

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

December 21, 2009

The Board of Harvey County Commissioners met in regular session on December 21, 2009 with all three commissioners present. Chairman Roberson called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Roberson read a thank you note from Ruby Davenport, a first grader, thanking the County for the Nativity scene displayed on the front lawn.
2. Commissioner Westfall reported that ICM has not yet begun to clean up the test site at the old Harvey County Landfill. There are also still flames visible from the stack.
3. Bethel College thanked the Health Department for administering H1N1 vaccinations to students and faculty there. The Bethel College Nursing Department assisted with the vaccinations as a project for the department.
4. The Kansas Avenue Bridge near Centennial Park will be bid on January 8.

CALENDAR ITEMS:

There will not be a commission meeting next Monday unless warranted.

Minutes of the December 14, 2009 meeting were approved upon a motion by Commissioner Westfall, seconded by Commissioner Krehbiel. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Commissioner Krehbiel made a motion to approve **Resolution No. 2009-29**, amending the KCAMP bylaws. Commissioner Westfall seconded the motion and it was passed unanimously.
2. On December 16, 2009 KDOT received bids on the 12th Street Bridge located 10 1/2 miles west of Newton. The bids were as follow:

Bridges Inc.	\$847,704.25
King Construction	898,991.00
Dondlinger Construction	911,565.00

Commissioner Westfall made a motion to accept the KDOT recommendation of the Bridges Inc. bid in the amount of \$847,704.25. Commissioner Krehbiel seconded the motion and it was passed unanimously.
3. Commissioner Westfall made a motion to authorize the chairman to sign the required documentation for the amendment to the Neighborhood Stabilization Project. Pursuant to the American Recovery and Reinvestment Tax Act of 2009, Harvey County has applied to receive assistance funds. Commissioner Krehbiel seconded the motion and it was passed unanimously.

CITIZEN'S FORUM:

1. Rex Schechter requested that the Commission consider a modification of the current zoning policies to encourage utilization of and education about wind power in the county. Current policies require a conditional use permit and FAA approval before a wind tower can be erected. This modification would simplify and reduce the expense for the approval of smaller wind towers. The Commission encouraged Mr. Schechter to present this request to Scott Davies, Director of Planning and Zoning, and the Planning and Zoning Commission.
2. Rod Nicholson, President of Prestressed Concrete, addressed the issue of Tindall Corporation being given several incentives to come to the new Logistics Park southeast of Newton. Prestressed has been in business in Newton for many years and still does not have water and sewer service provided. He speculates that Tindall could be in direct competition with Prestressed if they choose to manufacture prestressed concrete for purposes other than wind energy. They are being given tax abatements, water and sewer and other services as incentives to locate in the Logistics Park. Mr. Nicholson asked the Commission to consider placing restrictions on Tindall Corporation to manufacture wind energy components only at the Logistics Park.

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

Scott Davies presented a request from the City of Wichita Water Utilities for a conditional use permit to erect a communication tower approximately 150 feet in height, located at 7833 NW 12th. The request was considered at both the November 3 and December 1 Planning Commission meetings. By a vote of 7 in favor and 2 opposed, the Commission recommended approval of the permit. One protest letter was received from an adjacent landowner, which will require that if the Commission approves this permit, it must be by a unanimous vote. Lynn Moore, Engineer for Professional Engineering Consultants PEC, presented an update of the ASR program being conducted by the City of Wichita. The purpose of the program is to divert and treat surplus water from the Little Arkansas River for recharge of the Equus Beds aquifer. Other alternatives to the construction of a tower were considered by the City of Wichita and rejected due to limited functional ability. Co-location of equipment on other existing towers has also been rejected because the data communication equipment must have 99.99% reliability, and co-locating could not ensure that. Commissioner Westfall made a motion to recognize and acknowledge the recommendation of the Planning and Zoning Commission to approve the request from the City of Wichita Water Utilities for a conditional use permit to construct a communications tower approximately 150 feet in height in the A-1 Agricultural Zoning District located at 7833 NW 12th, Case #CUP 12-23-3W. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Scott Davies presented an additional request from the City of Wichita Water Utilities for a conditional use permit to erect a communication tower approximately 150 feet in height. The proposed location of the tower is 6016 S. Spring Lake Road. The request was considered by the Planning and Zoning Commission at both the November 3 and December 1, 2009 meetings. By

a vote of 8 in favor and 1 opposed, the Commission recommended approval of the request. There were no protests received from adjacent landowners. Commissioner Krehbiel made a motion to approve the conditional use permit for a communication tower to be located at 6016 S Spring Lake Road, Case #CUP 16-24-2W. Commissioner Westfall seconded the motion and it was passed unanimously.

An agreement between Virgil Penner and Harvey County was presented for approval. Under the terms of the contract Mr. Penner would act as agent for the soliciting and obtaining donations to the Harvey County Fairground Building Fund or to the Harvey County Fair Fund. The contract provides that the agent will work no more than 60 hours per month. Mr. Penner pointed out that the contact time and administrative time should be kept separate. The estimated time noted in the contract will be administrative time. The contract shall also read that it may be terminated at any time by either or both parties. Commissioner Westfall made a motion to enter into the agreement with Virgil Penner with the suggested corrections. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Commissioner Krehbiel made a motion to approve an agreement with Ken Yeager Consulting, LLC to oversee bid specifications, bidding, and the replacement of the Detention Center roof. The contract provides that Mr. Yeager will be paid an agreed hourly wage with a not to exceed amount of \$32,550. Commissioner Westfall seconded the motion and it was passed unanimously.

Citing increasing communication tower requests in Harvey County, Scott Davies, Director of Planning and Zoning, presented a request that an outside consultant be hired to review the applications for communication towers. Mr. Davies also recommended that the fees for communication towers be increased. The FCC recently ruled that local governments must process communication tower requests in a timely manner, within 150 days of receiving an application for a new tower, and within 90 days for an application to co-locate on an existing tower. Failure to follow these time limits will result in automatic approval of the request. The recommended amount of the tower application fees is \$500 instead of the current fee of \$250. All costs associated with the third party review would be the responsibility of the applicant. Commissioner Westfall made a motion to enter into an agreement with CityScape Consultants to provide services to review applications for communication towers in Harvey County. Commissioner Krehbiel seconded the motion and it was passed unanimously. Commissioner Westfall made a motion to authorize the amendment of Article 16.06 of the Harvey County Unified Development Code with regard to communication towers, requiring a review by a third party and changing the amount of the application fees for communication towers from \$250 to \$500. Commissioner Krehbiel seconded the motion and it was passed unanimously.

The Commissioners recessed for lunch at 11:50 a.m.

The Commission meeting resumed at 1:10 p.m.

John Waltner presented an application for recovery zone facility bonds for Tindall Corporation, which will be locating at the Kansas Logistics Park. Commissioner Westfall made a motion to

approve **Resolution No. 2009-30**, designating a recovery zone pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the purpose of issuing recovery zone economic development bonds and recovery zone facility bonds in the amount of \$18,500,000. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Craig Simons presented an agreement for consulting services between Priefert Complex Designs and Harvey County to provide basic services as required to design, draw, and produce documents necessary for the construction of the new Harvey County Fairgrounds. This includes services such as engineering, architecture, drafting, coordination, bid administration, and construction services related to the new fairgrounds. Commissioner Westfall made a motion to postpone the approval of the contract until certain contract items are clarified. Commissioner Krehbiel seconded the motion and it was passed unanimously.

A proposal from Poe & Associates to perform bridge inspections in 2010 was presented. The proposed cost of the inspections will be \$32,948 for 287 bridges in Harvey County. Commissioner Krehbiel made a motion to approve the proposed contract with Poe & Associates. Commissioner Westfall seconded the motion and it was passed unanimously.

Craig Simons reviewed the 2009 accomplishments of Harvey County. Inclusions in the list of accomplishments are as follow:

1. The installation of T. Walton, the new Sheriff, incumbent Commissioners Marge Roberson and Ron Krehbiel, and four incumbent County Officers.
2. Changes were implemented with regard to the purchasing and payment of food for inmates at the Detention Center.
3. A nine-member Fairgrounds Development Committee was appointed.
4. Commissioner Roberson was elected to the KCAMP insurance pool executive board.
5. Six new Sheriff vehicles were purchased.
6. A package of Newton City/County Airport improvements was approved with the County share being \$125,260.
7. Equipment was installed on the six new Sheriff vehicles.
8. The Board approved the placement of an Alltel cellular tower at the eastern edge of the City of Sedgwick.
9. The Sheriff's Department began charging inmates on the first day of arrival at the Detention Center, increasing the revenue there.
10. The Board approved the Action Plan for the Neighborhood Stabilization Program.
11. The Board denied a permit to shoot pistols and rifles at the Kansas Sporting Clays facility.
12. Engel Heating & Air Conditioning submitted the low bid of \$24,500 to replace the air conditioner at the Health Department Building.
13. County Appraiser Craig Clough was re-appointed as the County Appraiser for an additional four years.
14. The Commission issued \$2,800,000 in Industrial Revenue Bonds for Schaben Industries.
15. The City of Newton and Harvey County agreed to pay Initiatives, Inc. \$10,500

- per month to market a railroad Logistics Park in Newton.
16. A grant in the amount of \$138,992 was received to install video cameras in fourteen Sheriff vehicles and laptop computers for the Sheriff vehicles and all of the city police departments in Harvey County, with the exception of the City of Newton.
 17. ICM, Inc. leased a portion of the Harvey County Transfer Station to test the development of a gasifier.
 18. Harvey County purchased the Orthodontics office and the Morgan Law Office building across the street south of the Courthouse for development of additional parking.
 19. Property valuation decreased by 2.03%.
 20. The bridge on Kansas Avenue spanning Sand Creek near Centennial Park was closed due to shifting pilings.
 21. The West Park Community Building was constructed at a total cost of \$589,000.
 22. A ten-year property tax abatement was approved for Parks Aircraft Technology.
 23. Rob Mahoney of Haake Company was hired by the Board as a consultant to conduct a health insurance bidding process. He recommended the cessation of in-lieu-of payments to employees, and encouraged the use of spousal carve-outs.
 24. The Board contracted with Lundberg, Vogel, Pierce, and Faris to conduct the 2009, 2010, and 2011 Harvey County audits.
 25. County Administrator, Craig Simons, will retire on December 24. John Waltner was appointed to replace him.

Phil Adams, Road & Bridge Superintendent, presented bid specifications and answered questions about the construction of two metal lean-to type structures at the Road & Bridge Department. One of the buildings will be located at the site of an old lean-to which has been sold. There will be an addition of 30 feet of concrete to the north of the existing concrete slab. The other building will be located east of the drive through wash bay on the northeast side of the building.

The meeting was adjourned at 2:37 p.m.

BOARD OF HARVEY COUNTY COMMISSIONERS

Marge Roberson, Chairman

ATTEST:

George A. "Chip" Westfall, Member

Joyce Truskett, County Clerk

Ron Krehbiel, Member