

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

June 20, 2011

The Board of Harvey County Commissioners met in regular session on June 20, 2011 with all three commissioners present. Chairman Krehbiel called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Westfall attended the C.A.S.T. fishing event that was held at East Lake last Saturday. The event, which was sponsored by the Kansas Highway Patrol, was attended by approximately 38 children. The organizers of the event were impressed with East Lake and would like to come back in subsequent years.
2. Chairman Krehbiel received a letter from the Department of Agriculture regarding the County participation in the National Flood Insurance Program. Although there continues to be three residences that are not in compliance with requirements, the County will be approved for participation.

CALENDAR ITEMS:

Commissioner Krehbiel and Commissioner Westfall will participate in a community appreciation train ride to be held on June 22.

Minutes of the June 13, 2011 Commission meeting were corrected and approved upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Scott Davies, Director of Planning and Zoning, presented the State Fiscal 2012 Local Environmental Program Grant, which helps fund the enforcement of the Harvey County Sanitary Code. This includes permitting and inspecting of wastewater treatment systems and private water wells. Commissioner Westfall made a motion to approve the grant in the amount of \$9,556 and authorize the Chairman to sign. Commissioner Roberson seconded the motion and it was passed unanimously.
2. Sheriff T. Walton reported that Brandon Huntley, patrol deputy, will be having surgery on his knee this week. He was injured while making an arrest. Another deputy will be returning to full duty after working only light duty.
3. Lonnie Buller, Director of Emergency Management, reported on the MagnaGro Company that is to move their business to the old Art's Tater Chip building in Walton. The company has been cited for numerous EPA violations for dumping chemical waste into the city sewer system when the business was located in Lawrence, Kansas. Lonnie has tried unsuccessfully to contact the owner. If the amount of chemicals stored at the site is over a certain threshold, the company is required by law to report it to the Emergency Management Office. However, the

Douglas County Emergency Management Director has stated that the company never reported any chemical storage to their office. Commissioner Roberson stressed the importance of monitoring this company for compliance with all regulations, given their history. Mr. Buller stated that the company is not currently dumping anything into the system.

4. Craig Clough, Appraiser, presented for approval the 2012 contract with McCully and Associates for appraisal consultant services. Commissioner Roberson made a motion to approve and sign the agreement for appraisal consulting services beginning July 1, 2011 and continuing through June 30, 2012 for the amount of \$26,600. Commissioner Westfall seconded the motion and it was passed unanimously.
5. The Commissioners received a brochure about the Tindall Company from the EDC. This company has made a commitment to locate at the Kansas Logistics Park and will build bases for wind turbines.
6. A Park Board meeting will be held this evening and a possible recommendation regarding animals at the Parks will be discussed. The Camper Host program will also be discussed. The program uses regular campers at the Parks who are designated as hosts to assist rangers and possibly do some light maintenance. This is a volunteer program in exchange for free camping. There is interest in using this program at both East Lake and West Park.
7. The new pipeline that goes through West Park that was installed by Jayhawk pipeline was water tested over the weekend. Park users were not permitted to use the nature trail while the testing was performed.
8. The Commissioners received information and pictures of the new Sedgwick Cell Tower that they have received complaints about. The tower was to have plant screenings planted around it to provide some cover for the tower base. It was agreed to wait until the end of the summer and then request that more trees and shrubs be planted. Some of the plant choices were not especially drought tolerant.
9. The Commissioners received a draft of the "Infant at Work" policy which will need to be reviewed and discussed next week.
10. Commissioner Westfall made a motion to approve the appointment of Debbie Cobb to the Harvey County Parks Advisory Board for a term of three years commencing in June of 2011 and ending in June of 2014. Commissioner Roberson seconded the motion and it was passed unanimously.
11. The Commission received a report on District Court case filings for the years of 2009 to 2011. The number of cases filed in 2009 were 6,967, in 2010 there were 6,568 cases filed, and to date in 2011 there are 3,188 cases that have been filed.

CITIZEN'S FORUM:

There were no items presented during Citizen's Forum.

Warrant checks in the amount of \$44,688.51 were approved upon a motion by Commissioner Westfall, seconded by Commissioner Roberson. Motion passed unanimously.

At 10:06 a.m. a public hearing was opened to discuss the annexation of road right-of-ways for the development of the Kansas Logistics Park. Leo DuBois was in attendance for the hearing. Bob Myers, Newton City Attorney, gave detailed information on the effects of the proposed annexations on landowners, adjacent landowners, and the City of Newton if the annexation is denied. The proposed annexation includes the following:

- SE 36th Street from I-135 Highway to Spencer
- SE 24th Street from I-135 Highway to Spencer
- Spencer from SE 36th Street to SE 12th Street
- SE 12th Street from Spencer to Hillside
- Hillside from SE 12th Street south approximately 1/2 mile

Mr. Dubois asked questions regarding water lines and sewer lines. The hearing was closed at 10:25 a.m. Commissioner Roberson made a motion to approve and accept the findings under K.S.A. 12-521 and approve the annexation. Commissioner Westfall seconded the motion and it was passed unanimously.

At 10:30 a.m., Paul Ferguson, Engineer from Poe & Associates, opened bids for the 2011 Roadway Sealing Project. The project consists of sealing 9.39 miles of roadway on Old 81 Highway from the north county line south to Prestressed Concrete on the north side of Newton. Mark Witherspoon, representative from APAC-Kansas Inc. attended the bid opening. Two bids were received, both of which included the required 5% bid bond. The bids are as follows:

APAC-Kansas	\$277,390.82	Work to begin by or before August 15, 2011
Heft and Sons	\$251,480.90	Work to begin by or before September 1, 2011

Based on the low bid submitted by Heft & Sons, LLC., Commissioner Westfall made a motion to accept the bid. Commissioner Roberson seconded the motion and it was passed unanimously.

The Commissioners left at 10:45 a.m. to attend the Quad County meeting to be held in El Dorado.

Meeting was reconvened at 2:00 p.m. for a joint Newton City / Harvey County Commission meeting. Mayor Raquel Thiessen and Chairman Ron Krehbiel called the meeting to order. In addition to the three County Commissioners, Newton City Commissioners Raquel Thiessen, Jim Nickel, Willis Heck, and Ken Hall attended. Newton City Attorney, Bob Myers, presented a report of the hearing held this morning in the County Commission meeting. An ordinance to annex the streets for the Kansas Logistics Park, a resolution authorizing the street improvements, and a utility easement for Westar were approved and passed by the city commission.

Mickey Fornaro-Dean, Director of the EDC, introduced Richard Grenville, Director of Logistics and Business Development for the Port of Catoosa in Tulsa, Oklahoma. Mr. Grenville gave a presentation about the Port and the possibility of a partnership initiative with the Kansas Logistics Park. The Port of Catoosa was formed in the 1970's to build a waterway from the Mississippi River. It is a major shipping hub, and 30% of what comes through the Port is from Kansas. Goods can be transferred from ship to rail or truck. Also in attendance for the meeting were Bill Hake, Tim Johnson, Byron Warta, Bill Wilson, Troy Carlson, Randy Riggs, Suzanne Loomis, Bob Myers, Mickey Dean, Jim Heineke, Erin McDaniel, Barbara Burns, Scott Koehn, Counselor Greg Nye, Lunda Asmani, and Denise Duerksen. A bus trip to the Port of Catoosa is

being organized for July 19 to tour the Port and sign the agreement.

The meeting was adjourned at 2:55 p.m.

THE BOARD OF HARVEY COUNTY COMMISSIONERS

Ron Krehbiel, Chairman

ATTEST:

Marge Roberson, Member

Joyce Truskett, County Clerk

George A. "Chip" Westfall, Member