

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

December 6, 2010

The Board of Harvey County Commissioners met in regular session on December 6, 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 attended the ReNewton Open House last week. Maps and information were given regarding districts located on the fringe of industrial areas.

CALENDAR ITEMS:

1. Commissioner Roberson will attend the Health Ministries meeting to be held on Dec 10.
2. Commissioner Westfall and John Waltner have been invited to attend the EDC Executive meeting tomorrow and will then travel to Wichita to meet with the CIBOR Company.
3. Commissioner Westfall and John Waltner will attend an airport planning meeting on Wednesday morning at 8:30 a.m.

Minutes of the November 29, 2010 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. John Waltner received a call from Dallas Klaassen regarding Resolution No. 2010-35 that was approved in the November 22 Commission meeting. John explained that eminent domain would not be used for acquisition of large pieces of property. It will be used primarily for road and intersection right-of-ways.
2. Upon a recommendation by Lonnie Buller, Director of Emergency Management, Commissioner Krehbiel made a motion to extend the existing burn ban for one week, effective through December 13, 2010. Mr. Buller shall have the authority to terminate the ban if conditions warrant. Commissioner Roberson seconded the motion and it was passed unanimously.
3. John Waltner informed the Commission that an altercation occurred at the Transfer Station last week resulting in a citizen being banned from the Transfer Station. The citizen put tree branches into a compost pile where only leaves were to be placed. He was asked to put the branches in a burn pile. The citizen refused to comply and took a threatening stance with an employee.
4. John Waltner received a call from a citizen objecting to the nativity scene located on the Courthouse lawn, claiming that it is not legal. Counselor Greg Nye stated that the County does not own or provide electricity to the nativity scene, but does allow space for both secular decorations and religious decorations. The nativity

- scene has a disclaimer on the back of it stating that it is not property of the Courthouse. It is placed by a church in the community and the Santa Claus across the walk from the nativity is part of decorations owned by the City of Newton.
5. The Commission was informed of a letter submitted by Scott Davies, Director of Planning and Zoning, to be published in the county newspapers to inform landowners that the county flood maps have changed. Because of the changes in the maps, there are many properties that are now located outside the flood plain and landowners would no longer be required to purchase flood insurance.
 6. The County has received another charge for the boarding horses involved in an animal abuse court case. The horses have been boarded since last April and the court date of January 27, 2011 has finally been set. By the time the case is heard in District Court, the County will have incurred at least 9 months of boarding fees. It is important that these types of issues be handled as quickly as possible.
 7. The Commission received a memo from Suzanne Loomis, Newton City Engineer/Director of Public Works, regarding recycling issues that have been voiced to both the City of Newton and Harvey County by a multi-family complex owner. The County had asked Ms. Loomis for information on violation notices from multi-family units. Over the past five years, 9,719 violation notices have been issued, with 254 of them coming from multi-family units. This equates to 51 violations per year for 21 locations of multi-family housing units. The City will be moving toward a single stream recycling system to begin in 2012.
 8. All three Commissioners and their spouses will attend the Planning Commission Christmas dinner, to be held at Fox Ridge on December 14 at 6:30 p.m.
 9. John Waltner and Anthony Swartzendruber will attend an area manager's seminar on Friday afternoon in Wichita.
 10. Sheriff T. Walton reported that there were 3 DUI arrests over the weekend in addition to 2 roll-over accidents. The Detention Center currently is housing 106 inmates. Sheriff Walton also discussed ongoing maintenance issues with the Law Enforcement center which includes buckling carpet and the front steps. Harvey County is hosting the State Offender Registry meeting tomorrow at the Law Enforcement Center.
 11. Anthony Swartzendruber informed the Commission that revisions to the Personnel Manual were received last week. Mr. Swartzendruber also explained the necessity to amend the 2010 County budget. The amendment is primarily necessary to cover the cost of the replacement of the roof at the Detention Center. The revenues from the Detention Center are more than projected in the budget, and \$200,000 will be added to the expense budget. The Courthouse General budget will be amended to cover the cost of county property tax liability at Sand Creek Station. The budget amendment hearing is tentatively scheduled for December 20 at 10:30 a.m.
 12. The Commissioners will attend a REAP meeting at the National Center for Aviation Training in Wichita on Monday, December 13 from 8:00 to 10:30 a.m.

They are then scheduled to attend a Quad County meeting, also to be held at NCAT, at 11:45 a.m. Anthony checked with Joe Yeager and there is an area for the Commission to continue to meet at the Training Center during the time between meetings, but there is a fee. The Commission asked if there is a room they could possibly use at the WSU Hughes Metroplex.

13. Greg Nye presented a resolution to appoint special counsel for filing and processing certain eminent domain proceedings. Commissioner Krehbiel made a motion to authorize **Resolution No. 2010-37**, appointing Timothy P. Orrick as special co-counsel along with the County Counselor to represent Harvey County for the purposes of filing and processing necessary eminent domain proceedings relating to the acquisition of road right-of-ways for the Kansas Logistics Park.

CITIZEN'S FORUM:

There were no citizens present for Citizen's Forum.

Warrant checks in the amount of \$46,518.45 were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Roberson. Motion passed unanimously. A manual check in the amount of \$112.38 was approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Roberson. Motion passed unanimously.

Commissioner Roberson made a motion to approve **Resolution No. 2010-38**, a home rule resolution authorizing the issuance of general obligation bonds to provide funds for an economic development grant to be used in connection with the acquisition and construction of an industrial building by the City of Newton to be used for an expansion of Avcon Industries at the Newton City/County Airport. Anthony Swartzendruber, Assistant Administrator, and Kevin Timmermeyer, Airport Manager, elaborated on the expansion and answered questions. Commissioner Krehbiel seconded the motion and it was passed unanimously.

The Commissioners left at 10:25 a.m. to view the new bridge on North Kansas Avenue near Centennial Park. The bridge is tentatively scheduled to re-open tomorrow.

At 11:00 a.m. Commissioner Krehbiel made a motion to go into executive session for a period of 5 minutes to discuss personnel matters. Commissioner Roberson seconded the motion and it was passed unanimously. Also in attendance for the session were John Waltner, Anthony Swartzendruber, and Joyce Truskett. Executive session ended at 11:05 a.m. with no action being taken.

The Commissioners left the Commission Room to attend the Harvey County Employee Christmas dinner held in the basement Community Room. The meeting was adjourned at 1:15 p.m.

THE BOARD OF HARVEY COUNTY COMMISSIONERS

George A. "Chip" Westfall, Chairman

ATTEST:

Ron Krehbiel, Member

Joyce Truskett, County Clerk

Marge Roberson, Member