

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

October 21, 2013

The Board of Harvey County Commissioners met in regular session on October 21, 2013 with all three Commissioners present. Chairman Westfall called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Krehbiel attended the sale of drug forfeiture property last week and commended the Sheriff's Office for a job well done in both the investigation and the sale. After expenses are paid to the auctioneer, the Attorney's Office, liens on the property, and other expenses, monies from the sale will be placed in the drug forfeiture fund.
2. Commissioner Hague requested further discussion on the 40-acre rule that prohibits the construction of more than one homestead per 40 acres of land in rural areas of the county. The rule was implemented to protect tillable farm ground.
3. Chairman Westfall reported that the front of the courthouse was completely unlit yesterday evening.
4. Chairman Westfall and Commissioner Hague attended the awards ceremony for Sheriff Officers who assisted with a standoff in the City of Wichita. He congratulated the officers and staff involved.
5. Chairman Westfall spoke at the Chamber of Commerce breakfast last Friday and informed the group about the needed upgrade to 800 MHz radios for law enforcement.

CALENDAR ITEMS:

1. All three Commissioners and their spouses will attend the 100th Annual Meeting of the Harvey County Farm Bureau on October 29th at 6:30 p.m. at the Meridian Center.
2. Chairman Westfall will attend a REAP Legislative Committee meeting in Wichita at 12:00 p.m. on Friday, October 25.
3. The Commissioners have been invited to attend a dinner meeting of the Harvey/McPherson County Community Corrections Board on Monday, November 18 at 5:30 p.m. at the Moundridge Community Center.

Minutes of the October 14 Commission meeting were approved upon a motion by Commissioner Hague, seconded by Commissioner Krehbiel. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. A resolution will be presented to the Commission next week to authorize the disassembly and sale of two aluminum trailers from the Solid Waste Department.
2. There is a possibility that the Local Officials Summit scheduled for October 24 at the Marcus Welcome Center at Wichita State University will be cancelled. John Waltner will keep the Commissioners informed.

3. The replacement of pumps that circulate hot water through the Detention Center has been discussed. An HVAC engineer has been consulted and he has suggested a modification be done that would allow the pumps to be replaced by standard pumps rather than specialty pumps. This would significantly reduce the replacement cost.
4. Harvey County West Park will host a South Central Kansas Parks meeting beginning at 10:00 a.m. at the West Park Community Building on November 13th. The Commissioners are invited to share lunch with them at 12:00 p.m.
5. The Commissioners received a copy of a letter written by an inmate of the Detention Center who had a very positive experience while detained there. The inmate thanked the staff and volunteers for their pleasant and caring attitudes. Sheriff T. Walton stated that the programs being implemented by Jason Reynolds, Chaplain, have been well received and are definitely making a difference.
6. Tina Payne, Executive Director of the United Way, presented a \$1,000 grant award to Sheriff T. Walton and Jason Reynolds, to help fund a financial training class for Harvey County employees. City of Newton employees were also invited to participate. Sheriff Walton explained that the Dave Ramsey Financial Peace class teaches people how to manage money, get out of debt, and take control of their finances.
7. Counselor Greg Nye explained that according to the new state law passed during the last legislative session, the County cannot prevent the conceal carry of weapons into the courthouse and other County owned facilities unless every public entrance to the building has a metal detector and an armed guard and all other entrances have limited access. The county was granted an exemption until January 1, 2014 to make a determination of whether this type of security would be provided. Commissioner Hague made a motion to authorize a letter signed by John Waltner be sent to Kansas Attorney General, Derek Schmidt, as notification that Harvey County does not seek to extend the exemption and will not be providing security that includes metal detectors and guards. Commissioner Krehbiel seconded the motion and it was passed unanimously. According to a prior notification from Judge Richard Walker, weapons will not be allowed in District Court offices on the 2nd floor of the building.
8. Sheriff T. Walton reported that there have been several deer versus vehicle accidents on Highway 50 and Dutch Avenue.
9. Byron Warta reported that the French flying team that performed at the Newton City/County Airport was very appreciative and complimentary about their experience at this airport. He also reported that a BAC water meeting will be held next week. The City of Wichita will make a presentation about their future water needs. Discussion will be held regarding re-drilling some of the equus beds recharge wells.
10. Lynnette Redington, Director of the Health Department, reported that WIC is back up and running following the government shut-down. She also reported that there have been no reported cases of flu in Harvey County to date.
11. Willis Heck, county representative to the Highway 50 Association, gave the Commissioners a report of the last meeting of the group. The Association has made a determination to continue efforts for improvements to the Highway from Emporia west to the Colorado line. When the organization was initially formed, their goal was to develop the highway into a four-lane road, however, the State Department of

Transportation determined not to do that. They are working now to develop more passing lanes and lengthened passing lanes and stay in contact with district offices about maintenance and improvements. There was also discussion about counties taking over the maintenance and upkeep of state highways. The consensus of the counties was that they are not willing to do that. They would like to talk with Mike King, Secretary of the Kansas Department of Transportation, about KDOT being the bank for the state general fund and where and how the state will obtain continued funding to finance the state highways.

CITIZENS FORUM:

Gerald Schmidt and Van and Brenda Schmidt reported to the Commission that they believe that a building permit has been issued to an adjacent landowner to build a house on a parcel that is less than 40 acres, as required by zoning law. A 37.38 acre parcel, which already has two residences, was split into three parcels following the death of the owner. It was reported that a building permit has been approved although the owner doesn't yet have title to the property. Following the property split, each parcel will have only 18.94 acres. Gina Bell, Director of Planning and Zoning was not able to attend the Commission meeting but John will speak to her and then report back to the Schmidts and to the Commission.

Warrant checks in the amount of \$124,587.11 were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Hague. Motion passed unanimously.

John Waltner presented an interlocal agreement with the City of Newton for the construction of the Community Hangar W Project at the Newton City/County Airport. Commissioner Krehbiel made a motion to approve the agreement and Commissioner Westfall seconded the motion. Motion passed 2 - 1.

At 10:13 a.m. Commissioner Hague made a motion to go into executive session for a period of 12 minutes to discuss attorney/client privilege. Commissioner Krehbiel 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 10:25 a.m. with no action being taken.

Commissioner Krehbiel made a motion for Harvey County to join other counties in a lawsuit regarding the State distribution formula which causes a funding loss for counties from the Kansas Oil and Gas Valuation Depletion Trust Fund. Commissioner Hague seconded the motion and it was passed unanimously.

At 10:25 a.m. the Commission meeting was recessed.

At 10:32 a.m. Richard Denno, President of the Public Building Commission, called the meeting of the PBC to order. Members present for the meeting in addition to Richard Denno were Tim Johnson, Eugene Wendling, and Commissioner Hague. Minutes of the previous meeting were corrected and approved upon a motion by Tim Johnson, seconded by Eugene Wendling. Motion passed unanimously.

Anthony Swartzendruber presented **PBC Resolution No. 2013-4**, to authorize the offering for sale of lease revenue bonds, Series 2014A, and taxable lease revenue bonds, Series 2014B. Brian Kidney, county appointed financial advisor from Springsted Inc., explained that they had advised the PBC to solicit competitive bids from five possible bidders who bid both a discount fee and the rate and then Springsted took those figures and calculated the lowest net cost for the PBC. The rate could fluctuate, depending on the day of sale, but the discount fee will be as bid. Bids were received from Stifel Nicolaus, D. A. Davidson Company, and Piper Jaffray. After calculating the rates and fees, it is recommended that Stifel Nicolaus & Company submitted the best bid with an estimated net interest cost of 4.34%. Kevin Cowan, Bond Counsel from Gilmore & Bell, P.C. explained the process of selling the bonds. Tim Johnson made a motion to approve the resolution and approve the selection of Stifel Nicolaus and Company as the purchaser of the bonds for the community hangar. Eugene Wendling seconded the motion. The motion passed with three votes of aye and one vote nay by Commissioner Hague.

Anthony Swartzendruber reported that the City of Newton will send the building plans to potential bidders this week if directed. Tim Johnson made a motion to delegate the authority to the City of Newton to send the plans to bidders. Richard Denno seconded the motion and it was passed with three votes of aye and one vote nay by Commissioner Hague.

Eugene Wendling made a motion to adjourn the PBC meeting at 11:02 a.m. Tim Johnson seconded the motion and it was passed unanimously.

The next PBC meeting is scheduled for December 16th.

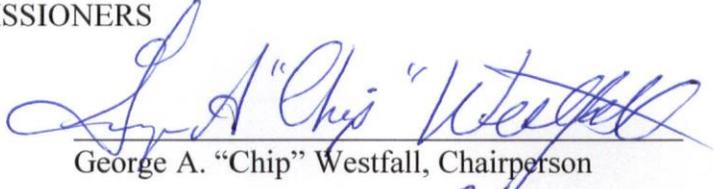
The County Commission was reconvened at 11:05a.m.

Chairman Westfall recognized Patrick Mwangi, Fiscal Management Coordinator at the Health Department, who is attending the meeting as a requirement of the Chamber of Commerce Leadership Newton Class.

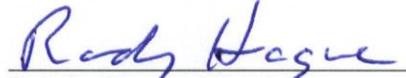
Kevin Cowan presented **Resolution No. 2013-19**, approving the sale of Harvey County Public Building Commission lease revenue bonds, Series 2014A and taxable lease revenue bonds, Series 2014B. Commissioner Krehbiel made a motion to approve the resolution and Commissioner Westfall seconded. Motion passed with a vote of 2 ayes and Commissioner Hague voting nay.

The meeting was adjourned at 11:10 a.m.

BOARD OF HARVEY COUNTY COMMISSIONERS


George A. "Chip" Westfall, Chairperson


Ron Krehbiel, Member


Randy Hague, Member

ATTEST:


Joyce Truskett, County Clerk

