

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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October 15, 2024

The Board of Barton County Commissioners convened this 15th day of October, 2024, at the Barton County Courthouse.

Members present:

Duane Reif, Commissioner, 1st District
Barb Esfeld, Commissioner, 2nd District, Chairman
Shawn Hutchinson, Commissioner, 3rd District
Tricia Schlessiger, Commissioner, 4th District, (Chairman Pro-Tem)
Donna Zimmerman, Commissioner, 5th District
Bev Schmeidler, County Clerk
Matt Patzner, County Administrator
Patrick Hoffman, County Counselor

I. OPENING BUSINESS:

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

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

Commissioner Schlessiger said she noticed the minutes said Commissioner Esfeld called the meeting to order. That needed to be changed to her. Commissioner Schlessiger moved to approve the minutes of the October 8, 2024, Regular Meeting with that change.

Commissioner Esfeld asked if anyone would like to second the October 8, 2024, meeting with the correction of Commissioner Tricia Schlessiger calling the meeting to order.
Commissioner Hutchinson seconded the motion.
All voted aye. Motion passed.

II. OLD BUSINESS:

A. NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR TRI-COUNTY SPECIAL MEETING:

-Chairman Barb Esfeld will facilitate the discussion. On October 1, 2024, Barton, Pawnee and Russell Counties joined to hold a tri-County Special Meeting relative to the National Interest Electric Transmission Corridor (NIETC). Included were federal and state officials along with input from the US Department of Energy, Kansas Corporation Commission and others. This item was tabled on October 8, 2024.

Commissioner Barb Esfeld said Barton County held an informational meeting about a month ago at the Events Center, Russell County and Pawnee County as well as other counties also held meetings. It became apparent that Pawnee, Russell and Barton counties should hold a meeting to address the frustrations and questions of constituents that were not being answered. The three counties decided to join together and have a Tri-County meeting. Commissioner Esfeld said she was not sure if it was the first time counties got together for a formal meeting.

Commissioner Hutchinson said he asked Senator Moran's office that very question. Their response was that representatives from multiple counties may be at meetings together, but they had never seen a meeting where decisions could be made and voted on.

Commissioner Esfeld said it made sense to have the meeting together. It brought strength and the three counties wrote the letter together. There were still some questions that they were sending to the KCC and Department of Energy. Some Kansas counties had signed resolutions and Barton County could do that if

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y chose to in the future. Commissioner Esfeld said it was good to see Senator Caryn Tyson in attendance, she chairs the Senate Tax Committee. At the upcoming KAC Meeting, there will be discussions about what could be done.

Commissioner Zimmerman said she wished that the legislators would have attended the meeting, faced the voters and answered questions.

Commissioner Hutchinson said they both claim this as their hometown.

Commissioner Schlessiger said it was important for people to submit their comments to the NIETC website. That was where the joint letter from the three counties was submitted. Hopefully, the Department of Energy would listen if there were a lot of comments and people make their opposition to the project known.

Commissioner Zimmerman asked that the address be put on the Barton County website if it were not already there.

Commissioner Schlessiger said that was a direct line to the Department of Energy and the goal was to get them to come here for a meeting, not to be in Kansas City or Topeka, we want our voices heard.

Commissioner Hutchinson said we needed to keep the momentum going, get KAC to suggest legislation and get it passed. Also, get some rules changed at KCC.

Commissioner Schlessiger said it started with our local legislators, they go to Topeka appoint and hire and had some control over KCC.

Commissioner Hutchinson said they needed to stop granting eminent domain to private companies.

Commissioner Schlessiger said they were giving it away.

Commissioner Hutchinson said they were giving it away for free.

Commissioner Schlessiger said this particular one, the Department of Energy would give away, but the KCC had been giving it away for years.

Commissioner Zimmerman said it was important to be loud and be heard.

Commissioner Reif said we needed to do something now, just sit back and see what happened.

Commissioner Hutchinson said we needed to get this stopped and make sure the rules were changed for the future. Commissioner Hutchinson asked Patrick Hoffman if he knew whether the other counties had changed the resolution or passed as is. Hoffman did not think they had passed them yet, but Pawnee County was going to pass it as is. Hoffman said we had to keep looking for steps to take to stop the project.

Commissioner Schlessiger said Katie Sawyer with Senator Marshall's office had said that counties could pass zoning regulations and asked if there had been an answer about it. Hoffman said he asked Sawyer who she heard that from, but she did not remember. Hoffman had talked to other county counselors about the issue and the state took the right of citing transmission lines from the counties and gave it to KCC. It had to do with the Wolf Creek Nuclear Power Plant and other things. Transmission lines that receive utility status could not be cited by the county so we could not put in zoning regulations.

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Commissioner Hutchinson asked if it was unusual for private companies to be granted public utility status. Hoffman said public utility status for this project was unusual. Usually what happened was a utility provided services directly to consumers in Kansas. Because this utility would not have consumers in Kansas but would be out of state, this was unusual.

B. KANSAS LEGISLATIVE POLICY GROUP: Annual Meeting Update:

-Chairman Esfeld will provide an update. On October 3 and 4, 2024, the Kansas Legislative Policy Group held its Annual Meeting in Liberal, Kansas. The meeting included a legislative platform review, economic development program and a series of speakers. This item was tabled on October 8, 2024.

Commissioner Barb Esfeld said even though the group was not affected by the transmission lines, they were very serious about it. The attorneys, Doug Smith and John Pinegar, were willing to write any legislation to help the counties. They were waiting to hear from us about how they could help in stopping eminent domain. The KLPG spent a lot of time talking about transmission lines, solar farms and wind energy farms. Everyone agreed that for things already passed, as well as those that could pass in the future, to have a use tax when energy was being produced for someone else and it did not stay in Kansas. A use tax could help shift the burden from property tax. Commissioner Esfeld said there would be more discussion at the KAC Conference. Commissioner Esfeld said KLPG got the area counties a lot of money in a lawsuit in the past.

Commissioner Zimmerman said the Oil and Gas Depletion Trust Fund.

Commissioner Esfeld shared things from the legislative platform. Some were the consolidation of government in courts; county jail and juvenile justice funding that would allow counties to be reimbursed for all costs incurred for incarcerated adults and juveniles while in state custody and convicted felons to reimburse law enforcement agencies and counties for medical costs incurred while in custody. Construction of private utility facilities; KCC to oversee and coordinate notification of right of way construction activities to maintain the industry accepted standards and orderly construction requirements to protect the public citizens for safety and the businesses in our community. One of the things brought up was that the transmission line project, standards were not acceptable. If KCC were to give out permits, they should make sure standards were being met. Sharing of state sales and compensating use tax was LAVTR and now was City and County Revenue Sharing Fund (CCRS). The full allocation of motor carrier property taxes to the special city and county highway fund. To shift the burden, they were looking at a way to bring back the sin tax on alcohol and drugs. Adam Smith chairs the house tax committee and did not think it was enough money to help. Medical marijuana was brought up, but could it be taxed. Unless federal laws changed, the money could not be put in a bank. They would be looking into it and adding it to the sin tax if possible. Attorney John Pinegar said it was on the platform and would be discussed. Commissioner Esfeld said she was looking for any relief on property taxes. Fuel tax and junior colleges were also discussed. Junior colleges used to receive funds per student, but that money was no longer available.

Commissioner Zimmerman said that was a lot of information and thanked Commissioner Esfeld for attending the meeting.

Commissioner Hutchinson said use tax made a lot of sense. It needed to directly offset property taxes and if that was not added, the state could just use those funds for grants. He did not want to concede anything for them because for example, if the Grain Belt Express project went in, they will have established a corridor.

Commissioner Schlessiger said whether they declared that or not, it would be established.

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Commissioner Hutchinson said they had a hard time convincing people that the Grain Belt Express supported NIETC or were at least in communications. Grain Belt Express was counting on federal money by establishing this corridor. There would be no benefit to Barton County and very little benefit to the State of Kansas, so we need to stop it.

Commissioner Schlessiger said if that was possible. If you went to their website, they say they will benefit from the federal funding from the NIETC designation although they support shrinking it from 5 miles wide to ½ mile wide because they only need 250 feet easement.

Commissioner Esfeld said as a commission, they were against the project.

III. NEW BUSINESS:

A. COMMISSION: Employee Engagement Committee:

-Judith Castro, Employee Engagement Committee, will provide details. The Employee Engagement Committee (EEC) is charged with creating short- and long-term goals and project development to improve employee retention and employee satisfaction. There is one unexpired position open on the Committee that will expire December 31, 2024.

Judith Castro, Employee Engagement Committee, was present with Charlotte Konrade and Ryan Lichter. Castro said they were asking for Richard Estes, Equipment Operator at Road & Bridge to be appointed to the unexpired term. Chris Schartz, County Works Director, supported the appointment. Estes was present and they looked forward to what he could offer the committee.

Commissioner Zimmerman thanked Estes for stepping up, it was great to have someone from one of the large departments.

Commissioner Esfeld said they appreciated Estes and there was a good group on the committee.

Commissioner Reif said the diversity was good and offered better ideas to the group.

Estes said he would do his best.

Commissioner Hutchinson said the committee was set up similar to the County Commission, with five people all having equal representation.

Commissioner Zimmerman asked Estes how long he had been with the county. Estes said five years.

Castro said with the appointment of Estes, the committee was now full.

Commissioner Hutchinson moved to appoint Richard Estes, Equipment Operator, to an unexpired term on the Employee Engagement Committee, ending December 31, 2024.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

B. EXECUTIVE SESSION:

-Chairman Esfeld 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.

At 9:32 A.M., Commissioner Zimmerman moved that the Commission go into Executive Session for a period of 15 minutes. The subject to be discussed will be consultation with the County Counselor to

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Discuss non-elected personnel. As the matter is protected by attorney / client privilege. The reason this needs to be discussed in Executive Session is to provide the attorney / client privilege and the County's position on the matter on which legal advice is being sought. The governing body, the County Counselor and the County Administrator are to be included in said meeting. The Open Meeting will resume at 9:47 in this room.

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

At 9:47 A.M., Commissioner Zimmerman moved to return to Regular Session with no action taken.
Commissioner Schlessiger seconded the motion.
All voted aye. Motion passed.

At 9:48 A.M., Commissioner Zimmerman moved that the commission return to Executive Session for a period of 10 minutes. The subject to be discussed would be consultation with the County Counselor to discuss non-elected personnel as this matter is protected by attorney / client privilege. The reason this needs to be discussed in Executive Session is to provide attorney / client privilege and the county's position of non-elected personnel. The governing body, the County Counselor and the County Administrator are to be included in said meeting. The Open Meeting will resume at 9:58 in this room.

At 9:58 A.M., Commissioner Hutchinson moved to return to Regular Session with no action taken.
Commissioner Zimmerman seconded the motion.
All voted aye. Motion passed.

IV. ENDING BUSINESS:

1. Announcements
2. Appointments

V. OTHER BUSINESS:

Commissioner Hutchinson – Main Street American team meeting Thursday at 2:00 P.M. several commissioners may attend.

Commissioner Reif – the new building at Road & Bridge was almost completed. It was bigger than he imagined. The roof was recoated, the new broom was in, and they were using the new tire machine.

Commissioner Schlessiger – Pawnee Rock held their 1st Annual Car Show last Saturday and had more than 50 entries. They also had a bounce house, bingo and a beer garden.

Commissioner Schlessiger – water consult meetings where the Governor would be deciding the 5-year water plan. At the recent meetings, only 6% of those attending were farmers.

VI. ADJOURN:

Commissioner Hutchinson moved to adjourn at 10:08 A.M.

Commissioner Zimmerman seconded the motion.

All voted aye. Motion passed.

ATTEST:



Bev Schmeidler
Barton County Clerk



Barb Esfeld, Chairman