

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

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December 19, 2023

The Board of Barton County Commissioners convened this 19th day of December 2023, at the 1500 Kansas location.

Members present:

Duane Reif, Commissioner, 1st District

Barb Esfeld, Commissioner, 2nd District, (Chairman Pro-Tem)

Shawn Hutchinson, Commissioner, 3rd District, Chairman

Tricia Schlessiger, Commissioner, 4th District

Donna Zimmerman, Commissioner, 5th 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 Zimmerman moved to approve the agenda and move Item A and Item B, swap those two, so we can hear the solar item right after New Business and allow for public comment during that item. Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

Minutes of the December 12, 2023, Regular Meeting were not available.

APPROVAL OF APPROPRIATIONS:

-Bev Schmeidler, County Clerk, will present details. An Accounts Payable Register will be submitted to the Commission for the period of December 5, 2023, and ending December 19, 2023.

Bev Schmeidler, County Clerk, presented details.

Commissioner Esfeld moved to approve appropriations for the period of December 5, 2023, to December 19, 2023. Authorize the Chairman to sign on behalf of the Commission.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

III. OLD BUSINESS:

A. ROOF REPAIR: Barton County Courthouse:

-Matt Patzner, County Administrator, will present details. In July of this year, certain County buildings sustained damage as a result of the hailstorm. Included therein is the roof on the Courthouse. After insurance adjusters inspected the roof, it was suggested that repairs be made. In addition to storm damage, work will address measures called for in the HVAC project. This item was tabled on December 12, 2023.

Matt Patzner, County Administrator, said two quotes were received, one from Roofmasters for \$389,500.00 with a sub-contractor, Kruse Corporation, to install the drains for \$7,813.00 for a total of \$397,313.00. The second quote was from Wray Roofing for a total of \$373,270.00. Asked for approval to repair the roof of the courthouse.

Commissioner Hutchinson said he and Patzner had spent a lot of time on the matter wanting to get it right in the future. It was important to have a good roof on the courthouse considering the amount of money going into the renovation of the building. Received two bids, one from a local company and one from out of town. The local company is probably paying more than the difference in quotes in property taxes.

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Commissioner Schlessiger asked if a portion was being covered by insurance. Patzner said it was, we have a \$25,000.00 deductible. Essentially, it would be \$25,000.00 plus the additional work not included. There was a warranty added in for 90 mph wind speed and uplift; \$6,000.00 for overflow scuppers around the courthouse that would be above and beyond the scope of insurance. So it would be the \$25,000.00, \$9,745.00 plus \$6,000.00.

Commissioner Hutchinson said they both had agreed to hold to their pricing if they had to replace the lightweight insulation. Patzner said yes, that was included in the quotes.

Commissioner Schlessiger moved to authorize Roofmasters to repair the roof at the Barton County Courthouse. Cost of the work, \$397,313.00 to be paid from the Capital Improvement Fund, Building and Fixed Equipment – General Line, 071-00-6305, with reimbursement to be made through the County's insurance.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

IV. NEW BUSINESS:

B. RESOLUTION 2023-25: A Resolution Providing for a Temporary Moratorium on Commercial Solar Energy Project Development within the Unincorporated Area of Barton County, Kansas:

-Judy Goreham, Environmental Manager, will provide details. During the May 10, 2023, County Commission Meeting, a Resolution was adopted providing for a temporary moratorium on Commercial Solar Energy Conversion System Development within the Unincorporated Area of Barton County, Kansas. The Planning Commission was instructed to develop the necessary regulations specific to Commercial Solar Energy Conversion Systems, solicit input from the agencies associated with Cheyenne Bottoms, work to delineate the map to match roads or property boundaries and conduct public hearings on the proposed regulations and any proposed map revisions. At the November 9, 2023, Regular meeting of the Barton County Planning Commission, instructions were given to formally request an extension of 6-months to complete this process. Should the proposed Resolution be adopted, the moratorium would be extended.

Judy Goreham, Environmental Manager, said the Planning Commission was formally requesting a six-month extension of the temporary moratorium. The moratorium sunsets December 31, 2023. Goreham said the Planning Commission generally meets the second Thursday of every month. In 2023, they had already had 14 meetings with 11 of those being in the last 6 months. They had 6 public hearings this year, 3 of them since the moratorium was out in place. Goreham had issued 26 building permits, had 8 study sessions and 10 agenda items for zoning. It had been a full year and the Planning Commission had worked hard. The 9-member board was volunteers, 3 had been on the board over 20 years, 2 over 10 years, 1 over 5 years with the other 3 being from 1 to 4 years. When the moratorium was put in place, the Planning Commission met the next day for their regular meeting. At that meeting, they made all the decisions about the steps to be taken. They decided to have Goreham combine solar regulations from Douglas County, Sedgwick County and the City of DeSoto and use the format they already had in the zoning regulations for wind energy. It was 29 pages long. They wanted to invite all public utilities that served Barton County and any contractor in our local area that were familiar with installing solar panels so they could gather information. They wanted to invite all agencies associated with Cheyenne Bottoms to a meeting to get feedback. Acciona requested to meet with the Planning Commission on December 7, 2023 and provided a lot more information. They learned that once the moratorium was in place, Acciona stopped research and testing. They did acquire additional land that goes farther east towards Ellinwood, but no farther south. Last Thursday, the Planning Commissioners finalized the language for the regulations and made decisions about a potential no build zone as it pertained to the map. At the January 11th meeting, after a public hearing was held, they would make any changes needed, vote on it and schedule a public hearing. Goreham hoped they would meet late in February to allow her time for the clerical work needed. She said in the potential no build zone, there were 438 parcels with 293 different landowners. By statute, she would have to send a written invitation to attend and explain the reason for

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hearing, the changes in the zoning regulations. This must be sent at least 20 days prior to the public hearing. If they could meet the 3rd or 4th Thursday in February, that would allow time to get everything done and Goreham could come before the commissioners in March for approval. Goreham anticipated a large turnout at the public hearing. If they make any changes after the public hearing, a little more time may be needed. When Goreham asks the commissioners to adopt new regulations, the next step would be to lift the moratorium. Even though the request was for a 6-month extension, it could be lifted sooner if regulations were adopted.

Commissioner Hutchinson thanked the Planning Commission for all their hard work.

Commissioner Reif also thanked them for their dedication and said it was important to not cut the moratorium too short.

Commissioner Esfeld asked if it was lifted today, what would happen if there were applications for solar.

Patrick Hoffman, County Counselor, thanked the Planning Commission. Barton County has a good history of common-sense zoning issues. Moratoriums are not something that would be done very often in Barton County. It was a unique tool for unique situations, and it was appropriate in this instance. We had a land use that was seemingly new and different and was not currently in the zoning regulations. Goreham said it was listed as conditional use with absolutely no direction.

Hoffman said this came up at KAC, a moratorium was the temporary taking of land rights and should not be done frivolously or in bad faith. Last May, someone could have applied with the vague solar rules and gone through the process. He agreed with the Planning Commission that the moratorium needed to be in place to allow time to develop regulations. The county needed some finality on the issue, and we need to clear rules in place as soon as possible.

Commissioner Zimmerman asked if the moratorium were lifted and someone applied while the Planning Commission were still finalizing regulations, how would that work, would the application be on hold. Hoffman said when an application was received, there was a time frame in which to have a public hearing. Goreham said it was within 60 days after she received an application.

Dr. Dan Witt presented the commissioners and Goreham with a packet of information. Witt said Keith Burton made a statement that was pertinent and realistic to what Barton County thinks. He said a protected wetland was not a place for industry, it was a place for refuge, wildlife and human life. Witt said Don Rief said to use common sense and put the project away from the Bottoms. Witt said that international environmental laws applied to Cheyenne Bottoms and Quivira Refuge. Unintentional damage was bad, but common knowledge increased the penalties. Putting any project that would damage the wetland would be expensive and he was sure that Acciona was protecting themselves in the small print and would take the money and walk. They did not care about the wetlands or the county. Witt said if there was anyone on the Planning Commission, Commissioners or had family members who own land in the project, should they recuse themselves from voting.

Each of the commissioners said they have no land or interest in the project area. Commissioner Reif also clarified that he was not related to Don Reif.

Witt stated that he had sent a response to the landowner who spoke at a previous commission meeting. She knew some of her positions were not tenable. He would like an alternative site to be chosen to protect the Bottoms, Quivira and the flyways.

Clasen, landowner in the project, said she heard earlier that Acciona had put a hold on studies because of the moratorium and there were still studies to be done. It could be possible that green energy may go hand in hand with conservation at the Bottoms. She felt the Planning Commission had done a

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great job. When the moratorium gets lifted, see what kind of studies come out of this. For years, she has had beehives on her property and had hopes of planting native flowers and such. She was the 5th generation farmer of the property and did not enter into any agreement lightly.

Keith Burton said Acciona themselves said they had done one before, but it was 1/15 the size of the one proposed at the Bottoms. Burton did not feel we should experiment at the bottoms.

John Miorandi said he wanted to clarify some things about the moratorium. The extension requested was for 6 months, but Goreham had said that amount of time was not locked down, it could be lifted prior to the 6 month time frame. He asked the commissioners to honor that request for more research. There was not much background on the company and a lot of unanswered questions. He was in favor of Mother Nature, helping the environment and getting away from burning fossil fuels. Miorandi said the place for something like this project was not in front of Cheyenne Bottoms. This project would never happen in front of Yellowstone National Park.

Commissioner Hutchinson said the moratorium was not put in place for the type of research being talked about but was put in place for the Planning Commission.

Hoffman said moratoriums were strange and it would end when the Planning Commission was able to draft regulations and the commission voted on those regulations. The moratorium could be lifted early or extended if there was more time needed.

Commissioner Reif said if it were extended for 6 months, the Planning Commission was done with regulations, it could be lifted earlier than the 6 month time frame. Hoffman said yes or if extended for a shorter period and more time were needed, it could be extended.

Commissioner Hutchinson said it seemed wrong to extend the moratorium longer than necessary. Hoffman said he wanted to see the process completed and have clear rules in place for Barton County.

Witt asked if the regulations would include vetting by KDWP.

Commissioner Hutchinson said the regulations were to be for all solar projects in all of Barton County, not just this particular project.

Hoffman said KDWP had authority on their own, they had a responsibility to do their process.

Commissioner Esfeld said her interest in lifting the moratorium as soon as possible was because every property owner had their rights. The right to lease and to use their property as they wish. Planning Commission was working on this day and night.

Commissioner Schlessiger said she felt this had created an adversarial environment in our community. Farmers were the best stewards of the land. She was against extending the moratorium and wanted to get it wrapped up as soon as possible.

Mary Anne Stoskopf, Planning Commission, said those who had leased, know they were in the proposed project. Acciona told them at the last meeting that they had leased 6,000 acres but were probably only going to be using 2,500 acres. At this point, they do not have details, they do not have an application, nothing to determine if you own land that would end up in the project. In over 20 years of the Planning Commission, they had only canceled one meeting. COVID was back in the community and one member had a surgery scheduled, they would try to do their very best. They asked for a minimum of 9 months for moratorium but said it may take up to a year or year and a half. They had worked hard to get done. With weather being unknown or too many members ill, they could not hold a meeting. Stoskopf asked for the latitude to cover those instances knowing they had worked diligently on the commissioner's behalf.

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They were asking for 6 months and do not know if there would even be an application from Acciona or anyone else. These regulations cover personal use of solar energy, business use and also cover large scale commercial solar energy conversion systems, very involved and very complete.

Junior Welsch, Planning Commission member, said they want to do it correctly, get it right for Barton County. That was why they wanted the extension.

Susie Burt said she was for the Bottoms but also for the farmers. She recently saw on national news, they shared that some of the foreign companies soliciting Americans for these solar farms, were not following through on the contracts. They do not support the farmers at all, this was a concern for her. Burt wondered how the solar panels would be disposed of when they begin to fail.

Commissioner Hutchinson said we live in a free country. A landowner gets a lease for something and the government steps in and says, wait, you cannot do that, where does this start and where does it end. That was one of his struggles.

Steve Neeland said as a landowner near the Bottoms, they had fought the birds for 5 generations. They could not scare the birds away. He did not believe there were facts to support that solar harms them. He said the moratorium was put in place, we were focusing on solar, but where did this stop. Neeland said feedlots for instance, which were good stewards, but they were right by creeks and where do they drain. They drain into the creeks that go right into the Bottoms. There were also oil leases and tank batteries around the Bottoms. It was good to look at different types of energy. The birds eat his milo, and the geese pull the wheat out of the fields. They signed a lease and then were told you cannot do this either.

Keith Burton said he agreed with Neeland and we needed to be proactive, not reactive.

Commissioner Hutchinson said we need to find a compromise. There was a divide in the community, and we were trying to get it right for everyone. Cheyenne Bottoms had been a wetland for 100,000 years, been a depression in the ground for 3.5 million years and the birds had used the flyway and stopping point for probably 100,000 years. Hoisington, Claflin, Great Bend and Ellinwood were built, and the birds continued to come and adapt. Best case scenario would be both sides get what they want.

Miorandi said he felt most people were not asking for the solar farm to not be in Barton County but just not in the particular location. Acciona said they could do it in a different part of the county, not quite the profit margin, but could be done.

Commissioner Schlessiger moved to adopt Resolution 2023-25, A Resolution Providing for a Temporary Moratorium on Commercial Solar Energy Project Development in the Unincorporated Area of Barton County, Kansas. Said moratorium to end February 13, 2023.

Hoffman said 2024.

Commissioner Schlessiger said 2024, sorry about that.

Commissioner Esfeld said would that give you guys time.

Goreham said that would not give us enough time to finish.

Stoskopf said that is not enough time to comply with state statutes.

Welsch said he thinks the minimum was 3, honestly, by the time you do the public hearing. You have got 20 days and like Mary Anne said, what happens if we do not have a quorum. Hopefully, that does not happen.

Commissioner Hutchinson seconded the motion.

Stoskopf said that did not give enough time to comply with state regulations.

Commissioner Schlessiger felt if they could support Goreham and Matt could get her some help to get the papers out, get public hearings set, that gives you almost 60 days from today.

Commissioner Esfeld said she agreed to do it quickly and asked Commissioner Schlessiger if she would consider March 31st.

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Commissioner Schlessiger said she would consider March 1st. She said we could extend it again. She thought you are depriving property owners from their rights. This has been 8 months, 7 going on 8 months. If we extended it 2 more months, we have to wrap it up one way or the other.

Stoskopf said there were state statutes that have to be followed.

Commissioner Hutchinson asked what the least amount of time was needed.

Goreham said she would be very comfortable with April 1st or March 31st. That was practical.

Commissioner Zimmerman said she had the utmost respect for Goreham and the Planning Commission. This was a difficult thing with the moratorium in place and the message that sends. Zimmerman would consider a March 31st extension but would not be in a position to extend it further.

Commissioner Esfeld said she agreed but understood the statutory deadlines.

Commissioner Hutchinson asked Commissioner Schlessiger if she wanted to amend her motion.

Commissioner Schlessiger said she would not amend.

Commissioner Schlessiger and Commissioner Hutchinson voted aye. Commissioner Reif, Commissioner Esfeld and Commissioner Zimmerman voted nay. Motion failed 2-3.

Commissioner Esfeld moved to adopt Resolution 2023-25, A Resolution Providing for a Temporary Moratorium on Commercial Solar Energy Project Development within the Unincorporated Area of Barton County, Kansas. Said moratorium to end March 31, 2024.

Commissioner Reif seconded the motion.

Commissioner Reif, Commissioner Esfeld and Commissioner Zimmerman voted aye. Commissioner Schlessiger and Commissioner Hutchinson voted nay. Motion passed 3-2.

Goreham said the commission did not accept the recommendation; it took a super majority to override it.

Commissioner Hutchinson said the moratorium was put in place by the commission, so he did not believe it was necessary.

Hoffman said he agreed with the Chair, the moratorium did not require a super majority.

A. COUNTY CLERK'S OFFICE: Cereal Malt Beverage License Renewals:

-Ms. Schmeidler will provide details. Per K.S.A. 41-2702, no retailer shall sell any cereal malt beverage without having secured a license for that business. When a business is located in the unincorporated portion of the County, that application shall be made to the Board of County Commissioners. License renewals for 2024 will be presented.

Bev Schmeidler, County Clerk, said Edgar Jacobs applied for two licenses, one for The Odin Store and one for Prosser Arena. Miller Time LLC in Beaver applied for two licenses, one for consumption on the premises and one for sale in original containers, not for consumption on the premises. Kiowa Kitchen, Lake Barton Golf Course and Odin Community Club applied for one license each.

Commissioner Zimmerman moved to approve the 2024 Cereal Malt Beverage Licenses for the listed businesses to include Kiowa Kitchen, Lake Barton Golf Course, Miller Time LLC (two licenses), Odin Community Club and the Odin Store (two licenses).

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

C. FAÇADE IMPROVEMENT PROJECT – ROUND I: Grant Deadline Extension:

-Matt Patzner, County Administrator, will provide details. In 2021, the Commission authorized a series of Façade Improvement Grants. There are approximately nine projects that remain unfinished. Generally these projects continue to be hampered by supply line and contractor issues. The Commission will be asked to extend the grant period to June 30, 2024.

Matt Patzner, County Administrator, presented details and said the July hailstorm contributed to delays.

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Commissioner Esfeld moved to extend the contract period for the remaining Façade Improvement Project, Round I recipients, to June 30, 2024.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

D. FIRE DISTRICT NO. 2: Appointment of a Board of Trustees:

-Mr. Patzner will provide details. Per Resolution 2018-10, which created Fire District No. 2, the members of the Fire District Board of Trustees shall consist of not more than one (1) appointee from each participating township and not more than one (1) from each participating city. At this time, Albion and Eureka Township and Hoisington and Olmitz city representation is open. The positions expire December 31, 2025.

Matt Patzner, County Administrator, said the district consisted of the townships of Albion, Eureka, North Homestead, South Homestead and Union as well as the cities of Hoisington, Olmitz and Susank. Current appointees included Sarah Younger, Albion Township; Shannon Donovan, City of Hoisington; Curtis Peterson, City of Olmitz; Michael McCurry, Eureka Township; Jackie DeBusk, City of Susank; Richard Lacey, North Homestead Township; Richard Ward, South Homestead Township and Brian Bitter, Union Township. Asked for appointment of Sarah Younger and Michael McCurry to the Board of Trustees for Fire District No. 2, Barton County, Kansas. The uncompensated terms end December 31, 2025.

Commissioner Reif said both had done an excellent job on the board.

Commissioner Reif moved to appoint Sarah Younger and Michael McCurry to the Board of Trustees for Fire District No. 2, Barton County, Kansas. The uncompensated terms end December 31, 2025.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

E. RESOLUTION 2023-26: Transfer of Funds, General Fund to All Stars:

-Mr. Patzner will provide details. The Commission approved a transfer of \$3,000.00 from the Finance General Account of the General Fund to All Stars with the adoption of the budget. As there is no specific statute that allows such a transfer, it can only be made via Resolution.

Matt Patzner, County Administrator, presented details.

Commissioner Schlessiger moved to adopt Resolution 2023-26, Transfer of Funds, General Fund to All Stars.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

F. SPECIAL ALCOHOL FUNDING: Transfer to All-Stars:

-Mr. Patzner will provide details. The Commission will be asked to transfer \$3,985.00 from the Special Alcohol Fund to All-Stars. Per Kansas Statute, Special Alcohol Funding shall only be expended for the purchase, establishment, maintenance or expansion of services or programs, whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug abuse detoxification, intervention in alcohol and drug abuse, or treatment of persons who are alcoholics or drug abusers, or are in danger of becoming alcoholics and drug abusers. It is noted that All-Stars is a school-based prevention / intervention program designed to delay the onset of youth engaging in risky behaviors such as substance misuse, bullying, violence and sexual activity.

Matt Patzner, County Administrator, presented details and asked for consideration of the transfer from the remaining budget authority.

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Commissioner Zimmerman asked if there were any other applications received for the funding. Patzner said there were no others received. For the past couple of years, it had not been set up for applications, just to keep it at the county level.

Commissioner Esfeld asked if it could go to other places. Patzner said it could. The past three years, it had gone to All-Stars but previously went to outside agencies.

Commissioner Esfeld said she was thinking about Community Corrections for people to get into treatment.

Commissioner Schlessiger asked if it could go to a DARE program. Patzner said he believed that had been done in the past.

Commissioner Zimmerman said there used to be more funding received, around \$7,000 - \$8,000. It was harder to divide the smaller amount.

Commissioner Schlessiger said that Ellinwood had a DARE program and asked Commissioner Reif about Hoisington. He believed they still had the program as well.

Hoffman said the cities would receive city special alcohol tax.

Commissioner Reif asked Patzner if this depleted the fund. Patzner said it depleted the budget authority. When the budget was set, it was underestimated how much would be received, so there would be some left in the fund.

Commissioner Zimmerman said that was a state estimate. Patzner said yes, it was.

Commissioner Zimmerman said they could look at that next year.

Commissioner Zimmerman moved to approve the transfer of \$3,985.00 from the Special Alcohol Fund, Transfer Out Line, 015-00-9000 to the All-Stars Fund, Transfer In Line, 115-00-8000. This transfer will also be considered an in-kind match for the CDC Drug-Free Communities Grant. Commissioner Schlessiger seconded the motion. All voted aye. Motion passed.

G. COURTHOUSE HVAC IMPROVEMENT PROJECT: Other Change Orders – Under Resolution 2023-19 Threshold:

-Mr. Patzner will present details. Barton County has received notice of certain needed updates to the Heating, Ventilation and Air Conditioning improvement project. These changes, individually, are under the threshold established with the adoption of Resolution 2023-19.

Matt Patzner, County Administrator, said the main circuit breaker and the service disconnect at the courthouse exterior on the east side was found to be compromised. It could be turned off and on but did not perform its protection functions. The fix was to replace the breaker.

Commissioner Reif asked if this had anything to do with the generator for the courthouse. Patzner said he believed it was related.

Commissioner Hutchinson said he was glad it was found because the main breaker to the building was inoperable.

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Commissioner Reif moved to approve the following Change Orders for the Courthouse HVAC Improvement Project. Cost to be paid to Kruse Construction from the Capital Improvement Fund, Building and Fixed Equipment – General Line, 071-00-6305.

No. 22 Main Electrical 800A Breaker Replacement \$17,412.32

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

H. INFORMATION TECHNOLOGY: Operating Improvements:

-Dereck Hollingshead, Information Technology Director, will provide details. Office 365 Business enables all computer users to have email hosting, protection and archiving as well as a desktop version of Office. It is suggested that the Commission approve the purchase of licenses for up to 185 users.

Dereck Hollingshead, Information Technology Director, said each year, we go out for bids to renew our licenses. These licenses include email, Microsoft Teams, email protection and email backup and archiving. We have used True.org for the last two years and once again they were the low bid of \$31,224.

Commissioner Zimmerman asked Hollingshead if they were good to work with, responsive. Hollingshead said there had been no issues.

Commissioner Zimmerman moved to purchase licensing of Office 365 Business Platform and Advanced Threat Protection from True.org. Cost of service, \$31,224.00 is to be paid from the 2024 Budget, General Fund, Information Technology Department, Licensing Line, 001-24-5423.

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

I. INFORMATION TECHNOLOGY: 2023 Server Upgrade Project:

-Mr. Hollingshead will present details. In September, 2023, the Commission approved hardware and software upgrades to certain servers used for law enforcement measures for an anticipated cost of \$45,000.00. As the project progresses, an additional \$5,000.00 in software needs has been identified.

Dereck Hollingshead, Information Technology Director, said while going through the process, they identified three software licenses that needed to be renewed and a server hardware warranty that needed to be extended. These exceeded the \$45,000.00 cost, asking today for an additional \$7,000.00, not to exceed \$52,000.00 as proposed.

Commissioner Schlessiger moved to encumber an additional \$7,000.00 for the 2023 Server Upgrade Bid. Cost to be paid from the Equipment Replacement Fund, General Line, 072-00-6380.

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

J. COUNTY CLERK: Levy Calculation Update:

-Ms. Schmeidler will provide details. On December 5, 2023, Ms. Schmeidler released a statement noting a miscalculation of a portion of the 2023 tax levies. Ms. Schmeidler has worked with the Commission and other members of the County's leadership team to develop a resolution.

Bev Schmeidler, County Clerk, said we learned last week that it was not an illegal mill levy and that payment under protest was not able to be done. Several people contacted the Clerk's Office and staff had been recalculating their taxes, letting them know about the variance. Working on the process and getting and checks out later.

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Commissioner Esfeld said she and Commissioner Zimmerman had been working on it as well. The state would really like us to go back and get our vendor to work with us. She had spoken with Bob Kent, Assistant Director of Property Valuation Division. Commissioner Esfeld asked Schmeidler if they had contacted her and they had not yet. If we do it through the AAE process, it would adjust the second half due for those who paid only the first half taxes. It would issue a refund to those who paid in full if it were enough.

Judy Goreham said she asked at the Department Head Meeting who would calculate her tax statements and let her know the difference. Goreham said she was told that it would be months before it could even be calculated. Schmeidler said she was sorry Goreham was given false information as they had been calculating the statements since last week.

Jim Jordan said that was a problem, there was no communication. He asked what he was supposed to do with the Illegal Levy Payment under Protest applications he had received.

Commissioner Schlessiger asked Jordan what usually happens when someone pays under protest. Jordan said he gets the forms, attaches the receipt and takes it to the Appraiser.

Commissioner Esfeld said people could still protest their values if they did not have an informal protest, you cannot protest twice in one year. This was not an illegal mill levy; it was an error. Initially, it was thought that it would have to be payment under protest but that was found to not be the case. Commissioner Esfeld said the Clerk's Office can calculate the taxes for taxpayers and that began late last week. Schmeidler said everyone in the office was able to help.

Commissioner Hutchinson asked what a taxpayer needs to know and what do they need to do.

Commissioner Esfeld said tax statements were not due out until December 15th in the state of Kansas, but taxes were due December 20th. She had spoken to Senator Tyson about a possible bill to change the date due. It was not Jordan's fault they were not out sooner. Commissioner Esfeld said she would like to contact the taxpayers who submitted the payment under protest applications. She had been waiting to hear more from Veronica, who works with the PVD in the Abstract Division. The State had been adamant that we work with them.

Jordan said the county passed a resolution that we do not issue refunds less than \$5.00.

Commissioner Esfeld said we should send an adjusted notice but was not sure how we would handle those who had paid in full if the amount was less than \$5.00.

Goreham asked about a credit towards next year's taxes.

Commissioner Esfeld said it would not work because it was a different year.

Commissioner Schlessiger said the system would not allow that either.

Jordan said the county did not hold the money; it would be distributed to the entities.

Goreham said she was frustrated she was getting different answers from her coworkers.

Commissioner Esfeld said we did not know. This had happened in Kansas before, at different levels. Doing our best to be transparent and get the word out to taxpayers. Rely on the media and our Facebook page.

Barton County Commission Agenda Meeting Minutes

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Commissioner Schlessiger said taxpayers could bring in their statements and Schmeidler could recalculate them. Schmeidler said that was what they had been doing.

Jordan said the root of the problem was not holding taxing entities accountable for their budgets due on October 1st which then puts a burden on the Clerk.

Commissioner Schlessiger asked how we could hold them accountable.

Patrick Hoffman said it was against the law, a misdemeanor and there was a statute addressing it. We had never threatened the townships or anyone. Most townships get them in timely, but we do have to wait until they were all turned in.

Commissioner Hutchinson said not just townships, all taxing entities.

Jordan said we also must rely on other counties.

Commissioner Zimmerman asked at what point do you levy with the budgets received and if the budget was not in, have to float no fund warrants.

Hoffman said it could be discussed at the Annual Township Meeting the County Engineer would be holding next month.

Commissioner Schlessiger asked if Schmeidler could start calling townships sooner. Schmeidler said they did make calls.

Commissioner Zimmerman said it was not always a township, we had waited on other entities in the past and sometimes were waiting on other counties due to joint districts. Had talked previously about using July values and moving forward with joint districts.

Mike Courson, Eagle Radio, asked was it best for taxpayers to call the Clerk's Office with questions. Schmeidler said yes, the staff could calculate the variance.

Dale Hogg, The Tribune, asked about moving up the deadlines to submit budgets. Schmeidler said that was set by the state.

Commissioner Zimmerman said RNR was good but also troublesome in that it moved the deadline back a full month for the entities filing their notice to exceed.

Hoffman said bullet points were to call the Clerk with questions, we will talk to our software provider to fix the issue and next year, we will get on everyone sooner to get things submitted.

Commissioner Schlessiger said Jordan was within statutory requirements when mailing statements on December 8th, he had until the 15th, they were not late.

Commissioner Esfeld thanked the media for helping to get the information out to taxpayers.

Commissioner Reif thanked Commissioner Esfeld and Commissioner Zimmerman for their work on the problem and said he was grateful for their knowledge and willingness to help. A lot of others had also helped and volunteered their time.

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No Executive Session Held

K. 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.

V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

Commissioner Reif – shared something from an article he read a couple years ago. With the holidays coming up and everyone celebrating, you will encounter a lot of people. Some of them may be at their absolute breaking point. While it may be the merriest time of the year for some, it may be the saddest, most stressful, loneliest, most heartbreaking for others. We are all busy but not too busy to be kind, caring and patient.

Commissioner Hutchinson – wished his daughter, Elle, happy birthday.

Commissioner Schlessiger – wished her daughter, Anna, happy birthday.

VII. ADJOURN:

Commissioner Esfeld made a motion to adjourn at 10:43 A.M.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

ATTEST: Bev Schmeidler
Bev Schmeidler
Barton County Clerk

Shawn Hutchinson
Shawn Hutchinson, Chairman

RESOLUTION 2023-25

**A RESOLUTION PROVIDING FOR A TEMPORARY MORATORIUM
ON COMMERCIAL SOLAR ENERGY PROJECT DEVELOPMENT WITHIN THE
UNINCORPORATED AREA OF BARTON COUNTY, KANSAS**

WHEREAS, the current Barton County Zoning Regulations would allow an application for a Commercial Renewable Energy Project in the unincorporated areas of Barton County; and

WHEREAS, due to the number of impacts that a Commercial Renewable Energy Project might have on that property for both current and future property owners, the Board of County Commissioners recognize that a need exists to review, consider potential changes, and potentially adopt land development regulations and/or standards that may pertain to such property uses; and

WHEREAS, the Board of County Commissioners desires to provide adequate time for the Barton County Planning Commission to properly evaluate and implement the aforementioned actions by providing for the suspension of applications for Conditional Use Permits for Commercial Renewable Energy Projects and for the suspension of construction and erection of Commercial Renewable Energy Projects in the interim; and

WHEREAS, the Board of County Commissioners desires to provide adequate time to determine, whether, where and how solar energy projects should be allowed in Barton County; and

WHEREAS, in accordance with K.S.A. 12-741 et seq. and K.S.A. 19-101 et seq., the County has police power and statutory authority to regulate the conduct of rural development through Zoning Regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BARTON COUNTY, KANSAS, that:

1. The Barton County Planning Commission is hereby directed to suspend acting upon any application received for the issuance of a Conditional Use Permit or for permits for the erection and construction of any Solar Energy Project or any component thereof until this moratorium has been ended.
2. The establishment of any Solar Energy Project in the unincorporated area of Barton County is hereby suspended and prohibited and the same is hereby declared to be a violation of the public interest of Barton County so long as this Resolution shall remain in effect.
3. The Barton County Planning Commission is directed to review and update the Barton County Zoning Regulations to provide additional guidelines and development areas with respect to Solar Energy Project development in the unincorporated area of Barton County, Kansas as they deem appropriate.
4. The Moratorium imposed by this Resolution may be extended, terminated earlier than its expiration date or otherwise amended by subsequent resolution of this Board of County Commissioners.
5. This Resolution shall take effect and be in full force and effect from and after its adoption and publication in the official county newspaper until March 31, 2024.

PASSED AND ADOPTED by the Commissioners of Barton County, Kansas, this 19th day of December, 2023.

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

NAY

Shawn Hutchinson, Chairman



Duane Reif, Commissioner



Barb Esfeld, Commissioner

NAY

Tricia Schlessiger, Commissioner



Donna Zimmerman, Commissioner

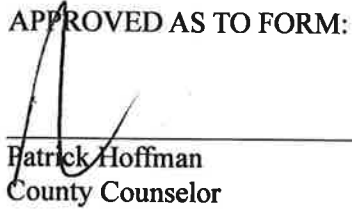
ATTEST:



Bev Schmeidler, County Clerk



APPROVED AS TO FORM:



Patrick Hoffman
County Counselor

RESOLUTION 2023-26

Transfer of Funds, General Fund to All Stars

WHEREAS, the Board of County Commissioners of Barton County, Kansas, is committed to maintaining the financial integrity of the County; and

WHEREAS, a key component to that is assuring that programs are funded at a level that provides for a return on expenditures in a manner that is both measurable and relevant; and

WHEREAS, the Commission believes, when monies are provided to support prevention programs for the area's youth, there is an immeasurable return as the reduction in adolescent engagement in risk behaviors benefits the community across generations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, when financial conditions warrant, will budget monies in the General Fund to support the All Stars program, a division of Juvenile Services, a non-budgeted fund; and

FURTHER, that the 2023 General Fund allocation, as provided in Finance General in the amount of Three Thousand Dollars (\$3,000.00), shall be made upon adoption of this Resolution.

Adopted this 19th day of December, 2023.

BOARD OF COUNTY COMMISSIONERS



Shawn Hutchinson, Chairman




Barb Esfeld, Commissioner



Duane Reif, Commissioner



Tricia Schlessiger, Commissioner



Donna Zimmerman, Commissioner

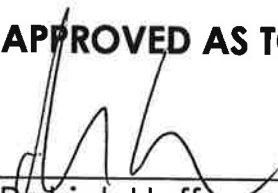
ATTEST:



Bev Schmeidler,
County Clerk



APPROVED AS TO FORM:



Patrick Hoffman,
County Counselor