

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

August 23, 2010

The Board of Harvey County Commissioners met in regular session on August 23, 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 the CDDO has adopted their final budget for 2011.
2. The Commissioners discussed a letter received from Judge Walker regarding meals provided for District Court employees. Counselor Greg Nye suggested that a consultation with the County Auditor be held to determine if the meals need to be reported as income for the employees in order to comply with IRS rules.
3. Lonnie Buller, Director of Emergency Management, reviewed the procedures for the implementation of a burn ban. The Commission will discuss it next week.
4. The Quad County meeting will be held in Newton on September 20. It will be held either at the Sand Creek Station Golf Course or Fox Ridge Restaurant.

CALENDAR ITEMS:

1. Commissioner Roberson will attend a KCAMP meeting on August 25 and 26 in Topeka.
2. There will be a Harvey/McPherson County Community Corrections teleconference meeting held on August 25 at 12:00 p.m. in Judge Walker's chambers.

Minutes of the August 16, 2010 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Jason Reynolds presented a proclamation for Harvey County participation in National Suicide Prevention Week, also known as Yellow Ribbon Week, from September 5–11, 2010. Commissioner Krehbiel made a motion to approve the proclamation supporting National Suicide Prevention Week. Commissioner Roberson seconded the motion and it was passed unanimously.
2. Counselor Greg Nye explained a Quitclaim Deed to quitclaim to Sedgwick City real estate owned by Harvey County within the City of Sedgwick. Due to an oversight that occurred many years ago, the property was not deeded properly to the City of Sedgwick. Commissioner Krehbiel made a motion to approve **Resolution No. 2010-20**, quitclaiming ownership interest of the property to the City of Sedgwick. Commissioner Roberson seconded the motion and it was passed unanimously.
3. Phil Adams, Superintendent of the Road & Bridge Department, and John Waltner met with City of Walton officials and representatives of the Mid-Kansas CO-OP

regarding proposed street improvements for roads leading to the new CO-OP above ground storage facility. The group will be meeting again in the near future and specific costs and plans for the improvements will be presented at that meeting. The CO-OP has committed to provide some of the materials, labor, and equipment to upgrade the roads.

4. The Commissioners received a letter from Karl Peterjohn, Sedgwick County Commissioner Chairman, explaining a vote by the Sedgwick County Commission to not participate in the application for a sustainability grant from Housing and Urban Development that could provide several million dollars over the next several years. The grant would cover a five county region that includes the counties of Sedgwick, Reno, Sumner, Harvey, and Butler. Sedgwick County rejected the application for the grant because there was an “energy and climate change” provision that could allow the federal government to enact man-made climate change provisions without congressional approval, and also in Mr. Peterjohn’s opinion, contribute to wasteful federal spending in general.
5. The formerly titled “Renewable Energy Conference” is being moved from Topeka to Wichita and will now be called the Kansas Energy Conference. This will be held October 12 and 13 at Century II.
6. A joint Newton City/Harvey County meeting will be held on August 24 in the Courthouse Community Room to discuss developments with the Kansas Logistics Park. There will be both a general meeting and an executive session.
7. The current budget crisis for Health Ministries continues to be an ongoing significant problem for this community. A group of concerned leaders met to discuss the issues and possible solutions. The group included members of the Health Ministries Board; Jo Miller, Director of the Health Department; John Waltner, Harvey County Administrator; Representatives from Newton Medical Center; Willis Heck, Newton City Mayor; and Cathy Harding, Director of the Kansas Association for the Medically Underserved. Jo Miller and Jeree Forbes will meet with the Commission next week to present a plan of direction for Health Ministries.
8. There will be a meeting of the Eagle Drainage District held on September 8. This meeting will include Sedgwick, Reno, and Harvey Counties.
9. John Waltner reported on a meeting with Poe and Associates and Dennis Nelson, representative from Westar Energy, to determine the process for providing electricity to the new Harvey County Fairgrounds site. Richard Boyles, USDA representative, notified the County that the federal government funds that were available have been swept to a Homeland Security Project and are no longer available. The application for funding can remain with USDA, with the possibility of funds being available in 2012.
10. Sheriff T. Walton reported that he had a meeting with Randy Riggs, Newton City Manager, to discuss the billing for the roof repair at the Law Enforcement Center. He also reported that he had received a letter from the Kansas Department of Transportation regarding the railroad crossing west of Whitewater on K196 Highway. There was a fatality accident at the crossing two weeks ago. He also

reported that the Sheriff's Department executed an OSCAR search at a home in Halstead. A toddler was removed from the home. The Department also had to intervene in a fight at East Lake over the weekend.

11. Phil Adams reported that road striping will not begin until the first week of September at the earliest. He also reported that the decking on the bridge on NW 12th is ready to be poured.
12. Anthony Swartzendruber will attend a TWORKS meeting in Wichita this afternoon.

CITIZEN'S FORUM:

There were no citizens present for Citizen's Forum.

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

Scott Davies, Director of Planning & Zoning, reported that a public hearing was held by the Planning & Zoning Commission on August 10 to consider an amendment to zoning regulations to amend Article 15, Flood Plain Overlay District, according to the new FEMA flood maps. The Planning Commission voted 13 in favor and 1 against to recommend approval of the proposed changes. If the maps are not approved by the County, property owners will not be able to participate in the federal flood insurance program. Jerry and Linda Graber, 9511 N Spencer, attended the meeting and explained that they paid over \$1,000 for their property to be surveyed, to prove that their home site was not in the flood plain so they would not have to obtain flood insurance. Now the County is planning to pay for a LIDAR flyover survey, and they feel that they paid for an unnecessary survey. The Commissioners explained that the survey they paid for has a higher degree of accuracy and will take precedence over the LIDAR maps. They also stated that the new FEMA flood maps will definitely cause their property resale value to decrease. After a lengthy discussion of the maps and the repercussions for property owners, Commissioner Roberson made a motion to accept the recommendations from the Planning & Zoning Commission to approve the amendment to zoning regulations to amend Article 15, Flood Plain Overlay District. Commissioner Krehbiel seconded the motion and it was passed unanimously.

At 10:30 a.m. the Commission took a 10 minute break.

The Commission reconvened at 10:40 a.m. to discuss public upland game hunting at East Park. Kass Miller, Lloyd Stoddard, Shannon Metz, and Ryan Flaming, Park staff, and Larry Schmidt from the Parks Advisory Council presented preliminary information on what is planned. With concern for controlling staff overtime, discussion was held on what days of the week would be available for hunting. The Parks Advisory Board and the Parks Department will develop a complete report on the exact areas of both East Park and West Park where hunting could occur, define proposed parking areas for hunters, and designate the days and hours when hunting will be allowed and present it to the Commission for final approval. Deer hunting will also be discussed at that time.

At 11:15 a.m. Commissioner Krehbiel made a motion to go into executive session for a period of 15 minutes to discuss economic development. Commissioner Roberson seconded the motion and it was passed unanimously. Also in attendance for the session were John Waltner, Anthony Swartzendruber, Charlie Summers, Counselor Greg Nye, and Joyce Truskett. Executive session ended at 11:30 a.m. with no action being taken.

Scott Davies, Director of Planning and Zoning, presented a request for exemption from the road impact fee by Mark and Tracy Young who are planning to construct a residence located approximately 1/2 mile west of South Wheat State Road on the south side of SW 60th. The exemption is requested on the basis that the building site, although vacant now, was a previous home site. The request has been denied by Mr. Davies who cited Section 6, Paragraph 1, of Resolution No. 2000-4, which states that the building impact fee shall apply for a building permit issued for the development of an abandoned dwelling site or replacement of an abandoned dwelling. An abandoned dwelling site is defined as “any home site without a dwelling for ten years or longer.” There has not been a dwelling on the site since 1991. The request was denied due to lack of a motion after it was called for.

The meeting was adjourned at 1:15 a.m. following the lunch break.

THE BOARD OF HARVEY COUNTY COMMISSIONERS

George A. “Chip” Westfall, Chairman

ATTEST:

Ron Krehbiel, Member

Joyce Truskett, County Clerk

Marge Roberson, Member