

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

November 23, 2009

The Board of Harvey County Commissioners met in regular session on November 23, 2009 with all three commissioners present. Chairman Roberson called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Westfall verified that Harvey County would have a representative at the hearing to be held on December 7 by the City of Newton to reclassify the zoning for property located west of Kansas Avenue, north of SW 36th Street to the entrance of the Autumn Glen Addition. The City proposes to change the property from the A-1 agricultural zoning district to the C-2 zoning district. Harvey County is an adjoining landowner.

CALENDAR ITEMS:

1. Commissioner Roberson will attend a KCAMP meeting in Topeka on December 17th and 18th.
2. There will be a Quad-County meeting held in Reno County on December 7.
3. The annual Extension Council dinner and meeting will be held in the Community Room on November 24 at 6:30 p.m.

Minutes of the November 9, 2009 meeting were approved upon a motion by Commissioner Westfall, seconded by Commissioner Krehbiel. Motion passed unanimously.

Minutes of the special November 19, 2009 meeting were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Westfall.

Commissioner Westfall announced that Craig Simons, Harvey County Administrator, was awarded the first ever "County Official of the Year" award at the annual Kansas Association of Counties meeting held last week. Mr. Simons thanked the Commissioners for all their support through his years of service as Administrator.

Commissioner Roberson informed the Commission that the proposed changes in the KCAMP by-laws were approved without any opposition. KCAMP also gave monetary award to counties who had a low claims record for the year. Six counties received the award, with the first place county receiving \$2,000.

ADMINISTRATIVE ITEMS:

1. Craig Simons presented a recommendation from Elizabeth Schmidt and the CDDO Board of Directors to appoint Dave Anderson of Hesston to the Harvey/Marion County CDDO Board for a three-year term. Commissioner Krehbiel made a motion to approve the appointment to the Board and waive the

- one week waiting period. Commissioner Westfall seconded the motion and it was passed unanimously.
2. Lonnie Buller, Director of Emergency Management, presented a state grant application in the amount of \$2,500 to be used to hire a consultant to assist the department in updating the emergency operations plan for Harvey County. The consultant is a former planner with the Kansas Department of Emergency Management. There is no monetary match required of the County. Commissioner Westfall made a motion to approve the Emergency Planning Grant application and authorize the Chairman to sign. Commissioner Krehbiel seconded the motion and it was passed unanimously.
 3. Rita Flickinger, Director of the Harvey County Health Department, updated the Commission on the progress of immunizations for the H1N1 flu virus. They have received enough vaccine to hold a vaccination clinic at the Halstead Middle School beginning today at 3:30 p.m. Another clinic will be held on December 3 in Sedgwick. All dates have been announced in the Harvey County Independent, letters to parents of school children, Channel 7 community news, and on the city marquees. The clinics will be staffed by volunteer nurses, supervised by Health Department staff. The vaccinations are free and anyone under the age of 24 and anyone between the ages of 24 to 64 who has underlying health conditions can receive the vaccine. Since one of the effects of H1N1 is lung damage, the Health Department is also advising citizens to be vaccinated against pneumonia. Nineteen people have died from H1N1 in the state of Kansas.
 4. Phil Adams, Road and Bridge Superintendent, presented authorizations for bridge inspections for bridges on NW 12th and on Kansas Avenue near Centennial Park. The bridge replacements will be bid out in December. The Commission approved the inspections at an earlier meeting and therefore signed the paperwork to be sent to KDOT. Mr. Adams also reported that the bridge replacement on Ridge Road south of 12th Street is now complete and the bridge is open for traffic.
 5. Sheriff T. Walton reported that a consultant has been hired to evaluate the roof of the Detention Center and has already begun the process. He also reported that he checked on a reported dump site in Sedgwick Township. They believe they have determined who dumped the trash and will contact that person. The Commissioners suggested that Phil Adams call the township officers and remind them that the transfer station does not charge townships to dispose of this type of trash.

CITIZEN'S FORUM:

Willis Heck, representative of the Highway 50 Association, updated the Commission on the plans and progress of the association. The association met with two Western Kansas legislators and discussed transportation plans and how to fund the proposed projects. Maintenance of the highway is a priority of the association and there is also a ranking list in terms of priority projects for this region. Mr. Heck will make sure that the Commission receives a copy of this list. Some of the suggestions for funding are

significant increases in motor vehicle registrations, and lowering the motor vehicle fuel tax and adding sales tax instead.

The Commission recessed the meeting to move to the Courthouse Community Room to hold a joint City of Newton, Harvey County Commission meeting. At 10:03 a.m. Chairman Roberson called the County Commission meeting back to order. Mayor Raquel Thiessen called the Newton City Commission meeting to order. Present were County Commissioners, Ron Krehbiel, Chip Westfall, and Marge Roberson; City Commissioners, Raquel Thiessen, Willis Heck, Ken Hall, Kevin Pouch, and Jim Nickel. Bob Myers, Newton City Attorney, presented a proposal to expand the composition of the Aviation Board by one member. Willis Heck asked Craig Simons to give the audience an overview of the composition of the board and how it works. Mr. Simons explained that the Newton/Harvey County Aviation Commission was formed many years ago. The board is currently a seven-member board made up of one member from the Harvey County Commission, the Newton Mayor or one city commissioner, the county administrator or designee, the Newton City Administrator or designee, one member appointed by the county commission, one member appointed by the city commission, and one at-large member appointed by these six board members. Although the board is an advisory board, not a governing board, they do make decisions on projects at the airport. Bond financing and budgets are set by the two governing bodies and city employees oversee the operation of the airport. Commissioner Westfall made a motion to approve **Resolution No. 2009-22**, a joint enactment with the City of Newton to add another position to be appointed by the Aviation Commission. Commissioner Krehbiel seconded the motion and it was passed unanimously. Willis Heck made a motion to approve City of Newton Ordinance No. 4720-09. Commissioner Jim Nickel seconded the motion and it was passed unanimously.

Mickey Fornaro-Dean, Executive Director of the Harvey County Economic Development Council, and Troy Carlson, President and CEO of Initiatives, Inc. presented a plan to develop the Kansas Logistics Park, which is a proposed development to facilitate growth in the wind industry and other industries by providing resources to overcome the high costs associated with manufacturing, storage, and transportation of equipment. The area chosen for the development is approximately 300 acres just south and east of the City of Newton. The Newton area has been chosen because of the following assets:

- This is a centrally located area in the center of the United States
- There is a confluence of rail assets including 2 Class 1 carriers as well as the Watco short line railroad
- This area is serviced by a prime highway network
- The area is next to an urban center, but outside of the congestion.

To have the Logistics Park located in the Newton area would enable equipment manufacturers to batch and store equipment enabling shipment to be made in a more timely, cost-effective manner from a location in the heart of the nation's wind resources. Kansas ranks third in wind potential energy following only Texas and North Dakota. The production of wind energy will be spurred by government incentives of production tax credits and investment tax credits. By 2020 Kansas will require that 20% of the energy needs be supplied by renewable energy sources.

There have been eight prospects in the last six months that have considered the Kansas Logistics Park as a possible location for their business. Six of those prospects, which are all related to the wind energy field, are still interested in possibly locating here. Upon completion, the estimated number of jobs created is 3,647, with an average salary of \$57,000.

The citizens who attended the meeting are listed on the attached addendum to the minutes.

Rex Schechter, property owner near the proposed site, asked how sure the possibility of the Logistics Park is. Mr. Carlson stated that although there is nothing definite yet, Siemens Manufacturing, which supplies wind energy components, is building a facility in Hutchinson and will require their suppliers to be within 60 to 90 miles of their facility. This is definitely an incentive to get the infrastructure for the site put in place. Mr. Schechter asked if the citizens would be responsible for the taxes if the project were put into place and then failed.

Stan Brodhagen, who has been hired by the City to work with the landowners in the proposed area, said that the more information you can give the landowners, the better it will be. He is in agreement with the proposed numbers, but hopes that the cost can be spread to the outside area.

Roger Ahrens, President of Full Vision Manufacturing, said that timing for this project is critical. Although this project is huge, the risk and commitment are also huge. The decision needs to be made quickly and there is not a neutral solution. He fully endorses this opportunity, but also hopes this does not result in an argument between agencies as to how this will be funded.

Rich Meister, President of the EDC, expressed his endorsement of the project and stated that although there are risks, if we don't take them we will fall behind.

Jim Swartzenberger, Executive Director of the Newton Chamber of Commerce, is extremely favorable of the project and feels that we cannot afford not to pursue this opportunity.

Mayor Raquel Thiessen said that the Newton Industrial Park is set for expansion as the current park is almost full. She made sure that citizens knew that the industrial park growth will be limited to industrial purposes, not condominium development or something like that.

Jim Heinecke, EDC member, reminded that the City of Newton and Harvey County came together several years ago to invest in a golf course, that has been a very successful venture. This project would have a much greater impact than the golf course. With cooperation this project can happen.

Don Schroeder, State Representative, said this is a really exciting opportunity, although there is always the unknown. If Harvey County presents itself as a hub for manufacturers, be prepared for unheard of opportunities.

Larry Williams, Halstead Bank President and EDC member, said that we need to do what we can to provide jobs. This will be an opportunity for all of Harvey County, not just Newton.

Carol Stayrook Hobbs, Newton USD #373 Board Member, asked if this presentation could be made to the school board. This would provide a great potential to our tax base, hopefully helping to solve some of the funding issues with education. Ms. Fornaro-Dean and Mr. Carlson are willing to give the presentation to anyone who would like to see it.

Commissioner Westfall asked if Siemen's Manufacturing has provided a list of companies that will have to relocate to this area. Ms. Fornaro-Dean said the list is in process and they have been working with the Great Lakes Wind Network to try to draw companies to this area.

Chairman Roberson said that this is an exciting opportunity, but the decisions are not always comfortable to make. She is very much in support of this project.

Willis Heck said that a tremendous amount of information has been presented. There is a great deal of risk, but there is also a great deal of risk in doing nothing. The golf course is an example of how we can collectively do things together. The whole focus today is wind energy and all the possibilities that surround it. Let's put together a plan to make it happen. It's important that all of Harvey County be aware of this opportunity.

Commissioner Westfall said this is likely going to look like it is centered around Newton, but other cities in the County need to know how this will affect them.

Mayor Thiessen stated that there are certainly those technical pieces of the project that need to be dealt with, but there is also the factor of the public reaction. This project will transcend the terms of the elected officials who will be making this decision. There are bound to be those who are not supportive of the project, and their concerns need to be dealt with, especially if they will be sharing some loss in the development of the project.

Jim Nickle, Newton City Commissioner, said there are crises in funding. It really comes down to what our priorities are. This is something that can transform the community. We have certain obligations that have to be taken care of and the governing bodies need to get together and determine what our limits are.

Ken Hall, Newton City Commissioner, said that once we have the plan in place he would like to have some federal and state involvement and see to what extent they are willing to do to be involved.

Kevin Pouch, Newton City Commissioner, said that this is a big decision and we need the state and federal government to commit funds to make this work. It is also necessary that all of Harvey County be involved, not just the City.

Commissioner Westfall asked if the Economic Development Council would produce a timeline as to where we need to be in this project to be competitive. The infrastructure needs to be in place as early as possible in 2010.

Commissioner Westfall made a motion to appoint Craig Simons, John Waltner, Mickey Fornaro-Dean, EDC Chairman Rich Meister, Mayor Raquel Thiessen, City Manager Randy Riggs, Chairman Marge Roberson, Tim Johnson, and Troy Carlson to serve on a committee to work on this project. Commissioner Krehbiel seconded the motion and it was passed unanimously. Newton City Commissioner Willis Heck made a motion to agree to the appointments. The motion was seconded by Commissioner Pouch and passed unanimously.

Ms. Fornaro-Dean expressed her appreciation to both commissions for adding another appointed position to the Aviation Board.

The water task force appointed by the Newton City Commission will be reporting their findings next week. The development of the conference center and motel are moving forward as is the development of a motel between Braum's and Montana Mikes.

The new fairgrounds development is moving along slowly, but surely. There will be another meeting held on December 1, with estimates of what the cost of the development will be.

Chairman Roberson informed the audience of the award Craig Simons received at the KAC meeting. A \$1,000 scholarship will be awarded to a Harvey County student to pursue further education.

At 12:45 p.m. the County recessed to move back upstairs to the Commission Chambers.

The meeting was called back to order in the Commission Chambers at 1:15 p.m.

At 1:15 p.m. the bond bid opening that was held in a special meeting on November 19 was revisited. When the opening was originally held, although they were not the low bidder, the Commission awarded the bid to Midland National Bank, a local bank here in Newton. However, by law, the bid has to be awarded to the lowest bidder. Commissioner Krehbiel made a motion to rescind **Resolution No. 2009-22a**, due to the oversight in awarding the bid to the lowest bidder. Commissioner Westfall seconded the motion and it was passed unanimously. Commissioner Westfall made a motion to rescind the awarding of the bid to Midland National Bank and award the bid to Cooper-Malone. Commissioner Krehbiel seconded the motion and it was passed unanimously. Commissioner Westfall made a motion to approve **Resolution No. 2009-23**, authorizing and directing the issuance, sale, and delivery of \$918,500 principal amount of general obligation bonds, series 2009, of Harvey County. Commissioner Krehbiel seconded the motion and it was passed unanimously.

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

The Commission recessed the meeting at 2:00 p.m. to attend a retirement reception for Jeanie Flaming, who is retiring from the position of Transportation Coordinator. Chairman Roberson presented Ms. Flaming with an appreciation plaque for her years of service with Harvey County.

The meeting reconvened at 2:15 p.m. Scott Davies presented a request by Brian J. Chamberlain for a conditional use permit to operate an auto repair business in the A-1, Agricultural zoning district. The property is located approximately ½ mile west of North Webb Road on the south side of NE 24th Street. The Harvey County Regional Planning Commission considered this matter at its meeting on November 3, 2009. The Planning Commission recommended denial of the request stating that the increased traffic would create a safety hazard on NE 24th Street. The Planning Commission also cited that the access roads are not adequate to handle the increased traffic flow. Protest petitions have been submitted from three adjacent landowners. Therefore the permit can only be issued by a unanimous favorable vote of the County Commission. Mr. Chamberlain explained that he is currently out of work and wants to use an existing building on his property to do auto repair as a source of income. After discussion between the landowner, Scott Davies, and the Commission, Commissioner Westfall made a motion to accept the recommendation of the planning commission and deny the request for a conditional use permit. Commissioner Krehbiel seconded the motion and it was passed unanimously.

The meeting was adjourned at 3:10 p.m.

BOARD OF HARVEY COUNTY COMMISSIONERS

Marge Roberson, Chairman

ATTEST:

George A. "Chip" Westfall, Member

Joyce Truskett, County Clerk

Ron Krehbiel, Member

Citizens attending hearing:

Terry M. Leonard	Mayor	City of Burrton
Richard Meister	President of the EDC	Newton
Gary Denny	Fire/EMS	Newton
Denise Duerksen	City Clerk	Newton
Tim Johnson	Asst City Mgr	Newton
Erin McDaniel	PIO	Newton
Jason High	Chamber of Commerce	Newton
Barb Burns	USD #373	Newton
Bill Hake	Pres CNB	N Newton
Ken Goering	Banker	Newton
Jim Heinicke	EDC	Newton
Keith DeHaven	EDC, Mayor	Sedgwick
Steve Lang	EDC	Burrton
Cliff Kirk	EDC	Burrton
Don Schroeder	State Representative	Moundridge
Roger Ahrens	EDC/Mfg	N Newton
Shelley Black	Chamber	Newton
Allen Schrag	EDC	Hesston
Ron Lang	EDC/Banker	Newton
Dennis LeFevre	EDC	Hesston
Al Heine	EDC	Walton
John Waltner	HV County	County
Phil Adams	HV County R&B	
Margaret M Buchman	Real Estate Owner	Alta Vista, KS
Rex & Renee Schechter	Real Estate Owner	Newton
Evan R. Johnson	Mayor	Walton
Stan Brodhagen	Real Estate	Newton
Marlin K. Penner	NAI John T. Arnold Assoc	Wichita
Larry K. Williams	Halstead Bank/EDC	Halstead
Kent Erb	First Bank/Chamber	Newton
Ray A Penner	First Bank/EDC	Newton
Sandra Fruit	Central KS Comm Foundation	Newton
Lisa D. Krasuski	City of Newton	Newton
Ron Ahsmuhs	City of Newton	Wichita
Bob Myers	City of Newton	Newton
Alex Carbajal	Newton Chamber	Newton
Jim Schwarzenberger	Newton Chamber	Newton
Laura Schmidt	Watco	Newton
Carol Sue Stayrook Hobbs	Newton USD #373	Newton
Randy Riggs	City of Newton	Newton
Sheri Esau	HCEDC	Newton