

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

August 13, 2012

The Board of Harvey County Commissioners met in regular session on August 13, 2012 to canvass the August 7, 2012 Primary Election and to hold the regular meeting following the canvass. All three Commissioners were present. Vice-Chairman Westfall called the meeting to order at 8:00 a.m.

Vice-Chairman Westfall stated that since the vote in the 2nd District Commission race is very close, Commissioner Roberson has chosen not to serve on the canvassing board. Commissioners Westfall and Krehbiel appointed Merrill Raber to serve as the third member of the canvassing board. Mr. Raber is a resident of the 3rd Ward – 2nd Precinct, which is not in the 2nd Commission District.

Commissioner Westfall explained how provisional ballots are canvassed and offered a list of the guidelines that are used by the canvassing board.

Joyce Truskett, Harvey County Clerk/Election Officer, presented the abstract of votes for the August 7, 2012 Primary Election. The following reports were read:

Total Harvey County Registered Voters	21,631
Registered Republican Voters	10,734
Registered Democratic Voters	4,521
Total voters this election	5,050
Total Republican Voters	4,390
Total Democratic Voters	660
Voter Turnout	23.35%
Voter Turnout – Republican	40.82%
Voter Turnout – Democratic	14.60%

Joyce informed the Commission that there are 91 provisional ballots to be canvassed, 85 were brought in from Election Day and 7 were from advanced voting. One of the provisional ballots was from a Sedgwick County voter so it was forwarded to the Sedgwick County Election Office.

Twenty two ballots were presented of registered voters who moved within the county, but did not re-register under their new address were presented. K.S.A. 25-2353 states that the voter may re-register and vote a provisional ballot on Election Day. Commissioner Krehbiel made a motion to approve 22 ballots determined to be countable. Merrill Raber seconded the motion and it was passed unanimously.

Thirty three ballots of Unaffiliated voters who affiliated with the Republican party On Election Day were presented. The guidelines for the Kansas Semi-Open Primary state that Unaffiliated voters

who fill out a voter registration and affiliate Republican can vote a Republican ballot. This is a situation of poll worker error because the ballots should not have been provisional. The voters met all requirements by affiliating with the Republican Party. Commissioner Krehbiel made a motion to approve 33 ballots for counting. Merrill Raber seconded the motion and it was passed unanimously.

One ballot was presented for an unaffiliated voter who did not re-register as a Republican as required, but re-registered as unaffiliated. The poll worker failed to record whether the ballot received was democrat or republican. According to Semi-Open primary rules, if the ballot is Democratic it may be counted. If Republican, it cannot. Joyce Truskett opened the ballot and determined that it was a Republican ballot. Commissioner Raber made a motion to reject the ballot according to semi-open primary rules. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Three ballots were presented for residents who changed their name by marriage. K.S.A. 25-2316c states the ballot may count if the voter fills out a new voter registration. Commissioner Krehbiel made a motion to approve the counting of 3 ballots. Merrill seconded the motion and it was passed unanimously.

Three ballots of voters who were sent advance ballots and then voted on Election Day. K.S.A. 25-2908 states the ballots may be counted if the Election Office determines that the advance ballot was not returned. It was verified that the advance ballots were not returned. Commissioner Krehbiel made a motion to approve the counting of three ballots. Merrill Raber seconded the motion and it was passed unanimously.

Five ballots were presented for voters who had moved in the county and voted at their former precinct. K.S.A. 25-3002 states the ballots may be partially counted. Merrill Raber made a motion to approve the ballots for partial counting. Commissioner Krehbiel seconded the motion and it was passed unanimously. The ballots are as follows:

Voted Ballot 4-2-2	Voter lives at 3-1-1	Precinct Committee people races will not count
Voted Ballot 4-2-2	Voter lives at 4-2-2	All races will count
Voted Ballot 2-1-1	Voter lives at 2-1-2	Precinct Committee people races will not count
Voted Ballot 2-1-1	Voter lives at 2-1-2	Precinct Committee people races will not count
Voted Ballot 4-1-3	Voter lives at 4-1-2	Precinct Committee people races will not count

One ballot was presented for a voter whose name was spelled incorrectly on their driver's license. The voter may also have received a ballot from the wrong precinct. Merrill Raber made a motion to approve one ballot for counting, and to determine which races may be counted according to which ballot the voter received. Commissioner Krehbiel seconded the motion and it was passed unanimously. The voter should have received a ballot for Newton Township, but the ballot received was 4-1-2. Precinct Committee person races will not count.

Two ballots were presented of voters whose name was spelled incorrectly on the Election Voter Information System because of a clerical error. According to K.S.A. 23-3002 these ballots may count. Commissioner Krehbiel made a motion to approve 2 ballots for counting. Merrill Raber seconded the motion and it was passed unanimously.

One ballot was presented that the voter received the wrong ballot due to poll worker error. The voter then returned to the poll and received the correct ballot. The original ballot was able to be retrieved by the Supervising Judge after the poll site closed. Merrill Raber made a motion to approve the correct ballot for counting. Commissioner Krehbiel seconded the motion and it was passed unanimously.

One ballot was presented for a voter who had a duplicate registration with the birth date and party differing. The correct birth date was also the correct party. According to Kansas Semi-Open Primary rules, the ballot may count. Merrill Raber made a motion to approve one ballot for counting. Commissioner Krehbiel seconded the motion and it was passed unanimously.

One ballot was presented for a voter who would not sign the electronic signature pad because the oath stated “swear” rather than “affirm.” According to K.S.A. 25-3002 the ballot may count. Commissioner Krehbiel made a motion to approve 1 ballot for counting. Merrill Raber seconded the motion and it was passed unanimously.

One ballot was presented for a voter who voted during a malfunction of an electronic pollbook. This was a technical error. According to K.S.A. 25-3002 the ballot may count. Commissioner Krehbiel made a motion to approve 1 ballot for counting. Merrill Raber seconded the motion and it was passed unanimously.

One ballot was presented for a “former precinct voter” who voted in their new precinct and re-registered. According to K.S.A. 25-2353 this ballot may count. Commissioner Krehbiel made a motion to approve 1 ballot for counting. Merrill Raber seconded the motion and it was passed unanimously.

One ballot was presented for a registrant who had temporarily moved out of state and returned to the same Harvey County address. The voter showed an out of state driver’s license, which is an acceptable form of photo ID. Merrill Raber made a motion to approve 1 ballot for counting. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Two ballots were presented for voters who were not registered voters. According to K.S.A. 25-215 voter registration is required. Merrill Raber made a motion to reject 2 ballots. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Four ballots were presented for voters who were affiliated with either the Democratic or Reform Party and re-registered and affiliated with the Republican Party and voted a Republican ballot. According to K.S.A. 25-2311, with the exception of Unaffiliated voters, party affiliation must be changed at least 20 days prior to the election. Merrill Raber made a motion to reject the count of 4 ballots. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Five ballots were presented for voters who were registered within the State of Kansas, but not in Harvey County. According to K.S.A. 25-2316c, such ballots may not be counted. Commissioner Krehbiel made a motion to reject 5 ballots. Merrill Raber seconded the motion and it was passed unanimously.

Four ballots were presented for voters who did not provide the proper photo ID at the polling place. One voter came into the Election Office before the canvass and provided the proper ID. Commissioner Krehbiel made a motion to approve 1 ballot for counting and reject 3. Merrill Raber seconded the motion and it was passed unanimously.

78 ballots were counted and tallied. Commissioner Krehbiel made a motion to certify the results of the August 7, 2012 Primary Election. Merrill Raber seconded the motion and it was passed unanimously.

The Election Canvass was adjourned at 9:15 a.m.

Chairman Roberson called the regular meeting of the Harvey County Commission to order at 10:00 a.m. with all three Commissioners present.

ITEMS ADDED TO AGENDA:

1. Commissioner Krehbiel commented that the Halstead Old Settler's Parade and celebration was very successful and well attended.
2. Commissioner Westfall said he has received several comments and questions about the election and how the process works.
3. Commissioner Roberson received a call regarding the Fairgrounds Project. She reassured the person and clarified some misinformation surrounding the project.
4. Commissioner Westfall stated that he had received information that 40 jobs at KDOT Headquarters were going to be eliminated.

CALENDAR ITEMS:

1. The October REAP meeting will be held the first Monday rather than the regulary scheduled 2nd Monday.
2. Commissioner Westfall, as the Chairman of the REAP Legislative Committee; will attend a Cowley County Commission meeting on Thursday, August 23rd at Strother Field at 4:00 p.m.
3. The monthly Chamber of Commerce breakfast will be held at the Meridian Center this Friday.

Minutes were corrected and approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Westfall. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. The Commissioners received an invitation from the City of Halstead to attend an open house at Halstead City Hall on Saturday, August 25, 2012 from 2:00 to 4:00 p.m.
2. John Waltner reported that Craig Simons is still identified as a SCKEDD alternate for Harvey County. Keith DeHaven is the Harvey County Representative and regularly attends the meetings.
3. John reported that there have been several discussions about raising the fees at the Driver's License Office for out-of-county drivers. Becky Fields, Treasurer, has

- decided that the fees should be raised by \$5.00. Commissioner Roberson asked how the extra funds would be used. They would be used to help offset the expense of operating the Driver's License Office.
4. John reported that application has been made to KDOT for funding to apply to a possible gap in the grant match for the runway project at the Newton City/County Airport. It is still uncertain whether the match will be 5% or 10%.
 5. The Commission heard the first reading for the appointment of Derrick Richling to the Harvey County Parks Advisory Board. Commissioner Westfall made a motion to approve the appointment and waive the 2nd week reading. Commissioner Krehbiel seconded the motion and it was passed unanimously.
 6. The Commission heard the first reading for the appointment of Barrick Wilson, who lives in Sedgwick County, to the RSVP Advisory Board. The Commissioners will consider the appointment.
 7. The Commissioners reviewed pictures of some of the educational programs that were presented at West Park this summer.
 8. The Commissioners reviewed pictures of a fracking process at a well in Marion County.
 9. Sheriff T. Walton reported that the Detention Center was at maximum capacity three times in the past week. He also reported that because of new guidelines from the State of Kansas, third time domestic violence offenders will be required to serve 90 days in jail. Because this is a felony count, this will cost the County approximately \$3,600 per prisoner, not including medical expenses.
 10. Jim Meier said they ordered the first batch of new street signs for Alta and Richland Townships. He reported that the sealing project has started on Meridian Road. The company that will be striping the roads will be calling either today or tomorrow, and will hopefully start the project next week or the week following.
 11. Counselor Greg Nye reported that he reviewed procedures for the canvass with the Election Officer this week. He also reported that notices have been sent regarding a tax foreclosure sale. A journal entry will be submitted to the Judge and then a second notice will be sent setting the date of the tax sale.

CITIZEN'S FORUM:

Gary Loyd, Newton resident, commented about an article printed in the Newton Kansan on Tuesday, August 7 about tax abatements. He asked if the Commissioners keep track of tax abatements for companies who promise jobs but do not fulfill their promises. Chairman Roberson said that the EDC keeps the records. The abatements have to be approved by the County, City, and School. Commissioner Westfall said the State also keeps track of this. Mr. Loyd asked how much money has been collected from businesses that have made unfulfilled promises. Chairman Roberson cited the case of a business in Burrton who had received a tax abatement and then closed the business. The building was then sold and went back onto the tax rolls immediately. Chairman Roberson and Commissioner Westfall stated that to their knowledge, there are not any other companies that have received tax abatements that are out of compliance. Mr. Loyd stated that the EDC is claiming that 1,772 new jobs have been created in Harvey County. However 450 of those jobs are at the Logistics Park and do not yet exist. Commissioner Roberson reported that she went to Mickey Fornaro-

Dean, Director of Harvey County EDC, and asked how job creation is reported. Ms. Dean stated that the way jobs are reported by all EDC groups within the State of Kansas is uniform. The first time a new company is announced, the jobs for that company are included. Therefore 450 jobs for Tindall and New Millenium, who are expected to locate at the Logistics Park. The State of Kansas is the one that sets the standard on how they are reported. Mr. Loyd also stated that there were about 300 jobs that were lay-off call backs at Agco in Hesston included in the job creation figure. Commissioner Roberson stated that Ms. Dean was specifically asked about this and said that they were not included in the reported figures. Mr. Loyd said that nothing has happened at the Logistics Park with either Tindall or New Millenium. Commissioner Westfall stated that this is basically a City project. He said that the bonding company is in the middle of due diligence for New Millenium. John Waltner stated that the County would not be involved financially with that particular project until the building is constructed. The county commitment is then to share in the first three years in the interest on the payment of the building.

Leo Stahly stated that the county has invested three million dollars in the Logistics Park and has ownership of nothing there. Commissioner Roberson stated that the County owns part of the land in partnership with the City of Newton. She stated that the project is an opportunity to expand the tax base so we don't have to keep coming back to the same pockets for tax revenues. The object is to try to move this county in a forward direction.

Gina Bell, Director of Planning and Zoning, announced that Nadine Rees, secretary, will be getting married and will be moving to Cowley County later this fall.

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

Anthony presented the 2013 budget for final approval. He reported that the notice of budget hearing was published in the paper 10 days before the budget hearing, as required by law. The budget hearing was held on August 6th. Changes could still be made to budget as long as the total ad valorem tax amount is not increased. Commissioner Krehbiel commented that he is opposed to the large increase included in the budget for the EDC, which has increased for the last three years. He also asked about the \$90,000 that is budgeted for the Logistics Park. Anthony said this is money budgeted for any economic development project, which could include the Logistics Park, but is not limited to it. Commissioner Krehbiel said that he thinks the County has committed more to the Logistics Park than we should have. Commissioner Westfall commented that this has been one of the most complicated budgets that he remembers. He appreciates all the additional information such as the five year capital improvement plan and commended the Administration staff and the Department Heads. He also stated that he acknowledges that there is an increase included for the EDC, but they have done what was asked of them one year ago, which was to discontinue the relationship with the consultants and hire more staff at a cheaper rate. He believes this is a good budget. Commissioner Roberson also expressed appreciation for the excellent way the budget was prepared and thanked Anthony for implementing innovative ways to look at the County finances, making it easier to see where the County is, what the future needs are, and how to achieve them. Although the minimum fund balance seems like a lot, it is important for the County to have an A

rating for bonding purposes. Commissioner Westfall said that, through the Kansas Association of Counties, we need to sit down with state and federal representatives from the State of Kansas to make an attempt to match programs and dollars within the time constraints of budget processes, grant deadlines, and changes in law. The County is being held responsible to fund things that the Federal and State Governments should be paying. Commissioner Westfall made a motion to approve the 2013 Harvey County Budget in the amount of \$19,336,502 for the amount of ad valorem tax of \$8,212,021 and approve the capital improvement plan as established. Commissioner Krehbiel seconded the motion stipulating his disapproval of the increase in the EDC budget. Motion passed unanimously.

Kass Miller, East Park Supervisor, and Anthony Swartzendruber reviewed the 16 proposals received for the purchase of a mower for East Park. Jason Eicher of J & M Ag Service attended for the award of the bid. There were 4 proposals that met the minimum requirements of the specifications. Performance during the demonstrations of the mowers was also rated. Kass said that the best performer was the Hustler SZ31. Commissioner Krehbiel made a motion to accept the bid of \$9,000 from Prairie Land Partners for the Hustler SZ31. There was no trade allowance included in the bid. Although this is not the lowest bid, justification for not taking the lowest bid was cited, including minimum specifications and superior performance. Commissioner Westfall seconded the motion and it was passed unanimously. John commented that the bid process, sending the bid invitation to so many companies, and the demonstrations of the mowers was extremely beneficial.

The Kansas Association of Counties meeting will be held in Topeka in November. Rooms have been reserved in the Capital Plaza.

Information regarding the remodeling project for the residence at West Park was presented. Estimates from Hedrick Remodeling, Koehn Electric, and Propane Central, LLC were submitted. Commissioner Westfall made a motion to proceed with the remodel of the West Park residence which includes installing a separate electrical meter and an additional propane tank. Commissioner Westfall seconded the motion and it was passed unanimously.

The meeting was adjourned at 11:36 a.m.

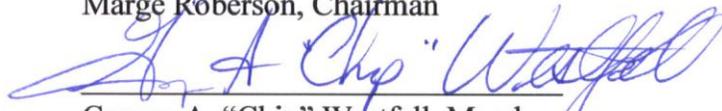
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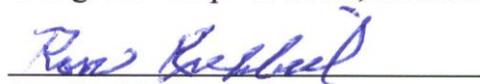


ATTEST:


Joyce Truskett, County Clerk


Marge Roberson, Chairman


George A. "Chip" Westfall, Member


Ron Krehbiel, Member