

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

**November 29, 2010**

The Board of Harvey County Commissioners met in regular session on November 29, 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 has received phone calls and e-mails from Vada Snider, who is a regular user of the hiking trail at East Lake. She was concerned about the trail being closed due to hunting near there. Since hunting is not allowed at the Park on Mondays and Tuesdays, Commissioner Roberson suggested that the trail could be used on those days or the hiking trail at West Park was available every day. She also gave Ms. Snider the name of Larry Schmitt, Chairman of the Parks Advisory Board, to discuss the hunting program at East Park.
2. Commissioner Roberson received calls objecting to the Commission's decision to require burn permits. The complaints were that the permits were inconvenient and difficult, and that there has never been a need to regulate burns before.
3. Commissioner Krehbiel has also received several calls in objection to the burn permits. They don't mind the regulation of burns, but they want it to be a simpler process.
4. Commissioner Krehbiel also received calls questioning the bond money to pay for the plans and preliminary work on the new Fairgrounds.
5. Commissioner Westfall received several calls on the condition of SE 36th Street east of Spencer. A representative from the Road & Bridge Department checked on the road and then a crew went out and bladed it last week.
6. Commissioner Westfall also received calls in opposition to the burn permits. He stated that there are some State regulations that need to be included in the wording of the permit regulations. He also suggested that maybe the Senior Patrol should drive by the sites of the weekend fires to make sure there are no hot spots that could re-ignite the fires.

**CALENDAR ITEMS:**

1. The annual REAP South Central Kansas Legislative Policy Summit will be held at the Courtyard Marriott at Old Town in Wichita on December 2 at 12:00 p.m. Lieutenant Governor elect, Jeff Colyer, is tentatively scheduled to speak. Budget issues, the Fair Fares program, and water issues will be discussed.
2. The regular monthly REAP meeting will be held Monday, Dec. 13 in Wichita.

Minutes of the November 22, 2010 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. After discussion with Lonnie Buller, Director of Emergency Management, relating to the dry and windy conditions in the County, Commissioner Krehbiel made a motion to implement a burn ban for one week, authorizing the Chairman to sign, and giving authority to Lonnie Buller to cancel the ban if conditions warrant. Commissioner Roberson seconded the motion and it was passed unanimously.
2. Chad Frey, Director of RSVP, presented a Progress Report Supplement for the Harvey County RSVP program. This report, which is an accounting of volunteers and volunteer hours, is required by the federal government as a condition of Grant No. 10SRWKS004.
3. Scott Davies, Director of Planning and Zoning, presented an update on the Community Assistant Visit done by FEMA last year. They are requesting the identification and location of structures that have been constructed in the flood plain. The Planning and Zoning office is in the process of contacting all property owners that obtained permits for construction in the flood plain.
4. The tentative schedule for the employee Christmas dinner was provided to all the Commissioners. Commissioner Westfall suggested that employees who are to receive longevity awards be alerted ahead of time, so they can make arrangements to attend.
5. Anthony Swartzendruber reported that updates and changes to the Personnel Policy Manual are in process. Jeff Hurt, Attorney from Foulston Siefkin is working on the changes and the County has been billed for approximately \$600 of the estimated fee of \$3,200.
6. In response to a question last week regarding payment to Poe and Associates for surveying at the Harvey County Landfill, the Commission was informed that the surveying is required for the first phase of the closure of the Construction and Demolition Landfill.
7. Sheriff T. Walton reported that there were three structure fires over the weekend in addition to two vehicle accidents. One of the accidents occurred at Halstead Road and Highway 50. The highway closed for approximately 40 minutes.

**CITIZEN'S FORUM:**

There were no items presented during Citizen's Forum.

Warrant checks in the amount of \$69,510.95 were approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

Ashley Bergner was introduced as a new reporter for the Newton Kansan. She will be responsible for reporting on the Commission meetings.

Scott Davies presented an application by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, on behalf of John C. Grey and Deloris I. Grey, landowners, to rezone approximately 70 acres from an R-S Rural Single Family Residential zoning district to an A-1 Agricultural zoning district. The acreage is located adjacent to the City of Burrton, who met on March 2, 2010 and

declined annexation of the property located at SW 24th and S Wheatstate Road. In attendance for the agenda item were John Grey, Deloris Grey, Mildred Vincent, and Curtis Holland, Attorney for AT&T Mobility. Commissioner Krehbiel made a motion to approve **Resolution No. 2010-34**, changing the zoning classification or districts of certain lands located in the County under the authority granted by **Resolution No. 2002-17** of Harvey County, Kansas. Commissioner Roberson seconded the motion and it was passed unanimously.

Scott Davies presented a request by New Cingular Wireless, LLC, d/b/a AT&T Mobility, for a conditional use permit to construct a 300 ft. communication tower on property in the A-1 Agricultural zoning district. The request was considered by the Harvey County Regional Planning Commission, who by a unanimous vote, recommended approval of the request. Curtis Holland reported that they had searched for other towers to co-locate their equipment on to provide coverage for the area between Hutchinson and Newton. There were none available. A third party consultant evaluated the permit request and recommended a tower 199 ft in height. However, AT&T prefers a taller structure for better coverage of the service area. Additional recommendations of the consultant were white tower lights for daylight hours and red lights at night. They also recommended that the tower be constructed strong enough to accommodate four additional structures. An FAA review will be required before the issuance of the permit. Commissioner Roberson made a motion to approve the application, as recommended by the Planning and Zoning Commission, for a conditional use permit for AT&T Mobility to construct a 300 ft high communications tower. Commissioner Krehbiel seconded the motion and it was passed unanimously.

The meeting was adjourned at 10:40 a.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