

THE BOARD OF NESS COUNTY COMMISSIONERS
April 3, 2023

The Ness County Board of Commissioners met in regular session Monday, April 3, 2023, at 9:00 a.m. in the Ness County Commissioner Chambers. Chairman Travis Petersilie called the meeting to order with Commissioner Dave Albers and County Clerk Lori Hertel in attendance. Commissioner Mark Davis joined meeting at 9:30 a.m.

High Plains Mental Health

David Anderson, James Gerstner, and Pam Pavlu from High Plains Mental Health Center met with Commission to present Ness County's data reports and formally request funding for 2024 budget.

Road and Bridge

Road and Bridge/Landfill Supervisor Ron Johnson, Assistant Supervisor Bryan Whipple, Alex & Stephen Nichapor met with Commission to discuss a 1 mile stretch of 280 Rd, between T Rd and U Rd. Landfill tipping fees of \$911.00 were reported collected March 21 thru March 23rd. Johnson discussed hauling fill dirt, pond cleaning, bids requested for tires, and ground water testing. Billing for damage to bridge guard rails will be generated when costs are determined.

Motion: Upon the motion of Albers, seconded by Davis, Commission unanimously voted to recess into executive session to discuss an employee incident pursuant to the nonelected personnel matter exception, K.S.A. 75-4319(b)(1) for a period of 5 minutes beginning at 10:22 a.m. (Davis, Albers, Petersilie, Johnson, Whipple and Hertel in executive session). Regular session resumed at 10:27 a.m. No decisions were made.

Minutes and Correspondence

Minutes of the regular meeting held March 27, 2023, was approved as corrected. Correspondence was reviewed and acknowledged.

Ness County News

Jerry Clarke from Ness County News spoke with Commission on countywide Burn Ban for article publication.

Emergency Management

Ness County Emergency Manager Travis Rothe presented a burn ban resolution and stated the majority of local fire chiefs were in agreeance. A Storm Spotters meeting is scheduled for April 5, 2023 at 7:00 p.m. in the 4-H building located at the Fairgrounds.

Motion: Upon the motion of Davis, seconded by Albers, Commission unanimously voted to adopt resolution #2023-02.

RESOLUTION # 2023-02

BURN BAN

WHEREAS K.S.A. § 48-932 et. seq., establishes that “A state of local disaster emergency may be declared by the chairperson of the board of county commissioners of any county, or by the mayor or other principal executive officer of each city of this state having a disaster emergency plan, upon a finding by such officer that a disaster has occurred, or the threat thereof is imminent within such county or city. No state of local disaster emergency shall be continued for a period in excess of seven days or renewed, except with the consent of the board of county commissioners of such county or the governing body of such city. Any order or proclamation declaring, continuing, or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed with the county clerk or city clerk. Any such declaration may be reviewed, amended, or revoked by the board of county commissioners or the governing body of the city, respectively, at a meeting of such governing body.” and

WHEREAS the Ness Board of County Commissioners hereby resolves pursuant to Chapter 48 of the Kansas Statutes Annotated and further upon concurrence of this Board of County Commissioners, the Ness Board of County Commissioners, Chairman is hereby vested with the authority to enact or resend a Burn Ban, A State of Local Disaster Emergency, on Open Burning and/or Agricultural Open Burning within Ness County, Kansas for the purpose of protecting the public from threat of imminent disaster due to dangerous fire conditions; and

WHEREAS such enactment or withdraw of a Burn Ban shall be reviewed according to law, within seven days, by the Board of County Commissions who shall promptly determine if the Burn Ban order shall be amended, revoked, or remain in full force and cause the same to be filed in the county clerk minutes.

BURN BAN TYPE DEFINITIONS

OPEN BURNING: Shall mean for purposes of this Resolution, the burning of brush, structures and construction debris, trash and debris piles. “Open Burning” shall not include

burning conducted in a safe and fireproof container with cover sufficient to prevent embers from escaping, provided, such fires are manageable and attended by a responsible person.
AGRICULTURAL OPEN BURNING: Shall mean the open burning of vegetation such as grass, woody species, crop residue and other dry plant residue for the purpose of crop, range, pasture, wildlife, or other watershed management.

BURN BAN VIOLATION PENALTIES

Penalties for Violation of a Burn Ban shall be in accordance with K.S.A. § 48-939 and violators may incur a civil penalty in an amount not to exceed \$2,500 per violation and/or criminal penalties including a Class A Misdemeanor which may subject the violator to up to 12 months in jail and/or a fine of up to \$2,500, in addition to any civil penalties prescribed by law.

WHEREAS, this matter is resolved by the Board of County Commissioners on the 3rd day of April 2023.

Commission

Commission discussed the cost of installing a storm siren in the town of Arnold.

Ness County Treasurer

Ness County Treasurer Layne Wasinger updated Commission concerning a Southwest Area Treasurer Association conference hosted by Ness County on May 23rd. This will require the Treasurers Office to be closed for business that day.

County Attorney

Ness County Attorney Jacob Gayer updated Commission of an Opioid Settlement form that he reviewed and signed that will possibly increase future distributions. Gayer informed Commission of Grant money that he applied for that was awarded to Ness County for updating Law Library with flat screen TV, PA system, etc. Accounts payables were reviewed.

Accounts Payable

March Payroll and accounts payable for March 31, 2023, was reviewed and approved.

Adds/Abate/Escapes

Adds and abatements were reviewed and approved.

The meeting adjourned at 11:47 a.m.

Attest:

Travis Petersilie, Chairman

Lori Hertel, Ness County Clerk

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