

# 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)

December 15, 2021

The Board of Barton County Commissioners convened this 15th 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 Krier moved to approve the agenda.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

## **II. NEW BUSINESS:**

### **A. RESOLUTION 2021-27: A Resolution Establishing a Temporary Burn Ban:**

-As recent warm temperatures, extremely dry weather conditions, and lack of moisture have created a fire hazard situation within Barton County; local Fire Chiefs have asked that the Commission prohibit open burning in Barton County. At this time, the Commission will be asked to declare a temporary burn ban until conditions improve.

Amy Miller, Emergency Risk Manager, said Great Bend Fire Chief Luke McCormick contacted her about a burn ban after visiting with other fire officials. They are requesting a temporary burn ban due to the lack of rain and extreme wind. This action allows them to ban burning and also provides a means for information to be sent throughout the county. Miller said there is a burn permit system that is coordinated thru 911 with the fire chiefs. This ban would be in effect until the commission is informed that the fire chiefs wanted it lifted.

Commissioner Hutchinson moved to adopt Resolution 2021-27, A Resolution Establishing a Temporary Burn Ban.

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

### **B. EMERGENCY RISK MANAGEMENT: Declaration of a State of Local Disaster Emergency for Barton County, Kansas:**

-Due to the current fire weather conditions and forecast high winds within Barton County, the County Commission has been asked to sign a Disaster Declaration. Emergency declarations may be declared by the County Commission if there is an imminent danger to the people and property within Barton County.

Amy Miller, Emergency Risk Manager, said the declaration is a separate item from the burn ban. Miller said she likes to keep it separate in order to prevent having to come back to the commission each week. Miller said we are experiencing record temperatures and have extremely high winds forecasted. Miller explained this action is a preemptive measure and noted the State of Kansas already has a declaration in place. This would allow us to quickly request resources if necessary. This declaration speeds up the

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Process should something unfortunate happen. Miller reported this declaration would be effective for seven days.

Commissioner Krier moved to declare the Declaration of a State of Local Disaster Emergency and forward the Declaration to the Kansas Division of Emergency Management.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

## C. EXECUTIVE SESSION: Personnel matters of non-elected personnel:

-The Commission will enter into Executive Session. The Commission may invite such parties as needed into said Session. It is anticipated that the Commission will interview candidates for the position of County Administrator. Interviews are scheduled at 9:00 a.m., 10:15 a.m. and 11:30 a.m.

Commissioner Schartz asked if we should indicate whether we go in and out for lunch, etc.

Patrick Hoffman said the motion should say the governing body will go in until a specific time. We will do separate motions for each candidate since they will all not be in the session together.

At 9:09 A.M. Commissioner Esfeld moved that the Commission go into Executive Session and come out at 10:00 A.M., in the Courthouse Conference Room, Room 101. The subject to be discussed will be personnel matters of non-elected personnel. The reason this needs to be discussed in Executive Session is to interview candidates for the position of County Administrator. Included in the meeting are to be the Commission, personnel from Osenbaugh and Deardoff, our county counselor and **candidate number one**. The Open Meeting will resume at 10:00 A.M. in the Commission Chambers, Room 106.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

Commissioner Hutchinson and Commissioner Krier were not available.

At 10:01 A.M. Commissioner Esfeld moved to go back into regular session.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed 3 - 0.

- Commissioner Hutchinson and Commissioner Krier are now present.

At 10:05 P.M. Commissioner Esfeld moved that the Commission go into Executive Session Until 11:00 A.M. in the Courthouse Conference Room, Room 101. The subject to be discussed will be personnel matters of non-elected personnel. The reason this needs to be discussed in Executive Session is to interview **the second candidate** for the position of County Administrator. Included in the meeting are to be the Commission, personnel from Osenbaugh and Deardoff and our county counselor.

Commissioner Krier seconded the motion.

All voted aye. Motion passed.

At 11:00 A.M. Commissioner Krier moved to come out of executive session.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed.

- Commissioner Hutchinson and Commissioner Krier were not available.

At 11:20 A.M. Commissioner Esfeld moved that the Commission go into Executive Session at 11:30 A.M. to 12:30 P.M. The subject to be discussed will be personnel matters of non-elected personnel. The reason this needs to be discussed in Executive Session is to interview **candidate number three** for the position of County Administrator. Included in the meeting are to be the Commission, personnel from Osenbaugh and Deardoff, and our county counselor.

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Commissioner Schartz seconded the motion.  
All voted aye. Motion passed 3 - 0.

At 12:29 P.M. Commissioner Schartz moved to come out of executive session.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed.

- Commissioner Krier is now present.

### III. RECESS:

At 12:30 P.M. Commissioner Schartz moved to recess the agenda meeting. The meeting will resume at 1:00 p.m. in this room.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed 4 - 0.

- Commissioner Hutchinson is now present.

### IV. RETURN:

At 12:57 P.M. Commissioner Schartz moved to resume the agenda meeting.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

### NEW BUSINESS: (Continued)

#### D. EXECUTIVE SESSION: Personnel matters of non-elected personnel:

-The Commission will enter into Executive Session. The Commission may invite such parties as needed to said Session. It is anticipated that the Commission will interview candidates for the position of County Administrator. Interviews are scheduled at 1:00 p.m. and 2:15 p.m.

At 12:57 P.M. Commissioner Esfeld moved that the Commission go into Executive Session from 1:00 P.M. to 2:00 P.M. in the Courthouse Conference Room, Room 101. The subject to be discussed will be personnel matters of non-elected personnel. The reason this needs to be discussed in Executive Session is to interview **candidate number four** for the position of County Administrator. Included in the meeting are to be the Commission, personnel from Osenbaugh and Deardoff, and our county counselor.  
Commissioner Schartz seconded the motion.  
All voted aye. Motion passed.

- Commissioner Daily left at 1:40 P.M.
- Commissioner Krier was not available.

At 2:00 P.M. Commissioner Schartz moved to come out of executive session.  
Commissioner Esfeld seconded the motion.  
All voted aye. Motion passed 3 - 0.

At 2:00 P.M. Commissioner Esfeld moved that the Commission go into Executive Session for a period of 2:15 P.M. and come out at 3:15 P.M. in the Courthouse Conference Room, Room 101. The subject to be discussed will be personnel matters of non-elected personnel. The reason this needs to be discussed in Executive Session is to interview candidates for the position of County Administrator. Included in this meeting are to be the Commission, (Commissioner Hutchinson said minus Commissioner Daily) personnel from Osenbaugh and Deardoff, and our county counselor to interview **candidate number five**.  
Commissioner Schartz seconded the motion.  
All voted aye. Motion passed 3 - 0.

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Commissioner Daily and Commissioner Krier was not available.

At 3:16 P.M. Commissioner Esfeld moved to come out of executive session and go back into regular session.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed 3 - 0.

- Commissioner Krier is now present.

## **E. EXECUTIVE SESSION: Personnel matters of non-elected personnel:**

-The Commission will enter into Executive Session. The Commission may invite such parties as needed into said Session. It is anticipated that the Commission will discuss the interviews.

At 3:21 P.M. Commissioner Krier moved that the Commission go into Executive Session until 3:45 with the County Commissioner, Donna Zimmerman and Patrick Hoffman. The subject to be discussed will be personnel matters of non-elected personnel. The reason this needs to be discussed in Executive Session is to review results of the candidate interviews.

Commissioner Schartz seconded the motion.

All voted aye. Motion passed 4 - 0.

At 3:45 P.M. Commissioner Esfeld moved to come out of executive session.

Commissioner Krier seconded the motion.

All voted aye. Motion passed 4 - 0.

## **F. ACTION FROM EXECUTIVE SESSION: Personnel matters of non-elected personnel:**

The Commission will make any necessary announcements as a result of the Executive Session. If necessary, further discussion or a decision may be made at this time.

At 3:46 P.M. Commissioner Esfeld moved no action was taken.

Commissioner Krier seconded the motion.

All voted aye. Motion passed 4 - 0.

- Commissioner Daily joined via phone.

At 3:56 P.M. Commissioner Schartz moved that the Commission go into Executive Session until 4:15 with the County Commissioner, Donna Zimmerman and Patrick Hoffman. The subject to be discussed will be personnel matters of non-elected personnel. The reason this needs to be discussed in Executive Session is to review results of the candidate interviews.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed 4 - 0.

At 4:20 P.M. Commissioner Esfeld moved to come out of executive session.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed 5 - 0.

## **V. OTHER BUSINESS:**

There was no other business.

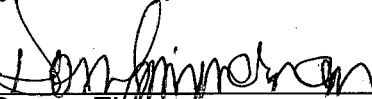
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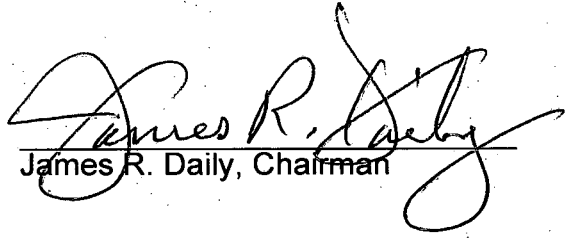
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## I. ADJOURN.

Commissioner Esfeld moved to adjourn at 4:22 P.M.  
Commissioner Krier seconded the motion.  
All voted aye. Motion passed.

ATTEST:

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

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

**RESOLUTION 2021-27**

**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

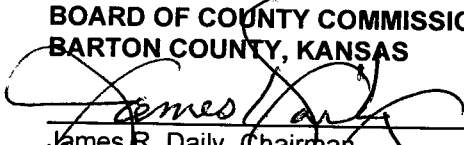
**WHEREAS**, the Barton County Board of County Commissioners recognizes that weather conditions may cause a reverse of the burn ban; and

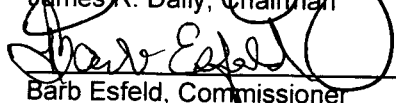
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Barton County, Kansas, that:

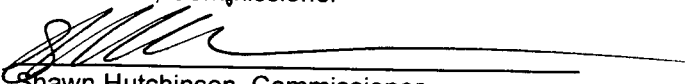
1. There is an imminent threat of fire affecting Barton County, Kansas, at this time.
2. Effective immediately, all outdoor open burning is prohibited in the rural areas of Barton County, Kansas. Agricultural burning for crop and pasture management practices may be exempted from this order only upon 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 15th day of December 2021, 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.

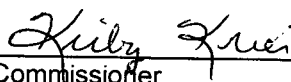
**DECLARED** by the Board of Barton County Commissioners, Barton County, Kansas this 15<sup>th</sup> day of December, 2021.


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

  
James R. Daily, Chairman

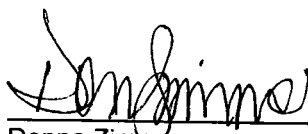
  
Barb Esfeld, Commissioner

  
Shawn Hutchinson, Commissioner

  
Kirby Krier, Commissioner


  
Jennifer Schantz, Commissioner

**ATTEST:**

  
Donna Zimmerman  
County Clerk



**APPROVED AS TO FORM:**

  
Patrick Hoffman  
County Counselor

**DECLARATION OF A STATE OF LOCAL DISASTER EMERGENCY  
For Barton County, Kansas**

**WHEREAS,** on the 15th day of December, 2021, the Board of Commissioners of Barton County, Kansas finds that certain conditions have caused, or eminently threaten to cause wide-spread or severe damage, injury or loss of life or property in disaster proportion in Barton County, Kansas;

**WHEREAS,** such high wind and fire weather conditions have created obstructions which endanger health, safety and welfare of persons and property within the border of Barton County, Kansas;

**NOW, THEREFORE,** be it declared by the Board of Commissioners of Barton County, Kansas;

That the Board of Barton County Commissioners, under and by virtue of the authority vested in it by K.S.A. 1976 Supp. 48-932, does hereby PROCLAIM that a State of Local Disaster Emergency exists.

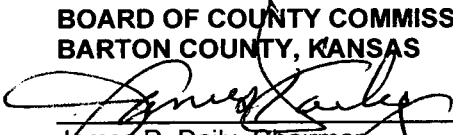
**IT IS FURTHER RESOLVED AND PROCLAIMED** that the area within the border of Barton County, Kansas covered by this proclamation is the entire area of Barton County, Kansas.

**BE IT FURTHER RESOLVED,** that said Board has all rights and/or powers to perform such functions as are vested in said Board by and through the provisions of the Kansas Emergency Preparedness Act of 1975.

**IT IS FURTHER RESOLVED AND PROCLAIMED** that this proclamation shall remain in effect for a period of seven (7) days unless terminated earlier or renewed by consent of the governing body.

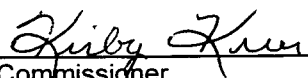
**ADOPTED** BY THE BOARD OF BARTON COUNTY COMMISSIONERS THIS 15th DAY OF DECEMBER, 2021.

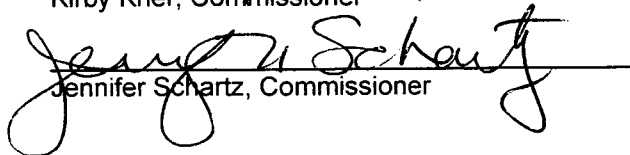
**BOARD OF COUNTY COMMISSIONERS  
BARTON COUNTY, KANSAS**

  
James R. Daily, Chairman

  
Barb Esfeld, Commissioner

  
Shawn Hutchinson, Commissioner

  
Kirby Krier, Commissioner

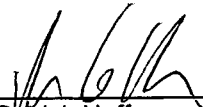
  
Jennifer Scharz, Commissioner

**ATTEST:**

  
Donna Zimmerman  
County Clerk



**APPROVED AS TO FORM:**

  
Patrick Hoffman  
County Counselor