

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

April 18, 2016

The Board of Harvey County Commissioners met in regular session on April 18, 2016 with all three commissioners present. Chairman Westfall called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Krehbiel reported that the meeting he, John Waltner, Administrator, and Gina Bell, Planning & Zoning Director attended on Tuesday, April 12 with a property owner near Halstead regarding buildings in a floodway and other zoning issues went well.
2. Commissioner Westfall reported that all three commissioners and administrative staff attended the Fair Board meeting on April 14 at the Fairgrounds. Representatives from the Fair Board pointed out building and grounds maintenance issues that need to be addressed or resolved.

CALENDAR ITEMS:

1. The commissioners are invited to attend the First Annual Children's Ag and Conservation Festival scheduled for 9:00 a.m. to 2:30 p.m. on May 11 at the Harvey County Fairgrounds.

Minutes of the April 11 Commission regular meeting were approved upon a motion by Commissioner Hague, seconded by Commissioner Krehbiel. Motion passed unanimously. Minutes of the April 7 Commission special meeting were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Hague. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. John Waltner, Administrator, distributed a schedule of events planned for the 800 MHz Communications System Ribbon Cutting on Thursday, April 21 from 10:30 to 11:30 in the Courthouse Community Room.
2. John presented some figures provided by RSVP that were not announced at the RSVP dinner. RSVP reported that 39,234 total volunteer hours were recorded last year for a total savings for the county of \$905,128 calculated using the Independent Sector Value of Volunteer time of \$23.07 per hour. The commissioners expressed appreciation for the RSVP volunteers and all the citizens of Harvey County who volunteer their time for events and organizations.
3. John distributed copies of the recently released KAC Demographic & Taxation Report: 2015-16. The report shows figures for all 105 counties in Kansas. The Harvey County per capita mill levy of \$320 is ranked 98th highest and the Harvey County mill levy of 38.817 is ranked 94th highest. Harvey County is the 15th most populous county in Kansas with a total population of 34,820.
4. John presented City of Newton Resolution No. G-1153 to consider establishing the Cottonwood Crossing Multi-Family Rural Housing Incentive District (RHID). The resolution outlines the RHID plan for the proposed development of 42 total housing units at SE 24th & Duncan St. and notifies the commission of the public hearing to be held on April 26 at 7 p.m. at Newton City Hall. John reported that this development is

- not a low income housing project despite some other information that has been distributed. He suggested that the commission express support of this housing development and creation of the RHID. No action was taken by the commission.
5. Gina presented pictures and information regarding the pile of telephone poles and other material on a site owned by Harvey County just north of Halstead at 201 Oak Ave. that is leased to Denise Chesky. Kevin Williamson, who leases Harvey County property across the street, gave permission to a contractor for the railroad to dump the material. Mr. Williamson does not have authority to allow this type of material to be dumped on the property and the lease agreement does not allow this type of use on the property. The commissioners expressed concerns that due to the fact that the property is in the floodway and adjacent to the river, that the wooden material would be washed into the river if a flood occurs. Administration was directed to contact the leasee and have the material removed within 30 days or less.
 6. Jim Meier, Road & Bridge Superintendent, presented the 2016 KDOT Federal Fund Exchange Program agreement. The program allows the county to exchange their Federal Funds allotment of \$238,430.66 for State Funds. Commissioner Krehbiel made a motion to approve 2016 KDOT Federal Fund Exchange Program agreement. Commissioner Hague seconded the motion and it was passed unanimously.
 7. Kass Miller, Director of Parks, reported that the Conquer the Gauntlet obstacle course event held at East Park on Saturday was very successful. He stated that there were about 2000 total participants and spectators.
 8. Kass reported that the first fish stocking was conducted last Thursday. He stated that one albino catfish was included in the stocking at one of the parks. A contest will be conducted to award a free season pass to the first person to catch and present the live fish to staff. He also reported that the state recently stocked 170,000 tiny saugeye at the parks.
 9. Gary Denny, Emergency Management Director, reported that the burn ban ends today and he is not requesting an extension, but he is still concerned about the forecast for fire hazard conditions returning to high levels by the end of the week.
 10. Anthony Swartzendruber, Assistant Administrator & Finance Director, reported that departmental budgets are due this Friday, April 22.

CITIZENS FORUM:

City of Newton resident Wayne Valentine commented about reasons for the commission to support the creation of the Cottonwood Crossing RHID by the City of Newton.

Warrant checks in the amount of \$121,775.14 were approved upon a motion by Commissioner Hague, seconded by Commissioner Krehbiel. Motion passed unanimously.

Counselor Greg Nye presented proposed findings of the Board of County Commissioners acting as Fence Viewers for the fence viewing that was conducted last week at 5827 S. Ridge Rd. He proposes that the Douglas and Rhonda Little who own the property at 5827 S. Ridge Rd. pay the costs of reconstructing the chain link fence that was recently removed along portions of the west and north boundary lines. He also proposes that Bradley and Wendy Mosiman who own the adjacent property at 5631 S. Ridge Rd. share the costs of replacing the 225' of old barbed wire fence along a portion of the north boundary line with the Littles. Both parties would share the costs of maintaining the partition fence. Greg stated that Kansas statutes and AG opinions state that both parties are equally liable for

the expense of erecting and maintaining a partition fence unless the land is in common use by both landowners and one party does not want the land enclosed. Greg stated that the properties in question are not used in common because a partition fence exists or did exist until recently. A lengthy discussion was held regarding the proposed findings. There was some disagreement amongst the commission as to whether both parties should share the costs of constructing and maintaining a partition fence. The commission requested further clarification from a representative from KSU Cooperative Extension Service. The commissioners expressed concern that this decision will set precedence for possible future disputes that may arise from the recent wildfires in western Harvey County. Greg will work on getting a fence expert to provide guidance or speak to the commission at a future meeting.

The meeting was adjourned at 11:20 a.m.

BOARD OF HARVEY COUNTY COMMISSIONERS



ATTEST:

Rick Piepho

Rick Piepho, County Clerk

George A. "Chip" Westfall

George A. "Chip" Westfall, Chairperson

Randy Hague

Randy Hague, Member

Ron Krehbiel

Ron Krehbiel, Member