

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

**January 23, 2012**

The Board of Harvey County Commissioners met in regular session on January 23, 2012 with all three commissioners present. Chairman Roberson called the meeting to order at 9:00 a.m.

**ITEMS ADDED TO AGENDA:**

1. Commissioner Westfall reported that he was approached by a resident of Highland township that is having a recycling issue with Waste Connections. He passed the information on to John Waltner and Roy Patton, Director of Solid Waste. Roy will contact the resident for more details.

**CALENDAR ITEMS:**

1. The Commission will travel to Pawnee County on February 1 to view installations of railroad car culverts.
2. The 911 Advisory Board meeting is at 10:00 a.m. on January 26, 2012.
3. Commissioner Westfall will attend a REAP/EDC meeting in Wichita on February 2, 2012.

Minutes of the January 17, 2012 Commission meeting were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Westfall. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. Commissioner Krehbiel and Roy Patton attended a Solid Waste Authority meeting on January 18<sup>th</sup>.
2. Bob Cheney presented a proposed rate increase for noxious weed spraying performed by the county. Solid spraying will be raised from \$40 per hour plus chemicals to \$50 per hour plus chemicals. Spot spraying will be raised from \$4.00 per acre plus chemicals to \$5.00 per acre plus chemicals. He stated that the increase cost per township will be approximately \$150 and that when spraying on private land they charge the hourly rate with a one-half hour minimum. Commissioner Krehbiel made a motion to increase the noxious weed spraying rates to \$5.00 per acre for solid spraying and \$50.00 per hour for spot spraying, plus chemicals. The motion was seconded by Commissioner Westfall. Motion passed unanimously.
3. The Commissioners signed a letter of support to the Kansas Department of Transportation for a "New Freedom" transportation grant application being submitted by Prairie View, Inc.
4. Rich Hanley, Department on Aging Director, presented a grant application to KDOT for the Public Transportation Assistance Project Grant for the Harvey County Transportation program. He also stated that there is now more reporting required. The grant application is for the period of 7/1/2012 to 6/30/2013. Commissioner Krehbiel motioned to approve the letter in support of the KDOT

Application for Public Transportation Assistance Project, seconded by Commissioner Westfall. Motion passed unanimously.

5. Sheriff T. Walton reported that the visitor lockers in the Detention Center have been repaired so they can now be locked. He also reported that they are working on repairing the metal detector that visitors pass through when entering the Detention Center. He reported that the population in the Detention Center is 110.
6. Anthony Swartzendruber reported that there is legislation being proposed in the Kansas Legislature to change the budget filing dates from August 25 to September 25.

#### **CITIZEN'S FORUM:**

There were no citizens present for Citizen's Forum.

Warrant checks in the amount of \$80,888.14 and handwritten checks in the amount of \$2,080.35 for the week of 1/19/12 were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Westfall. Motion passed unanimously.

At 10:25 a.m. Commissioner Krehbiel made a motion to go into executive session for a period of 10 minutes to discuss personnel matters. The three Commissioners were the only attendees during the session. Executive session ended at 10:35 a.m. with no action being taken.

Commissioner Westfall made a motion to extend the contract with John Waltner for a period of two years to serve as the Harvey County Administrator. The contract specifies a pay increase of 3% for the first year of the contract and an adjusted pay rate for the second year in accordance with the pay raises given to elected officials and department heads. Commissioner Krehbiel seconded the motion and it was passed unanimously. Chairman Roberson stated that the Commission commends John for doing a fine job and has the full support of the Commission.

Bob Myers, Newton City Attorney, presented an amended Cooperation Agreement between the Board of Harvey County Commissioners, the City of Newton, the Kansas Logistics Park Development Authority, Inc., and the K & O Railroad. As follows, there were three parts to the original compensation provisions by which K&O is to compensate the KLPDA for the privilege of conducting rail operations on the KLPDA-owned track.

1. K&O will pay an annual fee based upon the lineal feet of "lead track" – or the so-called "lineal feet rate."
2. K&O will pay \$24 per "revenue rail car move" across KLP track.
3. K&O will pay for all routine maintenance of the KLP track.

The amendment affects only the first provision. The objective was to set the fee at \$10 per lineal feet of lead rail track per year. The lead track is estimated to be around 8,000 lineal feet, resulting in an annual payment of \$80,000. However, this will be re-structured to a tiered-rate structure which would be tied to the volume of rail traffic and gradually increase to the \$10 to account for low or sporadic rail operations as the KLP continues to develop. The beginning charge will be \$1 per lineal foot, paid in monthly installments. This will continue until rail traffic averages 34 cars per month, at which time the charge will be increased by \$5. When the rail traffic averages 67 cars per month, the charge will be increased to \$10. The amendment also

provides for the rate structures to be periodically reviewed by the parties. Commissioner Krehbiel made a motion to approve the amended agreement and to give the Chairman authority to sign the agreement with the K&O Railroad. Commissioner Westfall seconded the motion and it was passed unanimously.

Counselor Myers also presented the Commissioners with the official finalized signed copy of the agreement with New Millenium, which is locating at the Kansas Logistics Park.

Counselor Myers also told the Commission that the Aviation Commission has directed that a petition be filed to evict a tenant from one of the hangars at the Newton City/County Airport. The tenant is considerably behind on rent payments and the building has been padlocked. Commissioner Westfall made a motion to authorize both Counselor Bob Myers and Counselor Greg Nye to take action on an eviction notice on a tenant at the Newton City/County Airport. Commissioner Krehbiel seconded the motion and it was passed unanimously.

At 11:00 a.m. Commissioner Krehbiel made a motion to go into executive session for a period of 15 minutes to discuss economic development and attorney-client privilege. Commissioner Westfall seconded the motion and it was passed unanimously. Also in attendance for the session were John Waltner, Anthony Swartzendruber, Counselor Greg Nye, Joyce Truskett, Byron Warta, and Ray Penner. At 11:15 a.m. Commissioner Westfall made a motion to extend the executive session for an additional 15 minutes to discuss economic development and attorney-client privilege. The same attendees as listed above were in attendance for the extended session. Executive session ended at 11:30 a.m. with no action being taken.

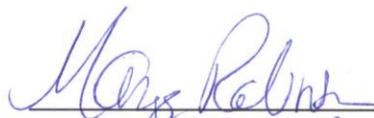
The meeting was adjourned at 11:30 a.m.

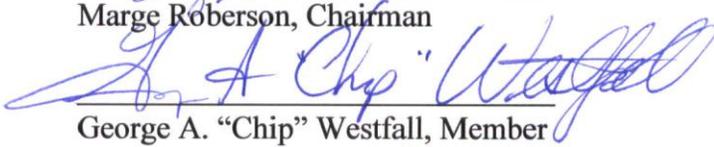
THE BOARD OF HARVEY COUNTY COMMISSIONERS



ATTEST:

  
Joyce Truskett, County Clerk

  
Marge Roberson, Chairman

  
George A. "Chip" Westfall, Member

  
Ron Krehbiel, Member