

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/3v2JQP0>.

September 10, 2024

The Board of Barton County Commissioners convened this 10th day of September, 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 Zimmerman moved to adopt the revised agenda, removing the two items dealing with Employee Engagement Committee, which are items B and C, and adding an announcement reference today's luncheon with the 20th Judicial District Juvenile Services Department staff.

Commissioner Hutchinson seconded the motion.

All voted aye. Motion passed.

Commissioner Schlessiger moved to approve the minutes of the August 20, 2024, and the August 27, 2024, Regular Meetings.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

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 August 27, 2024, and ending September 10, 2024.

Bev Schmeidler, County Clerk, presented details and asked for approval.

Commissioner Hutchinson moved to approve appropriations for the period of August 27, 2024, to September 10, 2024. 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. PROCLAMATION 2024-15: Childhood Cancer Awareness Month:

-Commissioner Duane Reif will provide details. Kans for Kids, a non-profit organization, has raised thousands of dollars through recycling aluminum cans and by accepting donations to assist children living with cancer and their families. This Proclamation honors Kans for Kids, brings recognition to Childhood Cancer Awareness Month and remembers the eight Kans for Kids children lost to cancer – Kristin, Garrett, Adam, Dade, Nova, Gael, Jade and James.

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Commissioner Duane Reif thanked the commission for the opportunity to present the proclamation. He said also joining today was Rhonda Templing, current Kans for Kids Board Member and past board members, Christy Huslig and Karen Winkelman. Commissioner Reif shared one of his favorite quotes, "Their laughter will make your heart melt, their strength will make a grown person cry. If you ever see a child fighting cancer, it will change your life forever." Commissioner Reif said his family's lives were changed forever on September 14, 1994, when his 9-month-old niece, Katie, was diagnosed with Stage 3 Sarcoma in her abdomen that was too large to be surgically removed. His children, who were 8 years old and 11 years old at the time, had collected aluminum cans for spending money in the past and asked if they could do that to help with medical expenses for their cousin. The kids headed out into the neighborhood with bags and collected cans. They asked friends, school and community members to save aluminum cans as well. They prayed and asked others to pray. Within one week, over 1,000 pounds of cans had been dropped off in his driveway and Kans for Katie was born. Six months later, Katie's tumor had been reduced in size and was successfully removed. Today, Katie was 30 years old, married, with a daughter. Kans for Katie became Kans for Kara and then, in 1996, became Kans for Kids Fighting Cancer Foundation. Kans for Kids Endowment was established through the Golden Belt Community Foundation to ensure that Kans for Kids would continue to provide financial assistance and emotional support to children living with cancer. Three scholarships were created through memorial gifts: Becky Nicholson Scholarship and Jan Aylward Scholarship were given annually for five years to any of the kids in the Kans for Kids family who completed high school and went on to further their education in college or trade school. The Dade Cannon Memorial Scholarship was given upon graduation to any siblings of Kans for Kids family. Commissioner Reif said his kids grew up, left home, and he and his wife, Debbie, inherited Kans for Kids. The two of them retired in 2021 and missed Kans for Kids but were enjoying time with grandchildren. Commissioner Reif introduced Christy Huslig, mother of Dade Cannon, who lost his 9-year heroic battle with leukemia in 2018 at the age of 14. Commissioner Reif said Huslig was his hero and one of the most amazingly strong women he had been blessed to know.

Huslig thanked Commissioner Reif and read the proclamation.

Commissioner Esfeld said what Commissioner Reif's family had started, had helped so many people. She said Dade's favorite saying was "Best day ever". She said the kids also were involved and helped; Dade sold personal artwork to raise funds to help other children.

Commissioner Reif said Dade was an amazing young man and was always concerned about his siblings and other kid's fighting siblings. That was the reason his scholarship was for the siblings. He added that none of these things would have been possible without the help and support from thousands of people.

Commissioner Schlessiger thanked Commissioner Reif and his family for all their time invested and to the communities for supporting Kans for Kids.

Commissioner Zimmerman said she was honored to have known Dade and to have followed along in his journey. She was grateful for the Reif family, the organization and everything they had done.

Commissioner Reif said it was rewarding for his family and they benefitted from it on a personal level, to know these kids and families.

Commissioner Hutchinson said he was across the street from a Kans for Kids can receptacle and it was amazing to see the number of people who brought cans to the collection site.

Commissioner Reif said a number of people had told them that when they visited family, they always came home with cans to donate.

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Commissioner Esfeld asked about the Radiothon. Rhonda Templing, board member, said that was not being done anymore but they were trying some new things. Templing said they had a shoot at LaSada last month that was well received and would have a Fall Fun Festival the end of September at Kasselman Farms.

Commissioner Esfeld asked what percentage the cans brought in to the organization.

Commissioner Reif said the last year that he was involved, \$17,000.00 was raised in one year.

Commissioner Reif moved to adopt Proclamation 2024-15, Childhood Cancer Awareness Month. Commissioner Schlessiger seconded the motion. All voted aye. Motion passed.

B. COUNTY CLERK’S OFFICE: Request for Approval – Added / Abated / Escaped / Refunded Taxes:

-Bev Schmeidler, County Clerk, will present a listing of Added / Abated / Escaped / Refunded Taxes. Orders for these actions are kept on file in the County Clerk’s Office. These are used to correct assessments and are requested by the County Appraiser’s Office or the County Clerk’s Office.

Bev Schmeidler, County Clerk, presented details and asked for approval.

BATCH #13	VALUES	ESCAPED TAXES	ADDED / ABATED	REFUNDS
Gas				
Oil	(41,604)		(\$4,250.64)	\$4,250.64
Personal Property	22,790		(\$754.04)	
Real Estate	(1,242)		(\$187.22)	\$187.22
16/20 M Trucks	6,007			
State Assessed Utilities				
Special Assessments				
Grand Totals	(14,049)	\$0.00	(\$5,191.90)	\$4,437.86
Total Taxes	(\$5,191.90)			
Total Records Selected	43			

Commissioner Zimmerman moved to approve the Listing of Added / Abated / Escaped / Refunded Taxes as reviewed by the County Appraiser and presented by the County Clerk’s Office. Direct the Chairman to sign on behalf of the Commission.

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

C. RESOLUTION 2024-17: Ban on Stickers and / or Labels on Ballots Reference Write-In Candidates:

-Ms. Schmeidler will provide details. It is the practice of the Clerk’s Office that a valid write-in vote must be handwritten and cast in its appropriate place on the ballot. The use of stickers and / or labels on the ballots for write-in voting purposes may cause a scanning equipment jam. Such jams may result in all election contests being tabulated manually, which would increase election costs as well as cause delays in the release of election results. Under the proposed Resolution, a valid write-in vote shall be handwritten and cast in its appropriate place on the ballot, free of stickers and / or labels.

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Bev Schmeidler, County Clerk, presented details and asked for approval of the resolution. Schmeidler said it had been brought to their attention that candidates may use stickers. There had not yet been an issue, but they wanted to get ahead of it with the adoption of the resolution. Kansas was a voter intent state, so names did not have to be spelled exactly as long as the intent was clear. Schmeidler said election workers cannot see a person's ballot, so it was impossible to be sure a sticker was completely affixed.

Commissioner Esfeld asked Schmeidler if voters could bring stickers with them to get the name correct when voting. Schmeidler said they could do that; they just need to take it with them when they leave.

Commissioner Hutchinson asked why a resolution like this had not been adopted previously. Schmeidler said she talked to Commissioner Zimmerman; she had a policy in place, but a resolution would be more enforceable.

Commissioner Reif asked how hard it would be to regulate. Schmeidler said if the resolution was adopted, they would put up signs stating no stickers allowed.

Commissioner Zimmerman said she had a policy in place in 2002 and had an election where labels were used. It caused problems with wrapping around the wheels of the central tabulation machine, and they had to separate the ballots. That was not an option with the precinct tabulators now in use.

Commissioner Zimmerman moved to adopt Resolution 2024-17, Ban on Stickers and / or Labels on Ballots Reference Write-In Candidates.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

D. CHARTER RESOLUTION NO. 8: A Charter Resolution Exempting Barton County, Kansas, from Certain Provisions of K.S.A. 65-201 Et Seq., Specifically K.S.A. 65-202(C) Regarding Annual Sanitary Inspections of School Buildings and Grounds by the County Health Officer:

-Patrick Hoffman, County Counselor, will provide details. Kansas home rule empowers all counties to exempt from acts of the Kansas legislature. This proposed Charter Resolution would exempt the County Health Officer from the requirements of annual sanitary inspections of school buildings and grounds. If adopted, it shall take effect 60 days following its final publication unless a sufficient petition is filed and a referendum is held on this Resolution.

Patrick Hoffman, County Counselor, said there had been a state statute for decades requiring the County Health Officer to inspect schools every year prior to the school year beginning. In the last year, the legislature made changes that allowed counties to exempt themselves. This charter resolution would clarify that in Barton County, school districts were in control of their buildings but could reach out to the county health department at any time for assistance.

Commissioner Hutchinson asked Hoffman to explain the difference between a charter resolution and a normal resolution. Hoffman said there were certain things under the state's home rule power that one had to charter out of, a special process because of the way statutes were lined out.

Commissioner Hutchinson said we were exempting ourselves from what the state said we must do. Hoffman said yes. There were some statutes that applied to every county equally and some that a county had the option to deviate from. A charter resolution was considered important enough to require some extra steps such as different publications.

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Commissioner Hutchinson asked if it required a super majority vote. Hoffman said he believed it did require a super majority vote and noted that this was only the 8th charter resolution in Barton County history.

Commissioner Schlessiger moved to adopt Charter Resolution No. 8, A Charter Resolution Exempting Barton County, Kansas, from Certain Provisions of K.S.A. 65-201 Et Seq., Specifically K.S.A. 65-202(C) Regarding Annual Sanitary Inspections of School Buildings and Grounds by the County Health Officer. Commissioner Hutchinson seconded the motion.
All voted aye. Motion passed.

E. EXECUTIVE SESSION:

-Chairman Barb 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 Schlessiger moved that the Commission go into Executive Session for a period of 20 minutes. The subject to be discussed will be consultation with the County Counselor to discuss matters related to attorney client privilege. As this matter is protected by attorney / client privilege is the reason this needs to be discussed in Executive Session to provide the attorney / client privilege and the County's position on such matter on which legal advice is being sought. To be included in the meeting, the governing body, Matt Patzner, County Administrator; Patrick Hoffman, County Counselor; Karen Winkelman, County Health Department Director to be included. The Open Meeting will resume at 9:52.

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

At 9:52 A.M., Commissioner Zimmerman moved that we return to regular session with no action taken. Commissioner Hutchinson seconded the motion.
All voted aye. Motion passed.

V. ENDING BUSINESS:

1. Announcements
2. Appointments

VI. OTHER BUSINESS:

Commissioner Reif – thanked the Road & Bridge Department and Solid Waste Department for their involvement with Touch a Truck at Hoisington Labor Day celebration. He also thanked the Sheriff's Office and dispatchers at Communications.

Commissioner Schlessiger – volunteered at Kid's Ag Day last week for all 4th graders in the county.

Commissioner Esfeld – attended a meeting at The Center for Counseling with speaker Dakota Sanders.

Commissioner Hutchinson – asked if there were any updates on the NIETC Meeting.

Commissioner Esfeld – they would be discussing the details today for NIETC Meeting.

Patrick Hoffman – said there had been good discussion with KCC.

Commissioner Hutchinson – said there may be a resolution available after that meeting.

VII. ADJOURN:

Commissioner Hutchinson moved to adjourn at 10:01 A.M.

Commissioner Reif seconded the motion.

All voted aye. Motion passed.

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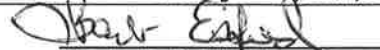
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ATTEST:



Bev Schmeidler
Barton County Clerk



Barb Esfeld, Chairman

PROCLAMATION 2024-15

Childhood Cancer Awareness Month

WHEREAS, each year in the United States, there are an estimated 15,780 children between birth and 19 years of age diagnosed with cancer and approximately 1 in 285 children in the US will be diagnosed with cancer before their 20th birthday; and

WHEREAS, cancer types among children are different from those among adults. Childhood cancers are almost entirely leukemias, lymphomas, sarcomas and cancers of the central nervous system, primarily arising from bone marrow, lymph glands, bone and muscle; and

WHEREAS, the age-adjusted mortality rate for all cancers among children less than 18 years old has not significantly changed between 1999 and 2018, with the most recent data for Kansas showing a rate of 2.5 deaths per 100,000 population, slightly higher than the US rate of 2.3 deaths according to the Kansas Vital Statistics, Bureau of Epidemiology and Public Health Informatics, Kansas Department of Health and Environment; and

WHEREAS, Kans for Kids, a non-profit organization serving Barton and surrounding Counties, has raised thousands of dollars through recycling aluminum cans and by accepting donations, to assist children living with cancer and their families; and

WHEREAS, since its inception in September, 1994, Kans for Kids has provided both financial assistance and emotional support to 45 children and their families in Central Kansas.

NOW, THEREFORE, BE IT PROCLAIMED, that the Board of County Commissioners of Barton County, Kansas, honors the families of those children dealing with childhood cancer; and

FURTHER, during Childhood Cancer Awareness Month, the Commission urges all levels of government and the private sector to use available funding to improve the prevention, detection and treatment of childhood cancer; and

FURTHER, that founders Sarah and Shane Reif, their family and the Hoisington and Barton County, Kansas, communities are recognized for their continued support for Kans for Kids; and

FURTHER, that the current director and board are congratulated for expanding into Central Kansas and for helping to fund the Becky Nicholson/Kans for Kids Scholarship, the Jan Aylward Memorial Scholarship, and the Dade Cannon Memorial Scholarship; and

FURTHER, that all County citizens are encouraged to use the can collection sites in Barton, Pawnee, Rice, Russell and Stafford Counties and well as contribute through local events and fund raisers; and

FURTHER, the Commission recognizes that "*...hope is small. Sometimes it has two legs, sometimes not. Sometimes it has hair and sometimes it is bald. It can laugh and cry in the same breath. It has a name...it's called a child fighting cancer*" (Erma Bombeck); and

FURTHER, we remember those eight Kans for Kids children lost to cancer – Kristin, Garrett, Adam, Dade, Nova, Gael, Jade and James.

Dated this 10th day of September, 2024.

BOARD OF COUNTY COMMISSIONERS



Chairman Barb Esfeld



Commissioner Shawn Hutchinson



Commissioner Duane Reif



Commissioner Tricia Schlessiger



Commissioner Donna Zimmerman

ATTEST:



Bev Schmeidler,
County Clerk



RESOLUTION 2024-17

BAN ON STICKERS AND / OR LABELS ON BALLOTS REFERENCE WRITE-IN CANDIDATES

WHEREAS, the Board of County Commissioners of Barton County, Kansas, is authorized by K.S.A. 19-101a to perform powers of local legislation; and

WHEREAS, Barton County, Kansas, utilizes scanning system for election tabulation pursuant to K.S.A. 25-4601, et seq.; and

WHEREAS, it is the practice of the Barton County Clerk / Election Office that a valid write-in vote must be handwritten and cast in its appropriate place on the ballot; and

WHEREAS, the use of stickers and / or labels on the ballots for write-in voting purposes may cause jamming of the scanning equipment as stickers and / or labels may catch on parts located within the scanning equipment; and

WHEREAS, jamming of the scanning equipment by labels and / or stickers may result in all election contests being tabulated manually; and

WHEREAS, the manual counting and tabulating of all County election contests results in higher election costs and time involved as well as delays in the release of election results; and

WHEREAS, it is the policy of the Barton County Clerk / Election Officer that all write-in votes are tabulated at the Barton County Election Office for tabulation of the programmed races and write-in votes cast; and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Barton County, Kansas, that it shall continue to be the official policy and practice of the Barton County Clerk / Election Officer that a valid write-in vote for the scanning system shall be handwritten and cast in its appropriate place on the ballot; and

FURTHER, that this Resolution will become effective upon publication in the official County newspaper.

ADOPTED this 10th day of September, 2024.

BOARD OF COUNTY COMMISSIONERS




Barb Esfeld, Chairman



Shawn Hutchinson, Commissioner



Duane A Reif, Commissioner




Tricia Schlessiger, Commissioner



Donna Zimmerman, Commissioner

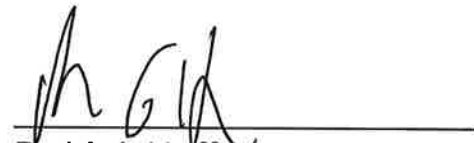
ATTEST:



Bev Schneider,
County Clerk



APPROVED AS TO FORM:



Patrick Hoffman,
County Counselor

CHARTER RESOLUTION NO. 8

A CHARTER RESOLUTION EXEMPTING BARTON COUNTY, KANSAS, FROM CERTAIN PROVISIONS OF K.S.A. 65-201 ET SEQ., SPECIFICALLY K.S.A. 65-202(c) REGARDING ANNUAL SANITARY INSPECTIONS OF SCHOOL BUILDINGS AND GROUNDS BY THE COUNTY HEALTH OFFICER

WHEREAS, K.S.A. 19-101, et seq. provides that counties may exercise certain home rule powers, including adopting charter resolutions which exempt such counties from acts of the Kansas legislature, subject to certain restrictions contained in K.S.A. 19-101a; and

WHEREAS, BARTON County, Kansas, is a County within the meaning of the provisions of K.S.A. 19-101 et seq.; and

WHEREAS, K.S.A. 65-201 et seq. is not uniformly applicable to all counties within the state of Kansas; and

WHEREAS, the Board of County Commissioners of Barton County, Kansas, desires by charter resolution, to exempt the County from certain provisions of K.S.A. 19-101 et seq., specifically K.S.A. 65-202(c) regarding annual sanitary inspections of school buildings and grounds.

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

SECTION I. Barton County, Kansas is hereby exempted from the specific provisions of K.S.A. 65-202(c) concerning the requirements of the County Health Officer, upon opening of the fall term of school, to make a sanitary inspection of each school building and grounds, and such additional inspections as are necessary to protect the public health of students at the school.

SECTION II. This charter resolution shall take effect and be in full force sixty (60) days following its final publication unless a sufficient petition for referendum is filed and referendum is held on the resolution as provided by K.S.A. 19-101b in which case the resolution shall become effective only when approved by a majority of the electors voting thereon.

SECTION III. The County Clerk is also directed to file a certified copy with the Kansas Secretary of State.

SECTION IV. This charter resolution shall be published once each week for two consecutive weeks in the Great Bend Tribune, the official newspaper of said County.

UNANIMOUSLY PASSED and ADOPTED by the Board of County Commissioners of Barton County, Kansas, on this 10th day of September, 2024.


BOARD OF COUNTY COMMISSIONERS


Chairman Barb Esfeld



Commissioner Shawn Hutchinson


Commissioner Duane Reif


Commissioner Tricia Schlessiger



Commissioner Donna Zimmerman

ATTEST:


Bev Schmeidler
County Clerk



APPROVED AS TO FORM:


Patrick Hoffman,
County Counselor