

**MINUTES OF**  
**BOARD OF HARVEY COUNTY COMMISSIONERS**

**June 16, 2008**

The Board of Harvey County Commissioners met in regular session on June 16, 2008 with all three Commissioners present. Chairman Krehbiel called the meeting to order at 9:00 a.m.

**ITEMS ADDED TO AGENDA:**

1. Commissioner Roberson received an e-mail from a citizen who had read the article in the Newton Kansan regarding the status of the Waste-To-Energy project. The citizen suggested that the Commission contact Bob Voth, who might have some additional information.
2. The Commission will ride together in the Chisholm Trail Parade on July 5, 2008.
3. Commissioner Westfall gave a report on the issues discussed at the Partnership meeting.

**CALENDAR ITEMS:**

July 11 - Public and Private partnership meeting at Charlie's Restaurant

Minutes of the June 9, 2008 Commission meeting were approved upon a motion by Commissioner Westfall, seconded by Commissioner Roberson. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. The Downtown Planning Committee has drawn up preliminary plans for the downtown area. The plans are displayed at the former Holstine Auto building.
2. Lonnie Buller, Director of Emergency Management, has discussed building the trailer containing an emergency generator with Phil Schmitt. Martin Machine and Welding was initially contacted to build the trailer, but does not have the time to do it.
3. Mr. Buller is also working on the Hazard Mitigation Grant but FEMA has not approved many grants except for areas experiencing disasters. USD 373 could not apply for a FEMA grant in building storm proof classrooms because the Hazard Mitigation Grant was not approved in Harvey County.
4. The Air Quality meeting is scheduled for June 26. This is an important meeting because the issue could definitely affect industry in Harvey County.
5. The Commission has received a reply from Doug King of Quality Recycling. The contract with Quality Recycling for a waste-to-energy plant in Harvey County will expire on June 30, 2008. After that date, Harvey County will begin negotiations with Bio-Gold who is based in California.
6. Becky Noble, Harvey County Treasurer, will be attending the NACO meeting. Commissioner Roberson made a motion to appoint her as the voting representative for Harvey County. Commissioner Westfall seconded the motion and it was passed unanimously.
7. Scott Davies presented the final plat for the I-135 Industrial Park to Chairman Krehbiel for his signature. The plat was signed by Chairman Krehbiel and Joyce

- Truskett, Harvey County Clerk. The plat was approved at the June 9, 2008 meeting of the Board of Harvey County Commissioners.
8. The second reading for three appointments to the Harvey County Parks Advisory Board was presented. Commissioner Westfall made a motion to re-appoint Carol Buller, Jerry Vetter, and Roland Miller to the Board. Commissioner Roberson seconded the motion and it was passed unanimously.
  9. Craig Clough, County Appraiser, answered questions from the Commission regarding the change in valuation for properties in dam breach areas of Watershed dams. The value changes will be effective for the 2008 tax year. The values have been lowered because the structures that are in these areas cannot be rebuilt at that same location if they are destroyed.

**CITIZENS FORUM:**

Jim Runyan, resident of Chisholm Lane south of Newton, gave the Commissioners a copy of information to consider before the meeting this evening. Mr. Runyan asked if there were any taxes that have been collected specifically for Chisholm Lane. Taxes are paid to the Township who decides how the money is spent on roads within the Township. Tami Runyan also attended Citizens Forum.

Warrant checks were approved upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously.

Jonie James, Susan Jackson, Scott Eckert, and Kaitlyn Crow, Extension Council employees, and Dwayne Roux and Mike Weber, officers of the Extension Board, presented the proposed 2009 Extension Council budget. There is a carryover of \$18,906.41 from last year which enabled the Council to ask for only a 2.82% overall increase for 2009. K-State will increase their allotment by 2.50%. An increase of 3% was proposed for salary and wages. The budget will be discussed at the Commission meeting again next week at 11:30 a.m. The Commission will ask more questions at that time before the budget is approved.

Robin Becker and Jennifer Foster presented the proposed 2009 budget for Distric Court. The budget includes monies for 2 computers for Court Services. \$6,963 has been allotted for the Q&A conversion which is the general index system for the Courts. The Commission will take the budget under advisement

The Commission recessed for lunch at 11:00 a.m. The Commissioners traveled to the Prairie Rose at Benton for the Quad County Planning Forum meeting.

The Commission reconvened at 2:30 p.m. to hear the proposed 2009 County Attorney budget. David Yoder, County Attorney, presented the budget. There is a need for some pro-tem services that is included in the budget. The Diversion Fund is unpredictable and there are fewer funds available there. Counselor Yoder is in need of a new laptop computer, but will try to purchase it with funds from the 2008 budget year. The Commission will take the 2009 budget under advisement.

Phil Adams, Road & Bridge Superintendent, presented the list of bridges for the 2008 five year bridge plan. The information received from the State regarding bridges that are currently on the list does not agree with what was submitted last year. Bridge #15.9 on NW 12<sup>th</sup> St should be on the list. Commissioner Roberson made a motion to add the N Kansas Centennial Park Bridge as the 3<sup>rd</sup> bridge on the list, the Halstead Bridge will be 4<sup>th</sup> on the list, and the K-15.9 bridge on NW 12<sup>th</sup> will be the last bridge on the list. Commissioner Westfall seconded the motion and it was passed unanimously.

John Waltner provided the Commissioners with copies of two petition options for the repair and maintenance of Chisholm Lane which will be discussed at a public meeting this evening at 7:00 p.m. One reflects a uniform split of costs for all residents and one contains a split of 90% for the north addition residents and 10% for the south addition residents.

Commissioner Westfall made a motion to recess the meeting at 3:35 p.m. Commissioner Roberson seconded the motion and it was passed unanimously.

The meeting was called back to order in the Commission Chambers at 7:00 p.m. by Chairman Krehbiel. Those attending were: David Rowe, Cynthia Rowe, Tammy Runyan, James A. Runyan, Kathy Hewett, Lynn Morris, Terry E. Morris, Lisa Komarek, Dan Komarek, Laura Weber, Fred Weber Jr., Sally Hood, Marvin Ranich, Tom Adrian, Charlie Summers, John Waltner, and Gregory Nye, County Counselor. The purpose of the meeting was to consider the possible formation of a benefit district for the improvement of Chisholm Lane in Darlington Township. The Harvey County Road & Bridge Department has agreed to perform the necessary work to bring the road up to standard including drainage ditches. A cul-de-sac would be built at the north end of the lane, which would enable the township to maintain the road from now on. The Road & Bridge Department has agreed to do the road work for a cost of \$5,000 to be divided between the property owners. A petition to form a benefit district to enable the work to be completed was signed by several residents and submitted to the County Clerk on May 16, 2008 for verification. However, the petition made no mention of the necessity of culverts, which needs to be specific for each property owner. Commissioner Westfall made a motion to declare the petition null and void. Commissioner Roberson seconded the motion and it was passed unanimously. Two new petition options were presented and explained to the property owners. The first option calls for the \$5,000 expense to be split equally among all property owners with an additional cost of \$540 per property owner if they need to have a culvert installed. The second option calls for the expense to be split 90/10 with the residents of Albertson's Addition paying 10% and the residents of the Betty Sundstrom Addition paying 90%.

Marvin Ranich asked how the determination was made to propose a 90/10 split. Some of the owners on the south end of the development felt that they had put more time and money into the upkeep of the road than those at the north end. To bring the south end of the road up to standard would cost less than to bring the north end of the road up to standard.

Laura Weber stated that they had ordered rock and sand to put on the road, the cost of which was split by all residents, not just those on the south end. James Runyan, who lives on the south end,

did not pay for the rock because he furnished the equipment and labor. Kathy Hewett, a south end resident, stated that they had once paid \$1,300 to put rock on the road. There is a stretch of the road from the Runyan driveway north to the Morris property line which has not been maintained and is in very bad condition. James Runyan said that the four owners on the south end had maintained the road for years. He feels it is unfair that they would have to pay for any of the cost of this upgrade. Terry Morris stated that not all property owners have lived there for that many years.

Dan Komarek stated that since there are currently no ditches for drainage that the road is especially bad when it rains.

Fred Weber gave permission to use some of his property at the north end of the road to build a cul-de-sac. He feels that all residents should make the same money contribution to repair the road. James Runyan disagreed. David Rowe stated that he did not want to be in on the feud, but he just wants the road fixed.

Kathy Hewett asked if there was any way that the cost could be determined by each resident's cost of building the road. Commissioner Westfall pointed out that the 90/10 proposal was an attempt to do that.

Laura Weber said that maintenance on the north end of the road had been paid for equally by the residents there. However, the road narrows to one lane once you pass the Runyan property. Mr. Runyan stated that he had tried to grade the road past his driveway a few times and there was no road bed to grade.

Chairman Krehbiel said that there will have to be compromises from everyone involved or the cost will be a great deal more than what is proposed by forming a benefit district.

Tom Adrian, Attorney for Fred and Laura Weber and some of the other north end residents, thanked the Commission for being willing to do the road work for such a low cost. For residents to use this issue to somehow right wrongs from the past is not productive. There will be no maintenance costs for the road in the future because maintenance will be taken over by the township. For clarification purposes, Mr. Adrian stated that both additions had plats to them which dedicated them to public use. AG opinions state that once a plat is approved by the Commission, the road is deemed a public road. This is clearly a public road.

James Runyan stated that he has no problem with the County repairing the road but he wants equity because he has maintained the south end of the road for years. The north end residents had the same opportunity to build a good road and maintain it and they choose not to do so.

Lynn Morris said that Mr. Runyan has done a very good job of maintaining the road and proposed a 70/30 split.

Sally Hood commended Mr. Adrian for pointing out the advantages of the proposal. She respects the history of the road maintenance but feels that it is time to look toward the future.

The costs should be borne equally by all the residents.

In a response to a question from Chairman Krehbiel, David Rowe said that the neighbors have had meetings to try to find a solution to the problem, but were never able to reach an agreement. Commissioner Roberson polled the residents to see if a consensus could be reached on a method of payment. With the following vote, no agreement could be reached:

Hewett	90/10
James Runyan	90/10
Darrin Runyan	90/10
Komarek	50/50
Morris	70/30
Rowe	70/30
Hood/Ranich	50/50
Weber	50/50
Zenner	No Vote

Mr. Ranich asked for an approximate cost if it were to be split equally. The cost was estimated at \$110 per year plus interest for a period of ten years..

Laura Weber said the road is for everyone who lives there. When it snows or rains, no one can get down the road. They need to forget the past and fix the road so it can be maintained by a grader.

Commissioner Roberson said she understands that Mr. Runyan has taken some ownership of the road by maintaining it all these years. She asked the residents if they would consider an 80/20 split. Mr. Ranich said that it should be equal for all property owners. Mr. Komarek suggested a 60/40 split.

Commissioner Roberson again reminded the audience that \$5,000 to bring the road up to standard is a bargain.

John Waltner stated that it was clearly going to take some compromise to get everyone to agree. He suggested that the north end residents pay 60% of the cost and the south end residents pay 40% of the cost. Five residents of a total of nine agreed to this proposal. The petition was corrected accordingly and explained to the residents. The following residents signed it:

Ranich/Hood  
Rowe  
Komarek  
Morris  
Weber

All residents were given a copy of the petition which will be given to the County Clerk to verify signatures.

Terry Morris asked if there will be work done on 84<sup>th</sup> Street to help with the drainage problems on Chisholm Lane. There will be a culvert installed there in addition to a street sign.

Commissioner Krehbiel expressed his appreciation to everyone who attended the meeting and cooperated to come to an agreement. Tom Adrian thanked the Commission for offering the road repairs at such a reasonable cost.

The meeting was adjourned at 8:37 upon a declaration by Chairman Krehbiel.

BOARD OF HARVEY COUNTY COMMISSIONERS

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Chairman

ATTEST:

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Member

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County Clerk

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Member