

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/41eITie>

May 10, 2023

The Board of Barton County Commissioners convened this 10th day of May 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
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.
Commissioner Schlessiger seconded the motion.
All voted aye. Motion passed.

Commissioner Esfeld moved to approve the minutes of the April 28, 2023, Special Meeting.
Commissioner Reif seconded the motion.
All voted aye. Motion passed.
Minutes of the May 3, 2023, Regular Meeting were not available.

II. APPROVAL OF APPROPRIATIONS:

-Bev Schmeidler, County Clerk, will present details. An Accounts Payable Register will be submitted to the Commission for the period of April 26, 2023, and ending May 10, 2023.

Commissioner Schlessiger moved to approve appropriations for the period of April 26, 2023, to May 10, 2023. Authorize the Chairman to sign on behalf of the Commission.
Commissioner Zimmerman seconded the motion.
All voted aye. Motion passed.

III. OLD BUSINESS:

-There was no Old Business.

IV. NEW BUSINESS:

A. ENVIRONMENTAL MANAGEMENT: Barton County Zoning Regulations:

-Judy Goreham, Environmental Manager, will provide details. During the April 27, 2023, Planning Commission meeting, Planning Commissioner JC Bosch, under an added item, Commercial Solar Farm Discussion, asked that the Barton County Zoning Map be amended to prohibit commercial solar farms within six miles of Cheyenne Bottoms. The Planning Commission approved submission of the revised map to the Barton County Commissioners. In order to follow procedure, it is suggested that the County Commission return the item to the Planning Commission.

Judy Goreham, Environmental Manager, said at the last Planning Commission meeting, one of the nine members asked to amend the agenda which was approved. That member made a motion to exclude commercial solar facilities within six miles of Cheyenne Bottoms. Five of the nine members approved that motion. The matter would need to come before the County Commissioners for their vote. Goreham recommended returning it to the Planning Commission with instructions to do several things: to include

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any agencies associated with Cheyenne Bottoms; notify every landowner that would be affected, as well as those within 1,000 feet of a proposed line; take more time establishing a line that could be enforced and hold a public hearing so all could be heard.

Commissioner Hutchinson asked if that made sense to the County Counselor. Patrick Hoffman, County Counselor, said the Planning Commission had the power to propose a zoning amendment. A public hearing needed to be held so that affected landowners had the opportunity to be heard.

Commissioner Schlessiger said she agreed that it should go back to the Planning Commission and follow the proper steps.

Goreham said when a recommendation comes from the Planning Commission, it takes three of the five, a simple majority, to approve. However, if the County Commissioners change it in any way, return it or refuse it, etcetera, it would take four of the five, a super majority to pass.

Commissioner Esfeld moved to return the zoning map change back to the Planning Commission. Direct the Planning Commission to develop the necessary regulations specific to Commercial Solar Farms, solicit input from the agencies associated with Cheyenne Bottoms, properly delineate the zoning map to match roads and/or property boundaries and conduct a public hearing on the proposed regulations for Commercial Solar Farms and the proposed Barton County Zoning Map revision prohibiting Commercial Solar Farms within six miles of Cheyenne Bottoms. Action taken following the Public Hearing to be presented to the Barton County Commission.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

B. RESOLUTION 2023-12: A Resolution Providing for a Temporary Moratorium on Commercial Solar Energy Project Development within the Unincorporated Area of Barton County, Kansas:

-Ms. Goreham will continue. In an effort to aid the Planning Commission in the Zoning Regulation enforcement relative to Commercial Solar Farms, it is suggested that the Commission adopt a Resolution establishing a moratorium on that activity in the unincorporated area of the County.

Judy Goreham, Environmental Manager, said doing a moratorium would be the cleanest way to allow the Planning Commission the time necessary to study how a solar farm would affect Barton County. Her recommendation was to consider a moratorium on any commercial solar development in the county.

Commissioner Zimmerman asked Goreham if the moratorium was set to expire December 31st or earlier if the Planning Commission was ready. Goreham said when the commission lifts it.

Commissioner Schlessiger asked what the process would be if they did not do the moratorium. Goreham said if an application were to be received from a solar company, they would have sixty days by statute to conduct a public hearing. She did not think the Planning Commission would be able to make a recommendation at that time as they would be in the middle of studying regulations. They would have the ability to pause and not vote on that application.

Hoffman said there was a process currently in the zoning code for solar, last amended in 2013. There have been developments in solar since then. A lot of counties were reviewing their policies because of the changes in technology and the size of solar farms now. With the discussion during study session last week, it was clear that people had a lot of different ideas regarding solar farms and what that would look like for Barton County. Hoffman recommended the moratorium to allow the Planning Commission time to review the zoning process, zoning codes and applications. Then the Planning Commission could present their findings to the County Commissioners.

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Commissioner Schlessiger said if the County Commissioners did not put a moratorium in place, the Planning Commission would still be allowed to pause. Goreham said they could but likely would not vote on an application. Goreham said it would not make sense to vote on something while in the process of figuring out possible new regulations.

Hoffman said he thought there was some confusion. If the Planning Commission received an application without a moratorium in place, they would have a deadline to vote on the application and bring it to the County Commissioners.

Goreham said her understanding was that, by statute, they would have to hold a public hearing within sixty days. But at that hearing, the Planning Commission would not have to make a vote on the application, they could continue it to a later date.

Hoffman said it could not be continued indefinitely.

Gorham said the Planning Commission was to meet tomorrow morning and would begin working on the matters.

Commissioner Reif said with a moratorium, we were not refusing solar farms, just giving everyone time to consider, review and sort through everything.

Hoffman said he felt it was best to do a moratorium, take the time to review the regulations and feel good about them going forward before making those decisions.

Commissioner Reif moved to adopt Resolution 2023-12: A Resolution Providing for a Temporary Moratorium on Commercial Solar Energy Project Development within the Unincorporated Area of Barton County, Kansas.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

C. COMMISSION: Barton County Façade Improvement Grants:

-Chairman Shawn Hutchinson will provide details. In 2021, the Commission dedicated \$630,000.00 to the Façade Improvement Project. In 2023, the Commission directed \$250,00.00 in funding be reserved for the program. Statistical information on the overall program has been compiled.

Commissioner Hutchinson said there were 41 applicants in Round I, 2021, with 4 additional priority applications. In 2023, 18 applications had been awarded for a total of 63 Façade Improvement Grants in Barton County. 43 vendors were used, most of those being from Barton County. There were 9 projects in Claflin, 7 in Ellinwood, 37 in Great Bend and 10 in Hoisington.

D. CENTRAL KANSAS COMMUNITY CORRECTIONS: Out of State Travel – Council of State Governments Justice Center SCA Substance Use Disorder Symposium:

-Amy Boxberger, CKCC Director, will provide details. In 2021, CKCC received a Second Chance Act (SCA) Improving Reentry for Adults with Substance Use Disorders grant. A component of this grant includes training with the Council of State Governments (CSG), working in partnership with the Bureau of Justice Administration (BJA). The Commission will be asked to allow Tyler Lehmkuhl, CKCC, and Charity Muth, Stepping Stones to Recovery, a grant partner, to attend the SCA Substance Use Disorder Symposium in Washington, DC. The event will be held June 8 and 9, 2023.

Amy Boxberger, CKCC Director, asked for approval of out of state travel for one staff member, Tyler Lehmkuhl, and one community partner, Charity Muth, Stepping Stones to Recovery. The grant would cover all costs for travel expenses. Looking forward to attending the symposium in Washington, D.C. and hope to continue to learn and grow about how to best serve the population.

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Commissioner Esfeld looked forward to hearing about what they learned.

Commissioner Esfeld moved to approve out-of-state travel for Tyler Lehmkuhl, CKCC, and Charity Muth, Stepping Stones to Recovery, to attend the SCA Substance Use Disorder Symposium in Washington, DC, June 8 and 9, 2023. Associated costs are to be paid through the SCA Improving Reentry for Adults with Substance Use Disorders grant, Travel Line, 907-70-5490. Direct the Commission Chair to sign said Travel Request.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

E. JUVENILE SERVICES: Out of State Travel – Community Anti-Drug Coalitions of America's Mid-Year Forum:

-Marissa Woodmansee, Juvenile Services Director, will provide details. In 2021, Juvenile Services received a Centers for Disease Control and Prevention Drug-Free Communities Support program grant. A component of this grant includes training with the National Coalition Academy (NCA), working in partnership with the Community Anti-Drug Coalitions of America (CADCA). The Commission will be asked to allow Tyler Morton, Juvenile Services, and Holly Bowyer, The Center for Counseling, a grant partner, to attend the Mid-Year Forum in Dallas, Texas. The event will be held July 16 through 20, 2023.

Marissa Woodmansee, Juvenile Services Director, asked for approval of out of state travel for training. Biannual training was built into the grant when they received it. This was a mid-year forum with the opportunity to take staff as well as youth. Last year, Jasmine and Katelyn went to Florida. They brought training back to Juvenile Services and made presentations to Youth Crew, Commissioners and others. Youth Crews' mission was to help youth create healthy habits in themselves and the areas that they serve. They will learn from experts and bring that knowledge back to our communities.

Commissioner Zimmerman moved to approve out-of-state travel for Tyler Morton, Juvenile Services, and Holly Bowyer, The Center for Counseling, to attend the Mid-Year Forum in Dallas, Texas, on July 16 through July 20, 2023. Associated costs to be paid through the Drug-Free Communities Grant Fund, Travel Line, 908-72-5490. Direct the Commission Chair to sign said Travel Request.

Commissioner Schlessiger seconded the motion.

All voted aye. Motion passed.

F. ROAD AND BRIDGE: KanEquip – Equipment Repair:

-Darren Williams, County Works Director, will provide details. A 2016 Case/IHC Maximum 150 mowing tractor is in need of a clutch replacement. KanEquip has estimated labor and materials for the work at \$28,195.04. It is suggested that Road and Bridge funds be used for this unanticipated cost.

Darren Williams, County Works Director, said to make the repairs, the entire tractor had to be taken apart. There were three clutches, one was bad, one was going bad and the third one was still good. Instead of having to pay an additional \$12,000.00 later to replace another one, they were having all three replaced now.

Commissioner Reif asked Williams how much labor costs were. Williams said approximately \$200.00 per hour.

Commissioner Schlessiger moved to approve the repair of the 2016 Case / IHC Maximum 150 mowing tractor by KanEquip for a cost not to exceed \$30,000.00. Cost to be paid from Road and Bridge Fund, Equipment Repairs Line, 002-92-5310.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

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Commissioner Reif asked Williams how many mowers or tractors with mowers they had. Williams said four tractors and four mowers. They have 389 miles of road so double the miles for ditches mowed.

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

-Matt Patzner, County Administrator, 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. The City of Susank remains open. The position expires December 31, 2024.

Matt Patzner, County Administrator, said Fire District No. 2 consists of the townships of Albion, Eureka, North Homestead, South Homestead and Union and the cities of Hoisington, Olmitz and Susank. Today, asking for appointment of Jackie DeBusk to the Board of Trustees for Fire District No. 2 for a term ending December 31, 2024.

Commissioner Zimmerman asked Patzner what township DeBusk would represent. Patzner said it would be the City of Susank.

Commissioner Reif said with the appointment of DeBusk, it would fill all the positions.

Commissioner Reif moved to appoint Jackie DeBusk to the Board of Trustees for Fire District No. 2, Barton County, Kansas. The uncompensated term ends December 31, 2024.

Commissioner Esfeld seconded the motion.

All voted aye. Motion passed.

H. RESOLUTION 2023-13: A Resolution Establishing a Regular Meeting Schedule for the County Commission and Rescinding Resolution 2022-01, Same, adopted January 4, 2022:

-Mr. Patzner will provide details. KSA 19-206 authorizes the Commission to meet in regular session on such days and at such times each month as may be determined. Said meeting schedule is to be established through the adoption of a Resolution. At this time, the Commission will consider changing the meeting dates to Tuesdays.

Matt Patzner, County Administrator, presented details and asked the commission to consider changing the meeting day to Tuesday effective July 1, 2023. The first meeting in July would be July 11, 2023.

Commissioner Esfeld moved to adopt Resolution 2023-13, A Resolution Establishing a Regular Meeting Schedule for the County Commission and Rescinding Resolution 2022-01, Same, adopted January 4, 2022.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

No Executive Session Held

I. EXECUTIVE SESSION:

-Chairman 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.

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V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

Dan Witt – represents the cranes. Asked the commissioners if they received letters from Ducks Unlimited and shared concerns regarding the solar farm.

VII. ADJOURN.

Commissioner Esfeld moved to adjourn at 9:38 A.M.

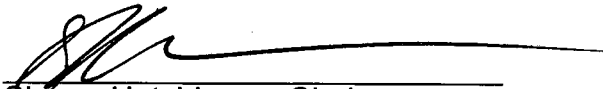
Commissioner Reif seconded the motion.

All voted aye. Motion passed.

ATTEST:



Bev Schmeidler
Barton County Clerk



Shawn Hutchinson, Chairman

RESOLUTION 2023-12

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, Version II, 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 commercial 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.

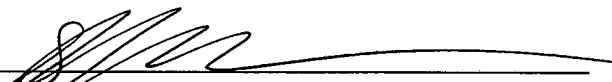
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BARTON COUNTY, KANSAS, that:

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 Commercial Solar Energy Project or any component thereof until this moratorium has been ended.
2. The establishment of any Commercial 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.

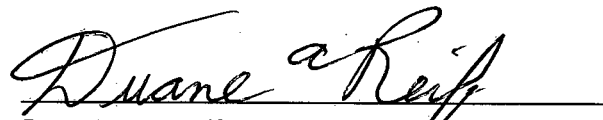
3. The Barton County Planning Commission is directed to review and update the Barton County Zoning Regulations, Version II, to provide additional guidelines and development areas with respect to Commercial Solar Energy Project development in the unincorporated area of Barton County, Kansas as they deem 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 December 31, 2023.

PASSED AND ADOPTED by the Commissioners of Barton County, Kansas, this 10th day of May 2023.

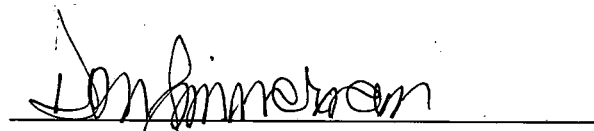
**BOARD OF COUNTY COMMISSIONERS
OF BARTON COUNTY, KANSAS**


Shawn Hutchinson, Chairman


Barb Esfeld, Commissioner



Duane A Reif, Commissioner


Tricia Schlessiger, Commissioner



Donna Zimmerman, Commissioner

ATTEST:




Bev Schmeidler, County Clerk

APPROVED AS TO FORM:


Patrick Hoffman
County Counselor

RESOLUTION 2023-13

A RESOLUTION ESTABLISHING A REGULAR MEETING SCHEDULE FOR THE COUNTY COMMISSION AND RESCINDING RESOLUTION 2022-01, SAME, ADOPTED JANUARY 4, 2022

WHEREAS, the Board of County Commissioners of Barton County, Kansas, meets regularly in open session so that the business of the County can be transacted in the most expeditious and transparent manner; and

WHEREAS, said regular business meetings shall be held at such time and place to constitute a dependable schedule and regular, weekly meetings, shall take place unless otherwise announced; and

WHEREAS, the Commission will publish an agenda each week, detailing both action and study session items, so that the public is provided with an accounting of proposed business; and

WHEREAS, if a special meeting is called, the Commission will give advanced notice prior to holding such meeting and, further, that an agenda will be developed for all special meetings and made available to the public.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that pursuant to KSA 19-206, and amendments thereto:

1. The Board of County Commissioners of Barton County, Kansas, shall meet in regular session in their Chambers at the Barton County Courthouse, 1400 Main, Room 106, Great Bend, Kansas, at 9:00 a.m. each Tuesday, except for holidays, beginning July 1, 2023; and

As the first Tuesday in July, 2023, is Independence Day, the next regularly scheduled meeting of the Commission Shall be held on July 11, 2023.

2. The Board may meet in special session on the call of the Chairperson for the transaction of any business, at the request of a majority of the members on the board. The nature of the business to be transacted at any special meeting shall be governed by the matters and things set out in the call for such meeting, notice of any special session shall include the date, time and location of such special meeting; and
3. Should the Commission deem it appropriate to deviate from the regularly scheduled meeting day, place or time, the change in schedule shall be announced prior to that meeting.
4. Should the regular scheduled meeting fail to be held due to inclement weather, lack of a quorum or other reason, the next meeting of the Commission shall be assumed to be the next Tuesday of the regular session schedule.

FURTHER, that Resolution 2022-01, Same, adopted January 4, 2022, is here by rescinded.

Dated this 10th day of May, 2023.

BOARD OF COUNTY COMMISSIONERS



Shawn Hutchinson, Chairman




Barb Efeld, Commissioner



Duane A Reif, Commissioner



Tricia Schlessiger, Commissioner

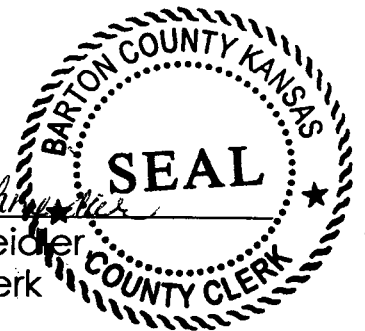


Donna Zimmerman, Commissioner

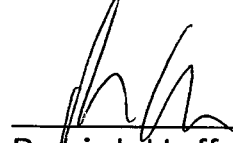
ATTEST:



Bev Schneider
County Clerk



APPROVED AS TO FORM:



Patrick Hoffman,
County Counselor