

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

March 20, 2006

The Board of Harvey County Commissioners met in regular session on March 20, 2006 with all three Commissioners present. Chairperson Roberson called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Health Ministries sent a thank you letter thanking the Commission for the additional funds granted to Health Ministries.
2. Chairperson Roberson will not be able to attend the Pandemic exercise sponsored by the Health Department at Grace Community Church.

The minutes of the March 21, 2006 meeting were approved upon a motion by Commissioner Meier, seconded by Commissioner Krehbiel. Passed unanimously.

ADMINISTRATIVE ITEMS:

1. At the recent Council of Government meeting it was decided that a task force should be appointed to be responsible for promoting the sales tax issue. In addition to representatives from each city, there will also be representatives from the unincorporated areas. The Commissioners suggested the following possible members for the task force: Donna Harper, Neil Williams, Allen Schrag, and Ardith Sauerwein. There will be approximately three meetings of the task force. Chairperson Roberson will call Neil Williams and Donna Harper to see if they would be willing to serve. Craig Simons will call Allen Schrag and Ardith Sauerwein if needed.
2. A decision must be made by March 27 regarding the possible annexation of The Crossings subdivision to the City of Halstead. Craig Simons and Scott Davies, Harvey County Environmentalist, will have a meeting Wednesday with folks who are concerned about the environmental impact of the proposed development and annexation.
3. Lonnie Buller, Director of Emergency Management, recommended that the burn ban be lifted. Commissioner Meier made a motion to terminate the burn ban as of 10:00 a.m. today. Commissioner Krehbiel seconded the motion and it was passed unanimously. Lonnie recommended that extreme caution be used by citizens when they burn.

Warrant checks were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Meier. Passed unanimously.

Phil Adams, Harvey County Road and Bridge Superintendent, presented the five-year bridge repair and replacement plan. Phil listed the following bridges for consideration to be placed on the five year plan. They are #11-H.9, #K-15.9, #g-27.5, #G-29.1 #G-30.8, #E-17.9, #G-12.4, and K-8.6. Commissioner Krehbiel made a motion to add Bridge #11-H.9 on south Halstead Road to the five year plan. This bridge is to be replaced in conjunction with resurfacing the road. Commissioner Meier seconded the motion. Passed unanimously.

Rita Flickinger, Director of Harvey County Health Department, presented information regarding the status of the Health Advisory Board. Rita recommended the dissolution of the Board due to lagging interest and changes in the Health Department that affect the actual functionality of the group. The Commission will assess what the actual goals of the Health Advisory Board are and whether it continues to serve a purpose for the Health Department.

The meeting was recessed at 10:45 a.m. to attend the Central Plains Quad County Planning Forum in Hutchinson.

Chairperson Roberson reconvened the meeting at 7:00 p.m. in the Courthouse Community Room to conduct a public hearing regarding the possible annexation of land to the City of Halstead. The proposed development, The Crossings, lies directly adjacent to the north side of the Wedgwood Golf Course, and would include 28 lots of at least 2 acres each. The development would also include a six acre driving range connected to the Wedgwood Golf Course, which is owned by the City of Halstead. The Golf Course is included in the proposed annexation. Representing the City were J. R. Hatfield, City Administrator; Bill Ewert, City Mayor; and Phil Adams, City Councilman. Mr. Hatfield informed the Commission that the Halstead City Council had investigated the project in regard to drainage, streets, water, sewer, and financing. The Council then held a public hearing and a resolution to annex the land was passed by majority vote. Because of the land being located next to the Wedgwood Golf Course, the Council believes this is a progressive step forward for the City of Halstead.

Brian Lintecum, developer of The Crossings, explained the proposed development plan using a topographical map. The streets would be sand or gravel with no curb or guttering. The houses to be built there would be in the range of \$200,000 each. An Engineer has been hired to develop a drainage plan for the area, and the Equus Beds Groundwater Management Group has indicated that the 28 single family homes will use only about 30% of the allowable water usage. Each lot would have their own septic system, and there will be visual and audible alarms that would go off if there is a problem, which would prevent any possible groundwater contamination. The smallest lot size is 2 acres and the largest is 2.8 acres. The development will have restrictive covenants set up by an attorney and each home must be site-built. Financing is available. The development would be built in two phases, with the first phase including the construction of two entrances and exits, and thirteen lots with one cul-de-sac. Mr. Lintecum feels that Halstead housing market is imploding with only a 4% vacancy rate and only 33 houses on the market. The development would help the City of Halstead grow allowing the City to receive about \$1,600 per home in taxes, the school district would receive \$5,500 per year for each new student, and the County would realize about \$680.00 per house per year. According to Mr. Lintecum, even though this development does not meet the specifications of the comprehensive plan and uses viable farm ground, there is no guarantee that the land would be used as farm ground if the annexation fails.

J. R. Hatfield stated that the City was not going to run any water or gas to the development. They would, however, maintain the streets within the development, and the Township would maintain the roads to the development. Commissioner Meier asked to see a topographical map that will show drainage. There will be drainage easements that will be ditched. The back of each property will be

sloped to run into a ditch. Chairperson Roberson asked if the roads would be put in according to the specs for Halstead City streets. The width and specifications for the City of Halstead Streets would be met. If the annexation is approved, the Planning and Zoning Board for the City will get more involved. Chairperson Roberson expressed concern about putting the County at risk in competition among the communities of Harvey County. The developer is taking all the financial responsibility and the City does not have the obligation to step in. Chairperson Roberson inquired about the possibility of entering into an interlocal agreement with the City of Halstead, however, Brad Jantz, Attorney for the City of Halstead, wasn't sure that an interlocal agreement could bind City Councils.

Chairperson Roberson opened the floor for comments from the public, which are to be limited to five minutes or less.

Mike Sizemore, Attorney for Brian and Angie Lintecum, encouraged the Commission to not lose sight of what the County Commission's purpose is, to make a determination if this annexation will or will not hinder the growth and development of the County. The extension of the golf course into the development enables Halstead to compete with Newton and Hesston.

The meeting recessed for a few minutes to get a microphone system so the public could hear the speakers better.

At 7:40 p.m. the meeting was reconvened.

Chairperson Roberson reminded everyone that the County Commission would not be making a decision this evening, but at the Commission Meeting on Monday, March 27, at 10:30 a.m.

Jeff Glasco, Halstead, encouraged the Commission to support the annexation. He stated that the Lintecums are a young couple with a vision who have done a good job to bring in additional tax dollars to the benefit of the City, County, & school system. He reminded the audience that once the decision is made, they would all need to still be friends and neighbors.

Doug Gillispie, Newton resident, also spoke in support of the annexation. He went through the Halstead School system, and agrees that this would be a positive move for the City of Halstead.

Brianna Kraus, lifelong resident of Halstead and educator, feels The Crossings would be a great asset to Halstead. She doesn't feel that the increased traffic would be an issue, and as an educator, wants what this could bring to the Halstead school system.

John Stutzman, Halstead resident and part owner of Cedar Meadows housing project on the south side of Halstead, reminded the Commission that it is the Developer's money at risk, not local tax funds. He stated the only people to be considered in the decision should be Pat and Bonnie Wendling and the Webers, who own the land adjacent to the development. He urged the Commission to support the annexation.

Rachelle Darby, sister of Brian Lintecum and resident of Halstead, encouraged the Commission to allow Halstead to expand and not let the City die.

Kevin Henderson, Halstead resident and business owner, stated that there is a liability issue for the City if there is a problem with sewer treatment, water, or utilities. It could cost the City in excess of a million dollars. In the City of Halstead, there is a requirement to have curb and guttering, storm sewers, etc. None of the things associated with being a portion of Halstead are being met within the development. The worst case scenario must be considered. The tax burden for the City is already too high, and he feels that the annexation is just a way to circumvent the County's comprehensive zoning plan. He urged the Commission not to permit the annexation.

Bonnie and Pat Wendling, landowners adjacent to the south of the development, spoke in opposition to the annexation, with their main concern being the water supply. They are also concerned about the increased traffic on a road that is already difficult to maintain. Tax dollars may be taken away from the Township who is responsible for maintaining the road. There is also a flood plain between the City and the proposed annexation. When the property was originally put up for sale, it was advertised as two 40-acre plots.

Kent and Merla Haury, landowners near the proposed development, are concerned about the mix of urban dwellers and the farming community. There is concern about liability issues with children who don't understand the dangers of the farming equipment. They are also concerned about dogs running loose. They urge the Commission to stand by the County Comprehensive Plan.

Beth Vanetta, who lives in rural Halstead, asked about a statement made at the Sept 26, 2005 Council meeting, which indicated that the County would support the annexation. Ms. Vanetta was also concerned about the proposed septic systems in the development. There are currently no other septic systems within the city limits. Land north of the river in Halstead that has septic systems was de-annexed. She was assured that three entities, the County, the City, and the KDHE would have to agree on the septic systems.

Steve Bayless, rural Harvey County resident and trustee for Halstead Township, urged the Commission to preserve the County Comprehensive Plan. Although the land lies in Macon Township, the road is maintained by Halstead Township. He was concerned about the deterioration of Essex Heights Road which will carry traffic to and from the development. He was also concerned about emergency services provided by the City, as the City of Halstead has only one police officer.

Gerald Redinger, resident of Halstead and closest neighbor to the proposed development, expressed concern about the roads. Since the City of Halstead acquired the Golf Course, the roads have become terrible, and the housing project will make it worse. Parking for the golf course is a concern. On busy days cars are parked on both sides of the road, making it difficult to pass through pulling farm equipment. Water is also a concern. His water table has dropped 1 ½ feet in the last year and a half and he doesn't believe the water can hold up.

Richard Balzer, who lives south of the golf course, says the property sold for \$2,100 per acre last

summer. The two acre lots are now going to sell for \$30,000 to \$32,000. He is concerned about possible property tax increases when this development is completed. He believes the drainage on the north end of the development is not adequate for the houses. This strip of land stays very wet during the rainy part of the year. He believes the new golf course in Newton would have much more appeal to outsiders.

Richard Thrasher, who lives 1/2 mile straight south of the development, has concern about the water. He has lived on the property for 40 years. Ten years ago he had to drill another water well because the water table had dropped. The water from the Equus beds would run through the development first and during times when agricultural usage of the water is high, his water well already drops dangerously low.

Dr. Sarah Pratt, veterinarian and rural Harvey County resident, moved to Harvey County instead of other surrounding counties, because she appreciated the County Zoning Plan that protected the 40 acre rule. She urged the Commission to consider the precedent they might be setting by allowing this annexation.

Eugene Wendling, Halstead resident and former County Commissioner, reminded the Commission that the Board had spent nearly a year with consultants developing the County Comprehensive Plan. At that time it was unanimous that there could be no development under 40 acres. He believes the County Comprehensive Plan should be upheld.

Norma Wendling, 7010 S River Park Rd, spoke to the Commission regarding the importance of the preservation of the farming community. Farmers contribute about 1/10 of the economy. A city should not be allowed to annex any property they want and take farm ground away.

Chairperson Roberson thanked everyone for being here and expressing their concerns for and against this issue. Commissioner Meier also thanked everyone and corrected a misconception brought up earlier in the hearing. Taxes on farm land are based on the production of crops on that land, not on the value of adjacent property. Commissioner Krehbiel encouraged citizens to continue to communicate their concerns, either for or against, with the Commission.

Commissioner Krehbiel moved to adjourn the meeting at 8:35 p.m. Commissioner Meier seconded the motion. Passed unanimously.

BOARD OF HARVEY COUNTY COMMISSIONERS

Chairman

ATTEST:

Member

County Clerk

Member