

September 8, 2022  
Reno County Annex  
Hutchinson, Kansas

At 9:00 a.m. The Commission attended a fence viewing with Chairman Daniel Friesen, Commissioner Ron Hirst, Public Works Director Don Brittain, County Counselor Patrick Hoffman as legal counsel for Reno County, and Minutes Clerk Cindy Martin, present at 2319 Mayfield Road, Hutchinson, Kansas.

The following were in attendance Wayne and Loren Sills and Christopher Schroeder.

Mr. Hoffman started with a history of the 100-year-old fence laws then explained the statute requirements. The commission was to view the fence line and apportion costs accordingly.

Ms. Loren Sills spoke about when they moved to their property and how they saved to install fence for their livestock, a herd of llamas and a horse. She explained the correction of property lines on the deed with the previous owner. She said they had a surveyor come out and he put white posts in to mark the boundary lines. They started clearing cedar trees and other hardwood trees for fire prevention and to prepare for the fence installation. They used the three feet on either side of the surveyed line for clearing trees and brush. The Sills received a demand letter from the neighbors, the Schroeder's, that stopped and would delay the fence installation. Ms. Sills stated that was when they turned to the Board of Commissioners for a fence viewing decision. She said the Schroeder's would not speak to them when they tried on several occasions. The Sills want to put up a 6-wire fence to keep their llamas in.

Mr. Schroeder stated he had not been aware of the change in land on his deed when they purchased their property two years ago. He was not consulted when the Sills took the east/west fence down and that was his main concern. The demand letter litigation he explained was for the three trees the Sills had cut down on his side of the property and clearing the brush pushed onto his side along with damage to his mower from the downed east fence. He had no issue with the north/south fence being installed however he did not feel it was his responsibility to pay for a fence he did not use for livestock.

He and his wife had no plans to purchase livestock and said if they did it would be kept in their corrals.

Mr. Hoffman tried to explain the fence law stating it said by statute a 3-wire fence was required and the cost would be equally shared for installation and maintenance of that fence. Mr. Hoffman stated that under Kansas law llamas were considered livestock. Mr. Schroeder again expressed that he had no livestock and did not want to pay half for the fencing. Mr. Hoffman told the group that the viewing decision would be recorded when the final decision came from the Commission, or the owners could work out an agreement and record it with the Register of Deeds. He said there was no appeal process available so if either party did not pay their costs it could result in the courts deciding with fines attached.

Mr. Hirst said a 3-wire barbed fence would be the minimum. Ms. Sills stated the fence contractor would not do a 3-wire fence nor would he quote a 3-wire fence and they would prefer a 6-wire fence with no barbs for the llamas.

The commission walked the proposed north/south fence line discussing and asking questions with both parties as they walked along the fence line.

Mr. Hoffman spoke about the 3-foot maintenance on both sides of the fence and the cost share. He also spoke about animals crossing into the adjacent landowner's property and ended up speaking about maintenance of the fence line. He gave his "in common" interpretation. Explaining if Mr. Schroeder would ever change his mind about livestock, he would be required to pay the Sills.

Mr. Friesen asked for final comments from the property owners saying the commission would discuss where their thoughts were heading.

Ms. Sills proposed replacing the 5-wire fence on the east and 6-wire fences on the north/south for llamas.

Mr. Schroeder had no problem with the north/south fence but was not willing to pay for 5-wire fence. His concern was with taking out the east fence line instead of repairing it and having to replace it with a 6-wire fence then splitting the cost of something he did not ask for.

The commission discussed the fence going east and the consensus was it needed to be replaced instead of repairing because no maintenance was done since the fence was installed and a previous fire ruined the wire and some posts beyond repair. They had several opinions on cost for both directions of fence.

There was a tentative agreement after Ms. Sills asked Mr. Schroeder if he wanted to know what his cost would be. Mr. Schroeder replied he would, and she told him they would take \$3,681.50 or he could just pay \$3,500 to the contractor for the 6-wire fence both directions.

The final proposal was that Mr. Schroeder would pay the contractor (Matt Krehbiel) \$3,500 and the Sills were responsible for the balance. Maintenance would be split 50-50 for natural disasters and replacement in the future. The Sills would do routine maintenance to keep their livestock on their side and the litigation from the Schroeder's would stop.

At 10:30 a.m. Mr. Friesen stated the viewing was adjourned until 9:00 a.m. Tuesday, September 13th, 2022.

Approved:

\_\_\_\_\_  
Chair, Board of Reno County Commissioners

(ATTEST)

\_\_\_\_\_  
Reno County Clerk  
cm

\_\_\_\_\_  
Date