

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

Meetings Live Streamed through **Microsoft Teams** at the following link: <https://bit.ly/3kRwvDH>

March 1, 2023

The Board of Barton County Commissioners convened this 1st day of March 2023, at the Barton County Courthouse.

Members present:

Duane Reif, Commissioner, 1st District
Barb Esfeld, Commissioner, 2nd District, (Chairman Pro-Tem)
Shawn Hutchinson, Commissioner, 3rd District, Chairman
Donna Zimmerman, Commissioner, 5th District
Bev Schmeidler, County Clerk
Matt Patzner, Director of Operations
Patrick Hoffman, County Counselor

Members absent:

Tricia Schlessiger, Commissioner, 4th District

I. OPENING BUSINESS:

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

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

Commissioner Zimmerman moved to approve the minutes of the February 22, 2023, Regular Meeting.
Commissioner Esfeld seconded the motion.
All voted aye. Motion passed.

II. APPROVAL OF APPROPRIATIONS: 13th Month – Fourth Run:

-An Accounts Payable Register for the 13th Month, 2022, will be submitted to the Commission. Thirteenth month expenditures include any unpaid bills for a product, service or utility that was received in 2022.

Commissioner Esfeld moved to approve the 13th month appropriations – Fourth Run for 2022 and authorize the Chairman to sign on behalf of the Commission.
Commissioner Reif seconded the motion.
All voted aye. Motion passed.

III. APPROVAL OF APPROPRIATIONS:

-An Accounts Payable Register will be submitted to the Commission for the period of February 15, 2023, and ending March 1, 2023.

Commissioner Reif moved to approve the appropriations for the period of February 15, 2023, to March 1, 2023. Authorize the Chairman to sign on behalf of the Commission.
Commissioner Esfeld seconded the motion.
All voted aye. Motion passed.

IV. OLD BUSINESS:

A. CONSIDERATION OF TABLED MINUTES:

-Bev Schmeidler, County Clerk, will provide details. On February 22, 2023, the Commission tabled the consideration of the February 15, 2023, minutes. The minutes were tabled as Executive Session information was not included therein.

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v Schmeidler, County Clerk, said the minutes were updated with the notes from executive session.

Commissioner Zimmerman moved to approve the minutes of the February 15, 2023, Regular Meeting. Commissioner Esfeld seconded the motion. All voted aye. Motion passed.

V. NEW BUSINESS:

A. RESOLUTION 2023-06: Resolution for Approval of Conditional Land Use Permit for a Described Tract of Land:

-Judy Goreham, Environmental Manager, will provide details. A Public Hearing was held on February 14, 2023, to consider a Conditional Land Use Permit request from Tillman Infrastructure, LLC by Skyward Land Services, Inc to construct a 468' Guyed Communications Tower on a small portion of an existing 120+/- acre tract owned by Lindsey Ward Schlegel on NW 40 Road, approximately three quarters of a mile east of the Rush County line. It was unanimously recommended by the Barton County Planning Commission that the Barton County Commissioners approve this request. Due to the height of this tower, there is one condition of approval recommended, that no building permit can be issued to construct the tower until the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) approvals have been received and copies submitted to the Barton County Environmental Management Office.

Judy Goreham, Environmental Manager, said the tower would be on a tract of land, approximately 120 acres. 16 acres of that would hold the tower, guyed wires and access road. The tower will be 460 feet tall, lattice style, with an 8-foot lightning rod on top. There were 8 of the 9 Planning Commission members present at the public hearing and no landowners within 1,000 feet attended or made any comments. The Planning Commission members present voted unanimously to recommend approval to the Barton County Commissioners. The location would be on northwest 40 road, about $\frac{3}{4}$ mile from the Rush County line on north side of the road. A tower has existed to the south and west since the 1990's. Verizon had leased space on that tower for several years but could no longer lease the space. Verizon will have space on the new tower along with other companies. Goreham introduced Patrick Erwin, Skyward Land Services, Inc.

Patrick Erwin, Skyward Land Services, Inc., said that Tillman Infrastructure, LLC was actively marketing the tower to Nex-Tech and other wireless internet service providers. Erwin said Verizon was under contract to be an anchor tenant on the new tower.

Commissioner Esfeld asked how many leases could be on a tower of this size. Erwin said this tower was as big as they get and that it will cover vast amounts of rural areas. It would be set up for at least four full cellular companies.

Commissioner Reif asked Erwin how it was decided who gets the top position. Erwin said first come, first served. They sell it in increments of 10-foot vertical elevations and can put whatever the company wants in that space if the structural integrity would not be compromised.

Goreham added that anything over 200 feet tall, approval statements from FAA and FCC must be provided. Goreham said that Russell Rural Water District was in the process of implementing digital meters and this new tower will be very beneficial to them.

Commissioner Reif commended Goreham and the Planning Commission, fortunate to have them in Barton County.

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Commissioner Esfeld moved to adopt Resolution 2023-06, Resolution for Approval of Conditional Land Use Permit for a Described Tract of Land.
Commissioner Reif seconded the motion.
All voted aye. Motion passed.

B. RESOLUTION 2023-07: A Resolution Prescribing Barton County's Policies Dealing with Financial Institutions and Rescinding Resolution 2017-16, Same, Adopted September 18, 2017:
-Jim Jordan, County Treasurer, will provide details. This Resolution was last updated in 2017. During a recent review, it was suggested that the title of the Financial Officer be updated to County Administrator and the role of the Deputy County Treasurer be expanded to include those duties currently being performed.

Jim Jordan, County Treasurer, said when he took office in 2017, he did not have a Deputy Treasurer so Matt Patzner was named as his backup. Resolution 2023-07 will clear up Patzner's title and the Deputy Treasurer role.

Commissioner Zimmerman moved to adopt Resolution 2023-07, A Resolution Prescribing Barton County's Policies Dealing with Financial Institutions and Rescinding Resolution 2017-16, Same, Adopted September 18, 2017.
Commissioner Reif seconded the motion.
All voted aye. Motion passed.

Commissioner Esfeld asked Jordan if he had any information on the proposed bill for County Treasurers. Jordan said he did not know where it was in the process. He said Department of Motor Vehicles was now supporting them but they had concerns about updating their system to make the changes. Jordan thanked Commissioner Zimmerman for supportive emails she sent.

Commissioner Esfeld asked Goreham about the bills regarding the 3-mile zoning around cities. Goreham said one bill was to repeal the 3-mile area and make counties take it back. The other was to leave the area alone but allow people living in those areas to vote on the city councils making the decisions.

Commissioner Zimmerman said she hoped they would talk to Election Officers as many other voting districts would have to be created. Goreham said her opinion as Zoning Administrator, that if either were to pass, it would create unnecessary havoc. The system works.

Commissioner Hutchinson said the state was looking at ways to refund taxes collected beyond what was needed. He and Patzner were brainstorming and thought it would be great if the counties were allowed to keep 1% of the sales tax collected to directly offset property taxes.

Patrick Hoffman, County Counselor, said he thought there was a pretty serious look at eliminating sales tax on food.

C. PROCLAMATION 2023-01: Severe Weather Preparedness Week, March 6 – 10, 2023:
-Amy Miller, Emergency Risk Manager, will present details. Severe Weather Preparedness Week, March 6 – 10, 2023, is a cooperative effort of the National Weather Service, the Kansas Emergency Management Association, and local county emergency management agencies. Barton County Emergency Management reminds everyone to be prepared for the spring severe weather season. The proposed Proclamation encourages individuals, businesses, and communities to plan and prepare for an emergency.

Amy Miller, Emergency Risk Manager, said every year there was a cooperative effort of the National Weather Service, the Kansas Emergency Management Association, Kansas Division of Emergency Management and local county emergency management agencies to remind everyone to prepare for

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vere weather season. Last year there were 56 tornadoes in Kansas, well below average but up from the previous year. Last year, the strongest tornado in Kansas was an EF3 on April 29th that crossed from Sedgwick County into Butler County. Current estimate of damages was from \$37 million to \$42 million. It did not receive a Presidential Disaster Declaration because fortunately most of the people had insurance. Miller read the proclamation.

Commissioner Reif said after going through the Hoisington tornado, he was more aware of what Miller does. He noted everyone should keep a safe box and emergency kit.

Miller said the Hoisington tornado was when the weather service started promoting for people to wear shoes in severe weather events.

Commissioner Reif moved to adopt Proclamation 2023-01, Severe Weather Preparedness Week, March 6 – 10, 2023.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

Miller said that Storm Fury on the Plains would be Monday, March 13, 2023 at 6:30 P.M. at the Crest Theater.

D. COURTHOUSE IMPROVEMENT PROJECT: Network Project for Temporary Facilities:

-Derreck Hollingshead, Information Technology Director, will present details. On February 22, 2023, the Information Technology Department released a Request for Proposal seeking pricing for various network equipment. Included in the proposal was connections needed for computers, cameras, phones and ancillary electrical equipment to be used at the two temporary locations that will house Courthouse operations during the HVAC improvement project. Bids were accepted until 1:00 p.m., February 28, 2023. The Commission will be asked to award the bid.

Dereck Hollingshead, Information Technology Director, said various items were needed to get the temporary facilities ready to move into. Six bids were received from various vendors. Hollingshead recommended Nex-Tech as it was the lowest local bid and communicated to him that they could get the product here in a timely manner. The low bid was a company in California that Hollingshead had no connections with and was unsure they could meet the timeline. Nex-Tech was going to providing phone and fax services at the temporary locations as well.

Commissioner Esfeld said one company was in McPherson. Hollingshead said yes but they did not meet the specifications.

Commissioner Zimmerman moved to approve the \$27,474.96 bid from Nex-Tech for the Network Project for Temporary Facilities. Cost to be paid from the Courthouse General Account of the General Fund, HVAC Project Expenses, 001-18-5517.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

No Executive Session Held

E. EXECUTIVE SESSION:

-Chairman Shawn Hutchinson will present. Any Commissioner may make a motion for the board to recess the 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.

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VI. ENDING BUSINESS:

1. Announcements
2. Appointments

VII. OTHER BUSINESS:

There was no other business.

VIII. ADJOURN.

Commissioner Zimmerman moved to adjourn at 9:31 A.M.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

ATTEST:



Bev Schmeidler
Barton County Clerk



Shawn Hutchinson, Chairman

RESOLUTION 2023-06

**RESOLUTION FOR APPROVAL OF CONDITIONAL LAND USE PERMIT
FOR A DESCRIBED TRACT OF LAND**

WHEREAS, on January 28, 2013, the Barton County Planning Commission recommended to the Board of Barton County Commissioners the adoption of the Barton County Zoning Regulations, including the Official Zoning Map of Barton County, Version II. Said recommendation resulting in the adoption of the current version of the Zoning Regulations; and

WHEREAS, on the 14th day of February 2023, the Planning Commission approved a recommendation to the Board of County Commissioners to take action on conditional land use of a certain tract of land; and

WHEREAS, the Barton County Planning Commission recommends that:

The tract of land situated in the SW/4, Section 6, Township 19 South, Range 15 West in the County of Barton, State of Kansas, more specifically located as follows: 1368 NW 40 Rd, Albert, KS 67511.

Currently zoned as Agricultural Distract shall be Approved for Tillman Infrastructure, LLC by Skyward Land Services, Inc.; Patrick Erwin a Conditional Land Use Permit to construct a Communications Tower in the general south west corner of above referenced parcel located approximately $\frac{3}{4}$ miles east of the Rush County Line, on NW 40 Road, on the north side, contingent upon receiving the FAA & FCC approvals – As said conditional use is allowed under the Barton County Zoning Regulations, Version II, Article III, District Regulations, Part 1. Agricultural District, Section 3-101 (B) Conditional Uses (2) Broadcasting and telecommunications towers.

NOW, THEREFORE, the Board of County Commissioners of Barton County, Kansas, hereby adopts the recommendation of the Barton County Planning Commission as contained herein with the stipulation:

The conditional land use permit for the property, currently zoned as Agricultural District, shall be Approved with a condition of approval that the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) approvals have been received and copies submitted to the Barton County Environmental Management Office.

FURTHER, that the Secretary of the Planning Board is hereby directed to have said revision reflected in the official zoning records of Barton County and that a method be established for tracking this, and future actions taken in zoning areas.

MOTION MADE AND ADOPTED by the Board of County Commission of Barton County, Kansas, this 1st day of March 2023.

Barton County Commissioners present, and voting were:

BARTON COUNTY COMMISSIONERS



Shawn Hutchinson, Chairman



Barb Esfeld, Commissioner



Duane A. Reif, Commissioner

ABSENT
Tricia Schlessiger, Commissioner

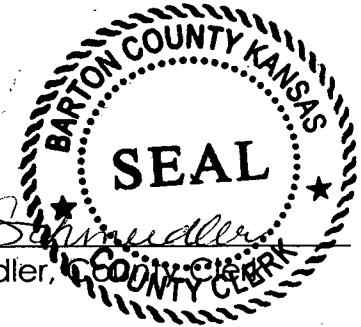


Donna Zimmerman, Commissioner

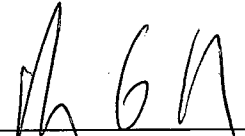
ATTEST:



Bev Schmeidler, County Clerk



APPROVED AS TO FORM:



Patrick Hoffman, County Counselor

RESOLUTION 2023-07

A Resolution Prescribing Barton County's Policies Dealing with Financial Institutions and Rescinding Resolution 2017-16, Same, Adopted September 18, 2017

WHEREAS, the Board of County Commissioners of Barton County, Kansas, have designated certain banks, savings and loan associations and savings banks, herein referred to as "institutions", to serve as depositories of Barton County funds; and

WHEREAS, only those investments permitted by Kansas Statutes are authorized. No public money shall be deposited except in a qualified depository as defined by Kansas statutes; and

WHEREAS, K.S.A. 9-1402 and K.S.A. 9-1403 provide guidelines to depository financial institutions concerning security for deposit of public funds; and

WHEREAS, due to the need for Barton County funds to be adequately secured, the Commission herein serves notice to said depository institutions concerning the securing of County funds at one hundred percent (100%) of principal and interest.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that as a condition of being designated a depository of Barton County funds, said institutions shall provide to the County Treasurer and the County Administrator proof of security for the funds as provided in K.S.A. 9-1402 and 9-1403 whenever the Treasurer requests such information; and

FURTHER, that the County Treasurer shall be empowered to open accounts for Barton County and only using those depositories designated by the Commission; and

FURTHER, whenever the County Treasurer establishes an account for Barton County, the signatories shall be limited to the following County officials and / or personnel:

The County Treasurer, as well as a maximum of two designees within his or her office;
The County Clerk, as well as a maximum of two designees within his or her office;
The Chairman of the Barton County Commission, with the exception that signatory status be limited to accounts payable and payroll accounts; and
The County Administrator.

FURTHER, that the County Treasurer shall update signatory cards at financial institutions whenever there is a change in the personnel selected to be signatories;

FURTHER, that the signatories as named herein shall be bonded in an amount and in the manner prescribed by Kansas statutes; and

FURTHER, that in the event the County Treasurer is unable to complete these herein prescribed duties, the responsibility shall fall to the Deputy County Treasurer.

FURTHER, the County Treasurer will provide the County Administrator with the authorization to view County accounts electronically at each designated financial institute;

FURTHER, Resolution 2017-16, same, adopted September 18, 2017, is hereby rescinded.

Adopted this 1st day of March, 2023.

BARTON COUNTY COMMISSIONERS


Shawn Hutchinson, Chairman



Barb Esfeld, Commissioner

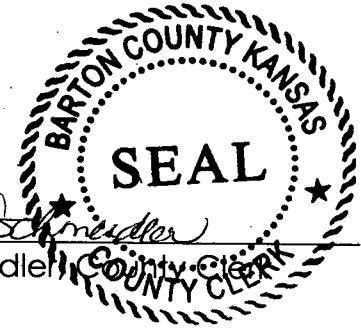

Duane A. Reif, Commissioner

ABSENT
Tricia Schlessiger, Commissioner

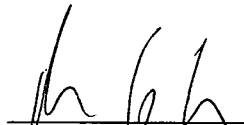

Donna Zimmerman, Commissioner

ATTEST:


Bev Schmeidler, County Clerk



APPROVED AS TO FORM:


Patrick Hoffman, County Counselor

PROCLAMATION 2023-01

SEVERE WEATHER PREPAREDNESS WEEK, MARCH 6 – 10, 2023

WHEREAS, severe weather and hazardous conditions can escalate quickly, individuals are encouraged to have several ways to receive weather warnings; and

WHEREAS, tornadoes, lightning, hail, strong winds, flooding, and wildfires are all hazards that can cause damages to individuals, homes, businesses, public infrastructure, pets, and livestock; and

WHEREAS, individuals are urged to know your risk and take action;

WHEREAS, all residents are encouraged to prepare themselves and their families by:

1. Reviewing Your Weather Safety Plans and Procedures
2. Knowing the Safest Place to Seek Shelter before the Storm
3. Have Multiple Ways to Receive a Warning
4. Consider Canceling or Postponing Outside Activities
5. Inform Others of the Heightened Risk or Warning; and

WHEREAS, all schools, businesses and residents are encouraged to prepare and practice personal safety plans, and to participate in the statewide Tornado Drill scheduled for Tuesday, March 7, 2023, at 10:00 a.m.

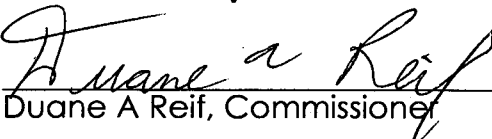
NOW THEREFORE BE IT PROCLAIMED, that the Board of County Commissioners of Barton County, Kansas, hereby declares the week of March 6 through 10, 2023, as Severe Weather Preparedness Week to encourage all residents to prepare for severe spring weather.

ADOPTED this 1st day of March, 2023.

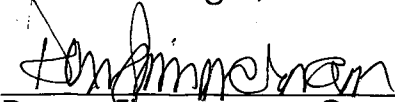
BOARD OF COUNTY COMMISSIONERS


Shawn Hutchinson, Chairman



Barb Esfeld, Commissioner


Duane A Reif, Commissioner

ABSENT
Tricia Schlessiger, Commissioner


Donna Zimmerman, Commissioner

ATTEST:


Bev Schmeidler, County Clerk

