

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

April 26, 2010

The Board of Harvey County Commissioners met in regular session on April 26, 2010 with all three commissioners present. Chairman Westfall called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Roberson reported that Elizabeth Schmidt has signed a contract with the CDDO Board to continue as the executive director. The contract will be effective through the end of 2010.
2. Commissioners Westfall and Krehbiel attended the annual RSVP banquet. Volunteer hours for the past year equaled \$595,239.50 and represented work at 90 organizations and businesses in the County. Seventeen RSVP volunteers are at least 90 years of age.

CALENDAR ITEMS:

1. There will be a joint City/County Commission meeting held on May 11 at 5:00 p.m. to discuss the Kansas Logistics Park.
2. There will be a CDDO meeting at 4:30 p.m. at 500 Main Place on May 17.
3. The Aviation Commission meeting will be held at 4:00 p.m. on May 17.
4. A retirement reception for Rick Van Rossun, Sheriff's Deputy, will be held at the Law Enforcement Center from 4:00 to 6:00 p.m. Friday April 30.
5. Commissioner Roberson will attend the KCCA Conference in Junction City on May 3, 4, 5, and 6.

Minutes of the April 19, 2010 Commission meeting were corrected and approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. The Commission received information on the position of Magistrate Judge for the 9th Judicial District. The position was appointed in June of 2004 at a salary of \$47,416.00. Both Harvey County and McPherson County, who share the judicial district, chose to supplement the salary, each contributing \$500 per month, adding \$12,000 per year to the salary for the position. The State of Kansas increased the salary each year and in 2007, the salary was increased by \$9,000. The current salary is now \$61,746 annually, but has recently been reduced by 5%. After a recent audit, Johnson County, who was also making supplemental payments to the position of magistrate judge, was instructed by auditors to make all compensation payments for the judge through the regular payroll system, subject to all regular payroll withholdings. Withholding amounts are equal to almost 30% of the compensation. McPherson County has made the decision to discontinue supplemental payments for the position of magistrate judge. The consensus of the

- Commission was for Harvey County to continue supplemental salary payments for the budgeted amount of \$500 per month for the remainder of the 2010 budget year.
2. Lonnie Buller, Director of Emergency Management, reported that the area fire chiefs are of the opinion that the burn ban be terminated. The temperature for the next couple of days is to be 70 and 80 degrees with significant winds on Wednesday. Rain received in the County over the weekend varied significantly in different areas of the county. Agricultural burning can still be accomplished during a burn ban if a permit is granted by the fire Chief. Citing continued dry conditions and high winds, Commissioner Krehbiel made a motion to extend the burn ban for Harvey County until May 3, 2010. Lonnie Buller has the authority to cancel the ban if conditions warrant. Commissioner Roberson seconded the motion and it was passed unanimously.
 3. Roy Patton, Director of Solid Waste, informed the Commissioners that the transfer station now has a mattress collection program and is accepting mattresses for the Hutchinson Detention Center. Mr. Patton requested permission to take compact light bulbs to Home Depot and Lowe's for free disposal. He also requested permission to take cell phones to Best Buy for free disposal. The Commission agreed to the request.
 4. Scott Davies presented a proposed timeline for adopting the new FEMA flood maps. In addition to press releases in all three county newspapers, a letter will be mailed to landowners in the unincorporated areas who are affected by the map changes inviting them to an informational open house to be held in the Courthouse Community Room on May 27th from 4:00 p.m. to 8:00 p.m. Julie Gauer, FEMA representative, a FEMA insurance specialist, and a representative from the State SWR flood mapping section will attend the open house to answer questions. Local lenders, local insurance agents, city officials from all seven cities in the county, and the Council of Governments will also be informed of the open house.
 5. Commissioner Krehbiel suggested sending a letter to Dave Ryan to congratulate him for completion of the Westar Energy Building Operators Certification Program.
 6. Phil Adams, Road and Bridge Superintendent, said there was a pre-construction conference last Friday on both the Kansas Avenue bridge at Centennial Park and the Halstead bridge. Construction is set to begin on the replacement of a bridge on West 12th Street. He also met with Suzanne Loomis, Newton City Engineer, about the changes on South Spencer Road with regard to the construction of the Kansas Logistics Park.
 7. Sheriff T. Walton reported that the Detention Center population is now 118. A contract to increase the daily inmate fees for federal prisoners has been signed with the federal government.
 8. Todd Hanchett, Undersheriff, requested permission to set up an account with an internet auction to sell extra equipment and stock from the Sheriff's Office. This would enable the Department to ease space restrictions by not having to store items to be sold at a local annual auction. Counselor Greg Nye said that he saw no problem with the Department doing this.

CITIZEN'S FORUM:

Glen and Hazel Spielman and Martin Wetschensky attended the meeting to request the use of an area on the northwest corner of the courthouse lawn on May 6 at 6:30 p.m. to commemorate the National Day of Prayer. The Commission granted permission but asked that the request be made in writing including the date and time and whether they needed electricity or a sound system, etc. After a conflict between two groups a couple of years ago, there is an informal understanding that each group be allowed use of the lawn for National Day of Prayer on alternating years. If power is needed in this area there is a Westar connection for Hospice (Hospice would need to be notified), or the City of Newton could provide power from the poles. Westar has an electrical connection for Hospice there at the evergreen trees.

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

Scott Davies presented a request from Jana McKinney, on behalf of McKinney Farms, for a conditional use permit to operate a clean rubble landfill in the A-1 Agricultural Zoning District. The property is located approximately 1/4 mile west of N. West Road on the south side of NW 60th. The landfill was established several years ago for a one-time landfilling of construction debris to dispose of concrete associated with the reconstruction of Interstate I-135 between Newton and Hesston. After the project was completed, construction debris was allowed to be landfilled from other sites. County zoning regulations require a conditional use permit to allow this. Commissioner Roberson made a motion to accept the recommendation of the Planning Commission and approve the permit for all future dumping with a cap height, including the dirt cap, not to exceed the previous grade. This will not apply to the fill that is already in place. Commissioner Krehbiel seconded the motion and it was passed unanimously.

At 10:20 a.m. the Commission recessed for a period of 10 minutes.

Scott Davies presented a request for a conditional use permit from Tim Sweigart, on behalf of Kansas Electric, to construct a wind turbine approximately 60 feet high in the A-1 agricultural zoning district. The property is located approximately 1/4 mile east of Hesston Road on the north side of NW 36th Street. The permit was considered by the Regional Planning Commission, and by a vote of 11 to 0, with the Chairman abstaining, recommended approval of the permit with the condition that the tower is set back from property lines a distance equal to the top of the blade at 12:00 plus 20 feet. There were no protests submitted from other landowners. Commissioner Krehbiel made a motion to approve the conditional use permit as recommended by the Planning Commission. Commissioner Roberson seconded the motion and it was passed unanimously.

Janet Cagle, Director of Harvey/McPherson County Community Corrections Program, presented the comprehensive plan and budget narrative for fiscal year 2011. Commissioner Krehbiel made a motion to approve the plan and authorize the chairman to sign. Commissioner Roberson seconded the motion and it was passed unanimously.

Jan Jones, Director of Harvey County Domestic Violence, informed the Commission that the City of Newton has been selected as the pilot community by the Governor's Advisory Council on Domestic Violence Training for the Federal Grants to Encourage Arrest Policies and Enforcement of Protection Orders (GTEAP) grant project. The grant will incorporate best practices, model policies, training and funding to help the community strengthen the overall effectiveness of the entire domestic violence process. This will include training for all professions of the criminal justice system serving offenders and victims. Ms. Jones also gave an update on the Harvey County Safe House and the citizens receiving assistance there. The Commissioners signed an Emergency Shelter Grant application for funding for the Safe House. Harvey County would serve as the sponsoring agency for the funds to pass through.

Craig Clough, Appraiser, informed the Commission that the Kansas COTA has granted the tax exemption for Parks Aircraft Technologies Corporation, located at the Newton City/County Airport. The application for exemption was filed on December 21, 2009.

To make sure that townships have proper information, all township officers will be sent a copy of statutes regarding road maintenance. This will be sent with an annual letter notifying townships of the designated times for budget preparations.

The meeting was adjourned at 11:40 a.m.

THE BOARD OF HARVEY COUNTY COMMISSIONERS

George A. "Chip" Westfall, Chairman

ATTEST:

Ron Krehbiel, Member

Joyce Truskett, County Clerk

Marge Roberson, Member