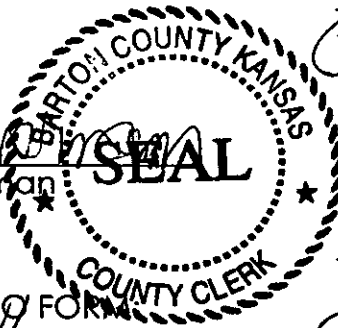
FURTHER, that Resolution 2015-27, Barton County Policy Regarding the Maintenance and Repair of City and Township Roads, and Rescinding Resolution 2009-17, Same, adopted April 27, 2009, is hereby rescinded.

Adopted this 14th day of August, 2017.

BOARD OF COUNTY COMMISSIONERS

ATTEST:


Donna Zimmerman
County Clerk

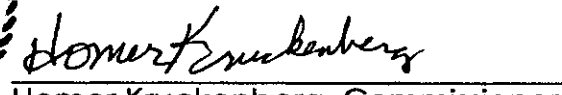


APPROVED AS TO FORM:


Carey Hipp,
County Counselor


Jennifer Schartz, Chair


Don Davis, Commissioner


Homer Kruckenberg, Commissioner


Kenny Schremmer, Commissioner


Alicia Straub, Commissioner