

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

September 26, 2011

The Board of Harvey County Commissioners met in regular session on September 26, 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 reported that Jim Gronau expressed appreciation for the work done by the Road & Bridge and Solid Waste Departments in fixing his pond. The dirt from the pond was given to the County in exchange for the work.
2. Jim Meier, Superintendent of the Road & Bridge Department, informed the Commissioners that he checked on "School Bus Stop" signs for East 1st Street, after a citizen reported they were missing. There are no signs to this effect in inventory and no record that there was ever signage of this nature posted there.
3. Commissioner Westfall attended the REAP/EDC meeting last Thursday. He reported that fracking of oil wells along the state line is scheduled to begin soon. Oil companies are making monetary offers to landowners in order to use the fracking process. Discussion was also held regarding the possible organization of a wind energy sub-committee to promote the four or five counties in the REAP organization that are involved in the wind energy industry.
4. Commissioner Westfall reported that the REAP meeting scheduled for next week may run later than 10:30 a.m. There is a possibility that Governor Brownback will be announcing the construction of a major wind farm in Kansas. The announcement will occur in the same building where the REAP meeting is held. The 10:30 a.m. start time for the commission meeting may need to be delayed.

CALENDAR ITEMS:

1. Commissioner Westfall will attend a REAP Executive Board meeting on Thursday, September 29 at 8:30 a.m.
2. Commissioner Roberson will be out of town from Wednesday, September 28 through Saturday, October 1.
3. Commissioner Krehbiel will attend a meeting on Wednesday, September 28, at 10:00 a.m. with representatives from ICM, Roy Patton, and Craig Simons. In addition to discussion about the ICM gasifier project, the involvement of Harvey County in waste-to-energy will also be discussed.

Minutes of the September 19 Commission meeting were corrected and approved upon a motion by Commissioner Westfall, seconded by Commissioner Roberson. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Sheriff T. Walton reported that he attended training in Colorado last week. The training was attended by 30 first-term sheriffs from across the nation. After hearing the difficulties that Sheriffs can have with their Commissioners, he expressed appreciation for the Commissioners in Harvey County. One of the

training sessions dealt with the responsibility of the Sheriff's Department to provide security for the Courthouse. Sheriff Walton will be meeting with Administration to develop a security policy. Commissioner Roberson informed the Sheriff that KCAMP has some funding that can be used for law enforcement training expenses. There is also \$2,000 that is available from KCAMP to be used towards risk management.

2. Byron Warta reported on a joint Kansas House and Senate environmental committee meeting held last week to discuss fracking. It was an all-day meeting with the KCC and several people from the petroleum departments of KU and K-State. The KCC made a presentation documenting 4 wells that were fracked in Oklahoma. The wells were all over 5,000 feet down and the known water wells in the area were only about 110 feet deep. Chemicals are used in the fracking process, mostly surfactants, with other chemicals in much smaller quantities. The maximum volume of chemicals used was 2.8 percent of the total volume of water used in the process. Millions of gallons of water are used. The disposal of this volume of water is a concern, but the issue of most concern was the possible fracking of the shallow wells in eastern Kansas that are only bored to approximately 800 feet. The risk of contamination to water supplies could be greatly increased. Representatives of oil companies in Texas have tried to negotiate contracts to frack these shallow wells. No known transactions of this type have taken place, but lease sales are not necessarily reported.
3. Jim Meier reported that the overlay on NW 36th Street should be completed some time today. The Road and Bridge Department is working at West Park adding some new camper pads. He also reported that LaFarge seems to be fairly close to obtaining a permit from the BNSF Railroad to repair the railroad crossing on Ridge Road south of Highway 50.
4. Anthony Swartzendruber reported that Sales tax collections for the month of September are up 4.92% but use tax was down 2.56%. Collections for the third quarter were down .73%, but up for the year by 3.34% in comparison to 2010. The security door and wall is being installed in the east foyer of the courthouse this morning. He also reported that Hesston College landed an airplane on Old 81 Highway last weekend as a part of Homecoming festivities.
5. John Waltner presented a recommendation for the appointment of Peggy Gerber to the RSVP Advisory Board. Commissioner Roberson made a motion to waive the second week waiting period and accept the recommendation to appoint Peggy Gerber to the RSVP Advisory Board and authorize the Chairman to sign. Commissioner Westfall seconded the motion and it was passed unanimously.
6. The Commission received an update from Suzanne Loomis, Newton City Engineer, detailing the progress of street construction for the Kansas Logistics Park. The City sent out requests for proposals for the construction of the KLP facility for the New Millennium Company. They received 10 proposals and those have been narrowed to 5 companies. These five companies have been invited to a meeting at City Hall on September 28 where the project will be discussed in more detail. If they are still interested, bids are due on October 24. Westar will be at the KLP on November 9th to determine possible usage and load factors.

7. Congressman Mike Pompeo will be in Newton on September 28 and will tour the KLP at 1:00 p.m. There will be a town hall meeting at the Meridian Center from 1:45 to 2:30 p.m.
8. John reported that Chief Gary Denny stopped in last week to express his appreciation for the county appropriation for the ambulance districts. Elizabeth Schmidt, CDDO Director, has also written a thank you note expressing her appreciation of the appropriation for the CDDO. She also appreciates that the payments are always on time. Discussion was held regarding the appointment of another board member to fill a vacancy on the CDDO Board.
9. The Courthouse will be closed to the public on Monday, October 10th for an employee in-service day. In addition to open enrollment for employee health and dental insurance, other benefit options will be presented. Health Insurance consultants will be here along with a couple of vendors. Flu shots for participating employees will be administered in the afternoon. There will be a short commission meeting that morning.
10. No one on staff has yet registered for the Energy Conference in Wichita on October 4th and 5th at Century II.
11. Commissioner Westfall inquired as to the proposed new pipeline that is coming through Kansas. The Kansas Water Office personnel are monitoring the situation.

CITIZEN'S FORUM:

Byron Warta informed the commission that a public hearing will be held during the October 11th City Commission meeting to present and discuss the new plan for the Newton/Harvey County Airport.

Warrant checks in the amount of \$49,671.34 for the week of 9/22/11 were approved upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously.

Scott Davies, Director of Planning & Zoning, presented a request by Tim Sweigart, on behalf of Sweigart Enterprises, to rezone approximately 7 acres in the southwest quarter of Section 31 of Highland Township from agricultural to an industrial development and service zoning district. The property is located 1/4 mile east of Old Highway 81 on the north side of NW 36th. The application was considered at a meeting of the Harvey County Regional Planning Commission who recommended the approval of the application by a unanimous vote. Commissioner Westfall made a motion to approve the application to rezone the property. Commissioner Roberson seconded the motion and it was passed unanimously.

At 10:15 a.m., a public hearing was held to allow property owners to protest their delinquent solid waste fees. One person attended just to report that he had not been able to pay his taxes because of financial problems. Heidi Huber, designated Solid Waste Clerk, presented the information for the 2010 delinquencies. The total amount of delinquent solid waste fees for the year 2010 is \$24,008.00. The hearing was closed at 10:15 a.m. Commissioner Roberson made a motion to approve the delinquent list for collection. Commissioner Westfall seconded the motion and it was passed unanimously.

At 10:25 a.m. Commissioner Westfall made a motion to go into executive session for a period of 10 minutes to discuss attorney client privilege and personnel issues with the County Counselor. Commissioner Roberson seconded the motion and it was passed unanimously. Also in attendance for the session were John Waltner, Anthony Swartzendruber, Counselor Greg Nye, and Joyce Truskett. Executive session ended at 10:35 a.m. with no action being taken.

The meeting was adjourned at 10:40 a.m.

THE BOARD OF HARVEY COUNTY COMMISSIONERS

Ron Krehbiel, Chairman

ATTEST:

Marge Roberson, Member

Joyce Truskett, County Clerk

George A. "Chip" Westfall, Member