

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

September 28, 2009

The Board of Harvey County Commissioners met in regular session on September 28, 2009 with all three commissioners present. Chairman Roberson called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

Commissioner Roberson requested an additional executive session be added to the meeting later this afternoon to discuss personnel matters.

CALENDAR ITEMS:

1. The annual Taste of Newton will take place on October 1 in downtown Newton.
2. The Renewable Energy Conference will be held October 6 & 7 in Topeka.
3. The KAC Conference will be held November 16 through 18.

Minutes of the September 21, 2009 Commission meeting were approved upon a motion by Commissioner Westfall, seconded by Commissioner Krehbiel. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. The real estate closing for the purchase of the Haught Dental Office will be held at Regier Abstract September 29 at 1:30 p.m. Commissioner Westfall made a motion to authorize Chairman Roberson to sign the closing papers. Commissioner Krehbiel seconded the motion and it was passed unanimously.
2. The Commission will request bids for the removal of the Morgan Law Office building which was also recently purchased by Harvey County.
3. Craig Simons informed the Commission that audit services for the year 2010 will be bid out.
4. Commissioner Krehbiel made a motion to authorize the Commission to sign a certification to the Kansas Department of Transportation to proceed with real property acquisition and utility arrangements for Project Number 40 C-4242-01, the replacement of a bridge 4 ½ miles west of Meridian on 12th Street between Mission Rd and Emma Creek Rd. Commissioner Westfall seconded the motion and it was passed unanimously.
5. Rita Flickinger, Harvey County Health Department Director, presented a document for the Chairman to sign which will enable Harvey County to receive \$49,095 in funding from the federal government for management of the H1N1 flu virus. Any extra expenses incurred will be eligible for reimbursement. Ms. Flickinger estimates that Harvey County will be receiving an additional \$50,000 at a later time. The Health Department is structuring a plan for the administration of the vaccine, which is scheduled for delivery in October. Children, who are in a priority group, will be vaccinated at clinics held in schools from 3:00 p.m. to 8:00 p.m., which will enable parents to be there with their children. Ms. Flickinger

also reported that the regular seasonal flu vaccine available in Harvey County is all spoken for at this time. The next batch of vaccine should arrive in late October. The Health Department will resume regular seasonal flu vaccines at that time. Erin McDaniel, Newton City Public Information Officer, will be in charge of disseminating flu information to the public. A committee will be formed to make decisions on how to distribute the H1N1 vaccine to the highest priority groups. Commissioner Roberson agreed to serve on the Committee. Commissioner Westfall will serve as alternate. Commissioner Krehbiel made a motion to sign the contract between KDHE and the Harvey County Health Department to receive funds in the amount of \$49,095 for the distribution of the H1N1 vaccine. Commissioner Westfall seconded the motion and it was passed unanimously. The Harvey County Detention Center will be one of the distribution sites, which will enable the inmates to be vaccinated.

6. Craig Simons informed the Commissioners, that although the patching performed on the Detention Center roof this year worked well, there are so many other leaks that the facility needs to be re-roofed. Bids will be let in anticipation of getting the work done in 2010.
7. John Waltner stated that Senator Sam Brownback will be in Hesston this morning and touring Excel Industries. Commissioner Roberson asked that he be reminded of the ICM Gasifier Project.
8. Phil Adams, Road & Bridge Superintendent informed the Commission that work on the overlay on Cow Palace Road began Saturday and should be finished some time today.

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

Rhonda Gnatowski, Solid Waste Clerk, presented the list of delinquent solid waste fees for the year 2008. According to K.S.A. 65-3410 the County shall hold a hearing once a year to hear the report of delinquencies and to also hear any objections or protests. Tom and Michael Hite attended the hearing to protest the solid waste fees. They live in a rural area and said they do not use the Transfer Station. The Commissioners explained that the County is required by law to provide a site for trash disposal. This is funded by both the solid waste fee, which is universally charged to everyone in the county, and a tipping fee charged at the Transfer Station. John Graves also asked that the Commissioners refund solid waste fees on a residence on Columbus Street that was unoccupied all of 2008. Ms. Gnatowski will initiate the refund. The public hearing was closed at 10:20 a.m. Commissioner Westfall made a motion to pass **Resolution No. 2009-18** certifying delinquent 2008 solid waste fees to the Harvey County Clerk and providing for the collection of the delinquent solid waste fees at the same time and in the same manner as county ad valorem taxes are collected. The solid waste fee protested by Mr. Graves shall be removed. Commissioner Krehbiel seconded the motion and it was passed unanimously.

At 10:30 a.m. the Commission opened bids for the purchase of a 2010 passenger van, 3.3 to 3.49

liters, or an alternate bid for 3.5 liters or larger. The bids are as follows:

	<u>3.3 to 3.49 liters</u>	<u>3.50 liters or larger</u>
Eddie's Toyota (Wichita)		\$24,531
Midwest Motors (Hutchinson)		
Seneca		23,316
Resnik Motors (Newton)		
Grand Caravan	\$21,081	23,068

Commissioner Krehbiel made a motion to accept the bid from Resnik Motors for the 3.5 liters or larger engine in the amount of \$23,068. Commissioner Westfall seconded the motion and it was passed unanimously.

Several people attended the meeting to hear a discussion on diversion well test sites. Those attending included John Weber, Wilbur Kurr, Mr. and Mrs. Floyd Holle, and Mike McGinn. Darrel Moore, Professional Engineering Consultants, and Deborah Ary, Superintendent of Production and Pumping for the City of Wichita, answered questions with regard to the Equus Beds Aquifer Storage and Recovery Program. As the City of Wichita begins Phase II of the Program, they have requested permission to do some testing on property along the Little Arkansas River which is owned by Harvey County. The tests are to determine ideal locations for diversion wells along the Little Arkansas River. No wells will be drilled during this phase, but tests include geophysical surveys, soil borings, test diversion well investigations, and pumping tests. When the diversion wells are drilled in the next phase of the program they will be very shallow and will not touch the aquifers. They will pull water out of the river. The 4 types of diversion wells are vertical, horizontal, slant, and collector and ancillary. Phase I of the program included a mix of ground water and surface water. Phase II is water from above the aquifer. Mr. Kurr questioned the success of the first phase and Ms. Ary assured him that it had been successful. Scott Davies, Director of Planning & Zoning, expressed concern about atrazine being injected into a once pristine water supply. Ms. Ary assured the Commission that although there is some atrazine in the injected water, it is lower than required by EPA standards for drinking water. The Little Arkansas River is known to have high levels of atrazine in it. There were also questions about the sediment and dirt that is taken out of the river by the diversion wells. Ms. Ary stated that it would be put back into the river. Mr. Weber stated that he was not against the recharge program, but he wanted to make sure that it is done properly. Mr. Moore said the testing will be done in three phases. The first will be to test the geology on the river site, then go back to the property owners for permission to drill a test well, drill the well, and then identify two sites for well testing. Commissioner Westfall made a motion to authorize the City of Wichita to do tests for possible water well sites NW of Halstead along the Little Arkansas River on property owned by Harvey County. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Scott Davies, Director of Planning & Zoning, presented a request to rezone 20 acres from an A-1 Agricultural District to an R-S Rural Single Family Residential Zoning District located ¼ mile south of SW 60th Street on the west side of South Kansas Avenue. The request was submitted by Bernard Gatz and Paul Dubois for planned development of a four lot subdivision. The

application was considered by the Harvey County Regional Planning Commission who recommended approval of the request by a vote of 8 for and 2 against. Raymond Britain of Alpha Land Surveys, stated that there will be a cul-de-sac constructed on the property that will be at least 40 feet wide to allow road maintenance. Mr. Davies reported that there were no protests to this rezoning and that it is consistent with the county comprehensive plan. Commissioner Krehbiel made a motion to approve the request to rezone 20 acres and Commissioner Westfall seconded the motion. Motion passed unanimously.

At 11:42 a.m. Commissioner Krehbiel made a motion to go into executive session for a period of 12 minutes to discuss personnel matters and economic development issues. Commissioner Westfall seconded the motion and it was passed unanimously. John Waltner and Counselor Greg Nye were also in attendance. The executive session ended at 11:59 a.m. with no action being taken.

The meeting was recessed at 12:00 p.m. for lunch.

The meeting was reconvened at 1:15 p.m. Tom Pursch of Park Aircraft Technologies Corporation presented a request to construct an additional facility at the Newton City/County Airport. The Commissioners expressed their appreciation that Park Aircraft chose Harvey County as the site for their facility. Commissioner Westfall made a motion to approve **Resolution No. 2009-17**, granting an exemption from ad valorem taxation for real estate acquired for manufacturing purposes by Park Aircraft Technology Corporation. This resolution grants a 100 percent, 10 year property tax exemption for the original building of 54,085 square feet. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Charlie Summers reported that the vehicle bids were checked and that all bid specifications have been met. Commissioner Krehbiel made a motion to accept the low bid of \$23,068 for a mini-van with a 3.5 liter engine from Resnik Motors of Newton. Commissioner Westfall seconded the motion and it was passed unanimously.

John Waltner presented an identity theft prevention program to be implemented by Harvey County which uses the Federal Trade Commission's Red Flag Rule. This is a program designed to detect, prevent and mitigate identify theft in connection with the opening and maintenance of certain County accounts. Commissioner Krehbiel made a motion to adopt the identity theft prevention program. Commissioner Westfall seconded the motion and it was passed unanimously.

Commissioner Krehbiel made a motion at 1:35 p.m. to go into executive session for a period of 20 minutes to discuss personnel matters. Commissioner Westfall seconded the motion and it was passed unanimously. The executive session included only the three Commissioners. Executive session ended at 1:55 p.m. with no action being taken.

BOARD OF HARVEY COUNTY COMMISSIONERS

Marge Roberson, Chairman

ATTEST:

George A. "Chip" Westfall, Member

Joyce Truskett, County Clerk

Ron Krehbiel, Member