

# Barton County Board of Health 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®**

March 29, 2021

The Board of Barton County Commissioners acting as the Board of Health convened this 29th day of March 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  
Phil Hathcock, County Administrator  
Patrick Hoffman, County Counselor  
Karen Winkelman, Public Health Director

## **I. OPENING BUSINESS:**

Commissioner Daily called the meeting to order at 9:43 A.M.

Commissioner Schartz moved to approve the agenda.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

Commissioner Schartz moved to approve the minutes of November 24, 2020, and the March 22, 2021, Board of Health Meetings.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

## **II. OLD BUSINESS:**

There was no old business.

## **III. NEW BUSINESS:**

### **A. RESOLUTION 2020-05: Order of the Board of Health of Barton County, Kansas, Requiring Masks or Other Face Coverings:**

-On November 25, 2020, the Barton County Board of Health adopted Resolution 2020-05 requiring face coverings. The Board will consider rescinding the Resolution and issuing a Proclamation encouraging the use of face coverings. Karen Winkelman, Local Health Officer, will detail the options available to the Board of Health at this time.

Commissioner Krier said he has received several emails that are in favor of removing the mask mandate and not one in favor of keeping it. Krier read one of the emails noting the issues with continued use of masks. Krier said one of the emails that stuck out the most is from a teacher in Hoisington who said you need to see interaction on the child's face to understand if they are comprehending.

Commissioner Esfeld said she received well over 50 emails and calls. She checked with a couple of doctors and gathered other data as well. Out of all the emails she said the response was overwhelming to keep the masks. Agrees with Kirby that she received two emails from teachers that said it is difficult to use masks during learning.

Commissioner Schartz said she had a short conversation with Kris Thexton who said he would like to see the mandate run through the Easter holiday since their numbers are good now. Would further like to see continue throughout the end of the school year as they are hoping to keep the kids in the classroom through the end of the year. Schartz said her grandson has not once complained about wearing a mask.

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Sartz said she has also received emails about removing the mandate, and she responds if they don't want to wear it, they don't have to. Apprehensive about the variants. Sartz said there is a childcare center in Nebraska where 100 children tested positive for the variant and half of the states are seeing their numbers rise. We need to be very protective on the side of caution. Thexton said face masks are working as their numbers are not going up.

Commissioner Hutchinson said while he disagrees with Jennifer, he respects her immensely. Believes in lower taxes, smaller government, and personal responsibility. Believes in his community and believes they can follow protective measures. Hutchinson said he respectfully asks his fellow commissioners to help remove this mandate and asked the school board to unmask the children.

Karen Winkelman, Local Health Officer, said she can respect all their comments and will move forward with whatever decisions were made by the Board of Health.

Patrick Hoffman, County Counselor, said there are a lot of things in SB 40 that do not apply to Barton County, but applies to the Governor. It provides that the Board of Health can override the Local Health Officer.

Commissioner Hutchinson said he was under the impression that the Republicans were going to override the Governor's ability to impose on the counties.

Commissioner Krier asked what the new procedure is coming April 1<sup>st</sup>. Hoffman said if you were given an isolation or quarantine order, you could challenge that in District Court. It now creates a similar process for organizations and groups to challenge the mask mandates.

Commissioner Krier said the schools can have their own mandates. Hoffman said the cities could as well.

Commissioner Esfeld said if we were to vote to remove this, are there special measures we would have to take to opt out of the Governor's mandate. On April 1<sup>st</sup> the Governor is going to reissue a directive to establish face covering protocols. Hoffman said SB 40 makes it clear that on April 1<sup>st</sup> you can opt out and noted the legislature has been interested in curtailing the Governor's authority.

Commissioner Hutchinson said he speaks for he and Kirby that they are not against masks. You can wear them if you would like. They do not like to see the government overreaching and mandating masks.

Commissioner Krier said each unit of Government could make their own recommendations.

Jettie Zoller, sovereign citizen, said she really appreciates Karen, but last week the newspaper headlined the county keeps the mask mandate, but it shows 4 of the 5 commissioners not wearing masks. Masks could go against the Nuremberg Code as well. There has not been any study she is aware of that says masks even work and asked for a no vote to masks.

Commissioner Daily said he too is against mandates, but in this case, this mandate is not costing extra money. There are studies that say both, masks do work, and masks do not work. Wearing masks will not hurt you. Daily said his wife has a serious illness, so they choose to wear them.

Hoffman noted the Governor's recommendation is through May 31<sup>st</sup>.

Sheriff Bellendir asked if there is any enforcement. Hoffman said nothing changes in terms of the county's enforcement, it only changes the Governor's authority. Hoffman said it will still be a civil process with no criminal enforcement. The procedure for violating the Governor's order would be a fine.

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Commissioner Daily said there is no criminal statute for violating. Sheriff Bellendir said he does not issue a citation or report on civil cases. It is not their responsibility to count the number gathered for example. It would require someone to file a complaint with the District Court.

Commissioner Krier said if the county has a mask mandate and a person goes to a business without a mask, can law enforcement then be called. Hoffman said a business can require masks and if someone refuses, they can ask them to leave. If they fail to do so, they can then call law enforcement for unlawful trespass. Commissioner Hutchinson said you can ask anyone to leave your business for any reason.

Commissioner Krier moved to rescind Resolution 2020-05, Order of the Board of Health of Barton County, Kansas, Requiring Masks or Other Face Coverings effective March 29, 2021 at 12:00 p.m.

Commissioner Hutchinson seconded the motion.

Commissioner Krier, Commissioner Hutchinson and Commissioner Esfeld voted aye.

Commissioner Schartz and Commissioner Daily voted nay.

Motion passed 3 – 2.

Commissioner Esfeld urged people who are health compromised to wear a mask.

Commissioner Krier moved opt out of Governor Kelly's mask mandate effective immediately.

Patrick Hoffman said if your goal is to opt out of future orders to include a motion saying which one.

Commissioner Krier added to his motion to opt out of the current mask mandate given by Governor Kelly immediately and opt out of any future mask mandates that she may contrive.

Commissioner Hutchinson seconded the motion.

Commissioner Krier amended his motion to include that we opt out of the next Governor Kelly's mask mandate that she will contrive.

Commissioner Daily said as of April 1<sup>st</sup>.

Commissioner Krier said as of April, well just it'll cover April 1<sup>st</sup>. It'll be the next one she does.

Hoffman said he thought that everyone anticipated there would be another order on April 1<sup>st</sup>.

Commissioner Hutchinson seconded Kirby's motion.

Commissioner Daily said the information about that bill on April 1<sup>st</sup> says specifically that 20-68 or whatever order she's going to impose is going to be facial covering.

Commissioner Krier said she has eight people who are overseeing her before she can make it happen.

Commissioner Daily said the motion is to opt out right now from Governor Kelly's mandate from facial covering, and that we likewise opt out of any future mandates.

Commissioner Krier said from the next mask mandate, not all future mandates.

Commissioner Krier said I made my motion that and we can opt out of her mandate. That does not mean we cannot have our own, we just do not need her permission.

Commissioner Hutchinson said the less the Governor is involved in our lives, the better.

Commissioner Krier, Commissioner Hutchinson and Commissioner Esfeld voted aye.

Commissioner Schartz and Commissioner Daily voted nay.

Motion passed 3 – 2.

Commissioner Daily said he is not voting no on these things because he was opposed to what they were saying, but he feels an obligation as well to try to make the county as safe as we possibly can. Daily said he feels obligated to do what we can do to make sure the community is safe.

Commissioner Hutchinson said that he would agree with that completely if it was to build a wall to keep a tornado from hitting us, but when it's protecting ourselves from ourselves, he did not like trying to do that.

Commissioner Daily said it was like the helmet law and seat belt law.

Commissioner Hutchinson said should you, yes, but we don't agree with laws.

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Commissioner Daily said he received several emails too with the majority opposed to the masks and said we would be remiss if we did not say, "wear a mask".

#### IV. OTHER BUSINESS:

There was no other business.

#### V. ADJOURN:

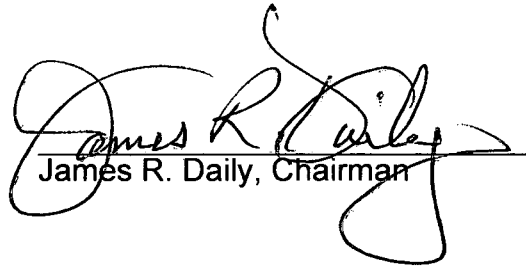
Commissioner Schartz moved to adjourn at 10:24 A.M.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

ATTEST:

  
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Donna Zimmerman  
Barton County Clerk

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