

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

May 18, 2009

The Board of Harvey County Commissioners met in regular session on May 18, 2009 with all three commissioners present. Chairman Roberson called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Krehbiel reported that the new shelter at West Park has been rented out at least three times now and it seems to be going well.
2. Commissioner Westfall said that the Road and Bridge Department needs to check an area at K-196 and I-135 where the gore area ends. The asphalt there is heaped up and maybe needs to be ground down.
3. Commissioner Roberson received two more letters on the requested conditional use permit for the Clays and Arrows Gun Range.
4. Commissioner Roberson informed the Commission that there will be another meeting held Tuesday, May 19 to attempt to find a new space for the Community Corrections juvenile intake.
5. Commissioner Westfall said that he had talked with Raquel Thiessen, Newton City Commissioner, regarding the shortage of Parking for Cooper School, Newton Public Library, Newton Police Department, downtown employees, and Harvey County Employees. Craig Simons said that a meeting between Cooper School staff, City of Newton staff, and Harvey County staff will be held at Charlie's Restaurant on May 29.

CALENDAR ITEMS:

1. The KCAMP meeting will be held on Wednesday, May 27 in Topeka.
2. The Commission meeting will be held on Tuesday, May 26 instead of Monday, May 25.

Minutes of the May 11, 2009 Commission meeting were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Westfall. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Commissioner Krehbiel made a motion to approve **Resolution 2009-9** appointing Paul Ferguson of Poe & Associates as the County Engineer. Commissioner Westfall seconded the motion and it was passed unanimously.
2. The Commissioners received a letter from Marion County thanking Harvey County for the loan of the recycling trailer.
3. Dorothy Zook and Larry Schmidt, Park Board members, presented a plan to recognize the Rhoades Foundation for the many donations received by the Harvey County Parks. The Board proposes erecting a stone with a bronze plaque honoring the Rhoades Foundation. The cost of the entire project would be approximately \$500. The Park Board suggests that there be an unveiling of the

plaque upon completion. Commissioner Westfall made a motion to allow Harvey County Parks to spend up to \$500 to erect a plaque to recognize the Rhoades Foundation for their contributions to the Parks. Commissioner Krehbiel seconded the motion and it was passed unanimously.

4. Phil Adams, Road and Bridge Superintendent, presented a list of potential items to be sold on the Purple Wave internet auction site. He will compile a more complete list for next week.
5. Commissioner Krehbiel asked Mr. Adams about an area on East First Street where the Road and Bridge Department ground down the pavement. Commissioner Krehbiel asked when the area would be overlaid and marked. He has had some complaints about the road being dangerous at night or if it is wet because the road markings are not visible. Mr. Adams stated that there is not a definite time scheduled for the road to be overlaid. Commissioner Westfall expressed concerned about liability to the County if the road stays unmarked for an indefinite length of time. Commissioner Krehbiel also asked about the large brush pile wedged against the bridge on 36th Street near West Park. Mr. Adams has checked the pile several times with the recent high water. Commissioner Roberson asked if the brush pile that was removed from the bridge last year would be burned and Mr. Adams said that it would be burned soon weather permitting. Starting the bridge on Ridge Road. North of Hwy 50 between 1st and 12th Streets.
6. Sheriff T Walton said the Sheriff's Department applied for and received a \$3,000 STEP grant, which is a Special Traffic Enforcement Program. The grant will enable officers to set up a program through the Memorial Day Holiday and Labor Day Holiday to check drivers for seatbelt use and driving safety.
7. Sheriff Walton also reported that he had presented a proposal at the Council of Government Meeting to charge prisoners a daily fee when booked into the Detention Center. Presently, prisoners staying for a short period of time pay nothing. The proposal was well accepted and there was also interest in charging a booking fee. The cities would like to have specific information on how that type of system would work. It is proposed that the fee increase will take effect on June 1, 2009.
8. Sheriff Walton said the repair work on the roof at the jail is continuing but he feels that a new roof will be needed eventually. The Sheriff's Department has also purchased new brown summer uniforms for Sheriff's Officers. The purchase money was obtained from the last two forfeitures. Commissioner Krehbiel has had some complaints that the officers are not easily identified as a law officer, but Sheriff Walton said that it is still evident that they are officers.

CITIZEN'S FORUM:

There were no citizens present for Citizen's Forum.

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

At 9:50 a.m. the Commission moved to the Community Room in order to accommodate a large number of people attending the meeting to hear the 10:00 agenda item, which is a request from Kansas Clays and Arrows for a conditional use permit to operate a handgun, rifle, trap/skeet, and archery range in the A-1 Agricultural District at 6608 N River Park Road.

At 10:00 a.m. Chairman Roberson reconvened the meeting. She informed the public that this would not be another public hearing as was held last week, so only new information would be allowed. Since the meeting last week was deferred to this week in part to allow land ownership issues to be settled, Greg Nye stated that this was a main piece of information that needed to be heard. Tom Arnhold, Attorney for Ben Kraft, said that Mr. Kraft had an option to purchase the land occupied by Kansas Clay and Arrows before January 31, 2009. Mr. Kraft exercised that option and purchased the land from Barbara Stucky. He has been making payments on the land since March. Mr. Kraft also exercised an option to purchase an addition parcel of land lying between Kansas Clays & Arrows and property owned by Barbara Stucky. Although the survey of the land was delayed, it has now been completed and the sale of that parcel should be complete in early June. Mr. Caplan, Attorney for Manuel Camacho, stated that Mr. Camacho has an ongoing and valid lease. There were several folks in the audience who came in support of Mr. Camacho's request for a conditional use permit. Commissioner Krehbiel asked if any of them lived in the area near the shooting range, and they replied that they did not.

Chairman Roberson stated that this has been an interesting and difficult decision. Commissioner Krehbiel stated that he felt the opposition came from folks who were bothered by the noise and those who were fearful of a possible stray bullet. Commissioner Westfall thanked the audience for coming to several meetings regarding this issue, and the courteous and respectful tone of the communications to the Commissioners.

Commissioner Roberson asked Mr. Camacho if the decision today is to limit the use of the gun range to shotguns and archery would he be able to limit the activities and still be able to operate the business and make a go of it. He answered that he thought he could, although he would have to limit some of the plans for the range.

Commissioner Krehbiel made a motion to accept the recommendation of the Planning and Zoning Board and allow only shotguns and archery, and prohibit the use of rifles and hand guns at Kansas Clays & Arrows. Chairman Roberson reminded the Commission that since the required number of petitions or protests was received, the decision from the Commission must be unanimous. Commissioner Westfall seconded the motion and it was passed unanimously.

Commissioner Westfall stated that the original conditional use permit that was issued in 1991 required that the gun range be inspected every three years. There appears to have been no inspections at the range since it was opened. Commissioner Westfall made a motion to amend the permit and require that an inspection be performed yearly by the Zoning and Code Enforcement Office. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Craig Simons presented the proposed County Commission Budget for 2010. This budget contains funding for the Commission Room and salaries and fringe benefits for the Commissioners. It also includes funding for travel and training and education. Although salary increases have not been added in yet, there is an 8 percent increase budgeted for health insurance premiums in addition to increases in the employer share for KPERS. The Commission will take the budget under advisement.

Commissioner Westfall made a motion to go into executive session at 11:00 a.m. for a period of 20 minutes to discuss legal and contract issues. In addition to Counselor Greg Nye, Roy Patton and John Waltner were also in attendance. Commissioner Krehbiel seconded the motion and it was passed unanimously. Executive session ended at 11:20 a.m. with no action being taken.

Commissioner Krehbiel made a motion to allow the County Counselor to send a letter to Bio-Gold stating that the contract between Bio-Gold and Harvey County is now null and void. Commissioner Westfall seconded the motion and it was passed unanimously.

At 11:45 a.m. the Commissioners left for lunch at the Harvey County Historical Society after which they adjourned.

BOARD OF HARVEY COUNTY COMMISSIONERS

Marge Roberson, Chairman

ATTEST:

George A. "Chip" Westfall, Member

Joyce Truskett, County Clerk

Ron Krehbiel, Member