

**MINUTES OF**  
**BOARD OF HARVEY COUNTY COMMISSIONERS**

**March 8, 2010**

The Board of Harvey County Commissioners met in regular session on March 8, 2010 with all three commissioners present. Chairman Westfall called the meeting to order at 9:00 a.m.

**ITEMS ADDED TO AGENDA:**

1. Commissioner Westfall reported that the new flood maps have been received from FEMA. Scott Davies, Director of Planning & Zoning, will make a short presentation later in the meeting to inform the Commission about the new maps.
2. Commissioner Westfall invited Commissioners Roberson and Krehbiel to the Fairgrounds Development meeting to be held tomorrow evening. Both the project architect and the project engineer will be in attendance at the meeting.
3. Commissioner Westfall attended a reception last week for the 4-H National Championship Hippology team. The team will now compete in International competition in England.

**CALENDAR ITEMS:**

1. Commissioner Roberson will attend the KCAMP meeting in Topeka on March 18, 2010.
2. The Partnership meeting will be held Friday, March 12 at 7:00 a.m. at Charlie's Restaurant.
3. The Chamber of Commerce membership breakfast will be held on March 19 at 7:00 a.m. at the Red Coach Restaurant.

Minutes of the March 1, 2010 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. John Waltner presented a list of appointments for Burrton Consolidated Fire Board, District #5. Commissioner Krehbiel made a motion to approve the following list of appointments:
  - Rodney Redinger, Chairman, City of Burrton – 4 yr term
  - Jim Redinger, Vice-Chairman, Lake Township – 4 yr term
  - Clark Kirk, Treasurer, Burrton Township – 3 yr term
  - Terry Leonard, City of Burrton – 3 yr term
  - Doug McCormick, at large – 2 yr term
  - Brian Bowman, Alta Township – 2 yr term
  - Karl Matlack, Valley Township, Reno County – 1 yr termAll terms after the initial term will be 4 year terms. Commissioner Roberson seconded the motion and it was passed unanimously.

2. Scott Davies presented the first readings to fill several positions on the Planning & Zoning Commission. There are six members of the board whose terms will expire as of March 22, 2010. Five members are eligible for reappointment and have agreed to continue to serve if appointed. Commissioner Roberson made a motion to waive the second week's reading and reappoint the following members:
  - Harlan Foraker, representing District #4
  - Clifford Kirk, representing District #13
  - Carroll Harder, representing the City of Newton
  - Dorothy Thiessen, representing District #6
  - Bonnie Wendling, representing District #5Commissioner Krehbiel seconded the motion and it was passed unanimously. Upon a recommendation from the Halstead City Commission, Commissioner Roberson made a motion to waive the second week's reading and appoint Wayne Allison to the Planning and Zoning Commission as representative for the City of Halstead. Mr. Allison will replace Sam Griffin who has served the maximum of three terms on the Board. Commissioner Krehbiel seconded the motion and it was passed unanimously.
3. Bob Cheney, Director of Noxious Weeds, presented an agreement between Harvey County and Kansas Department of Transportation to spray noxious weeds on highway right-of-ways. This is a standard agreement that is made annually with KDOT; however the labor costs for spraying have increased from \$30 per hour to \$32 per hour for 2010. Commissioner Krehbiel made a motion to approve and authorize the chairman to sign the agreement. Commissioner Roberson seconded the motion and it was passed unanimously.
4. John Waltner presented a revised agreement for the commitment of County funds for Project Number 40 C-4560-01, which is the bridge on north Kansas Avenue near Centennial Park. The original agreement specified the County portion as \$135,000. However, since Harvey County will be performing the inspection of the bridge, the County share will be only \$77,700. Commissioner Roberson made a motion to amend a previous motion made on February 1, 2010 to commit \$77,700 of County funds for the replacement of the bridge instead of \$135,000, as passed in the original motion. Commissioner Krehbiel seconded the motion and it was passed unanimously.
5. Kass Miller, East Park Supervisor, introduced new employee, Ryan Flaming, who is a recent graduate of Kansas State University, will be the East Park Ranger.
6. Scott Davies, Director of Planning & Zoning, presented a short overview of the new FEMA flood maps.

**CITIZEN'S FORUM:**

Byron Warta reported that there will be no money available from the State of Kansas for dam restoration or inspection for at least one year.

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

Marion Nichols, MidKap Community Service and Housing Director; Greg Myers, MidKap Social Worker located at the Harvey County Homeless shelter; Jan Jones, Director of Harvey County Domestic Violence; and Harold Schorn, MidKap Board Member, Attorney and Court Trustee presented an overview of what MidKap does in the community. MidKap, which was organized in 1967, is one of eight community action programs within the State of Kansas. The group is dedicated to helping people build self-sufficiency. There are currently 89 children enrolled in Head Start, which is an early childhood development program. MidKap has 93 employees in 13 counties, and they receive \$3,000,000 worth of federal grants. Although they receive some local monies, they do not receive any money from the State. They are asking that one of the Commissioners be willing to serve on the MidKap Board of Directors, which is currently an eight member board. They would like to increase the size of the board to 12 members, with at least one elected official. The group is also making application for an emergency shelter grant from the United States Department of Housing and Urban Development. This grant provides homeless persons with basic shelter and essential supportive services. If awarded, the County would be the direct recipient of the grant funding and would in turn distribute the money to the sub-recipients. Joyce Truskett, County Clerk, agreed to assist with the distribution of the money.

At 10:20 a.m. a public hearing was held to obtain public comments concerning the five year program of Federally Assisted Road & Bridge Projects. Phil Adams, Road & Bridge Superintendent, presented the list of prioritized projects. In order of priority, the list includes the following bridges:

Bridge 3-0.2	Located 6 miles north of Burrton over Little Arkansas River
Bridge Q-16.9	Located 1 mile east of Hesston on Dutch Avenue
Bridge M-7.6	Located 5.5 miles north of Halstead
Bridge K-8.6	Located 10.5 miles west of Newton
Bridge 11-H.9	Located 1.4 miles north of Halstead

The public hearing was closed at 10:25 a.m. Commissioner Roberson made a motion to accept and authorize the administrator to sign the list of five year federally assisted projects as presented. Commissioner Krehbiel seconded the motion and it was passed unanimously.

John Waltner presented an amended bid from APAC for the road sealing project that was bid two weeks ago. Although APAC was the low bidder, their bid exceeded the engineer's estimate. Since the bid was less than 110% of the estimate, Paul Ferguson, Engineer from Poe and Associates, was able to negotiate a lower bid. The bid has been reduced from \$549,547.36 to \$531,724.80. Commissioner Krehbiel made a motion to accept the negotiated lower bid. Commissioner Roberson seconded the motion and it was passed unanimously.

John Waltner explained to the Commission that before the sale of the Bigs property located at 239 S. Meridian can be completed, the Commission must release the property from inclusion in an IRB issued by Harvey County. This property, which is being purchased by Bob Coleman, was used by Schaben Industries prior to the construction of a new facility south of Newton on I-135. The bonds issued for the new facility included the property on South Meridian. Commissioner Roberson made a motion to approve **Resolution No. 2010-7**, authorizing the sale

and conveyance of certain land by Harvey County, Kansas to Bigs Property, L.L.C. and authorize the Commission to sign. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Commissioner Roberson also made a motion to authorize a special warranty deed for the purpose of releasing security for a debt or other obligation. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Commissioner Roberson made a third motion to release the lease between the County and Bigs Property, L.L.C. dated July 10, 2009, and authorize the Chairman to sign. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Roy Patton, Director of Solid Waste, presented **Resolution No. 2010-6**, amending the rates at the Harvey County Transfer Station and Construction and Demolition Landfill beginning March 1, 2010. The resolution will eliminate the weight fee on tire disposal. Tire disposal will now cost as follows:

Car Tires	\$1.50	\$ 5.00 w/rim
Truck Tires	4.00	10.00 w/rim
Pivot Tires	8.00	14.00 w/rim
Implement Tires	12.50	30.00 w/rim
Loader Tires	25.00	40.00 w/rim
Large Loader	50.00	75.00 w/rim

Commissioner Krehbiel made a motion to pass the resolution and Commissioner Roberson seconded the motion. Motion passed unanimously. Mr. Patton also gave the Commission an update on the progress of the ICM gasifier testing at the site of the old Harvey County Landfill. They expect to start testing municipal solid waste in the gasifier in the next 30 to 60 days.

At 11:17 a.m. Commissioner Roberson made a motion to go into Executive Session for a period of 28 minutes to discuss personnel issues. Commissioner Krehbiel seconded the motion and it was passed unanimously. Also in attendance for the session were Counselor Greg Nye and Sheriff T. Walton. Executive session ended at 11:45 a.m. with no action being taken.

The Commission recessed for lunch at 11:45 a.m.

After the Commission reconvened at 1:15 p.m. Commissioner Krehbiel made a motion to go into executive session for a period of 45 minutes to discuss attorney/client privilege. Commissioner Roberson seconded the motion and it was passed unanimously. Also in attendance for the session were Greg Nye, Harvey County Counselor, and Bob Myers, Newton City Attorney. Executive session ended at 2:00 p.m. with no action being taken.

The meeting was adjourned at 2:00 p.m.

THE BOARD OF HARVEY COUNTY COMMISSIONERS

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George A. "Chip" Westfall, Chairman

ATTEST:

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Ron Krehbiel, Member

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Joyce Truskett, County Clerk

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Marge Roberson, Member