

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

April 25, 2016

The Board of Harvey County Commissioners met in regular session on April 25, 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 asked if the engineering work has been completed for the foundation of the new restroom facility at West Park so that construction can begin. John Waltner, Administrator, replied that the engineering is done and the report and plans are being distributed to prospective contractors.
2. Commissioner Westfall reported that the 800 MHz Communications System Ribbon Cutting held last Thursday went well. He expressed thanks to everyone that was involved in the establishment of and transition to the new radio system.
3. Commissioner Westfall reported that he has received numerous calls about the poor condition of S. East Lake Rd. in the one mile section just north of K196. A new process was tested on this section of road, but the new process is not performing to specifications. John stated that Road & Bridge hauled and distributed a lot of material on that section in the last few days and the conditions are improved.

CALENDAR ITEMS:

1. The foreclosure sale of the Halstead Hospital properties scheduled for April 27 has been cancelled. The owner redeemed the properties by paying all of the delinquent taxes.
2. Counselor Greg Nye stated that he is preparing for the next tax sale. He requested permission to contract with Regier Title for the title work required for the properties involved. Regier has agreed to keep the charges at \$75 per cause. Commissioner Hague made a motion to contract with Regier Title at a fee of \$75 per cause for the title work required. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Minutes of the April 18 Commission regular meeting were approved with corrections upon a motion by Commissioner Hague, seconded by Commissioner Krehbiel. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. County Attorney David Yoder presented information regarding juvenile care and detention costs as requested by the commission due to the increased costs for juvenile detention. David stated that statutes require detention for juveniles who commit serious offenses and that the quantity of juveniles committing serious offenses has been increasing. Harvey County does not have a juvenile detention facility so they pay \$150 per day to house juveniles at the Bob Johnson facility in Hutchinson. David stated that his office is conscious of the expense and only require detention when necessary. He reported that some of the juvenile detention costs are not controlled by his office such as parole violators and out-of-county offenders. He stated that state law allows his office to seek judgments against the custodial families for reimbursement of expenses and his office recently received the required paperwork from the Sheriff's office to begin seeking judgments. David informed the commission that state law mandates a

hearing, within 48 hours of arrest, for the judge to authorize or order detention, placement or release. Commissioner Hague asked if lack of expedience is causing some of the cost increases. David responded yes, noting that continuances are requested frequently, usually by the defense attorneys. Commissioner Westfall made the observation that a lack of communication between the departments involved might be a contributing factor in the increase in juvenile detention costs. He suggested that regular meetings should be held with all of the offices involved in juvenile detention (County Attorney, Sheriff, Chief Judge, Community Corrections and Court Trustee/Collections). A discussion was held regarding proposed legislation to change the juvenile detention guidelines to reduce the number of juveniles being detained. The commission suggested scheduling a work session with the commission and all of the departments or parties involved with juvenile detention to discuss the issues and costs related to juvenile detention.

2. Harvey County Food & Farm Council Chairperson, Carol Sue Stayrook-Hobbs, presented a report of the activities of the Food & Farm Council since its creation last year. She stated they established their goals & objectives, developed by-laws, board membership and term limits. She also reported that they are working on their branding and they are seeking grants to fund their operations.
3. John thanked the media for their stories about the poles and debris on the county owned property near Halstead. He stated that Kevin Williamson contacted the county after reading his name in the papers as being involved in the issue. Kevin is beginning the process of removing the debris from the site.
4. Lynnette Redington, Health Department Director, reported that Patrick Mwangi completed his last day as Health Department Fiscal Management Coordinator; the job opening and requirements have been posted to seek a replacement.
5. Byron Warta, Harvey County EDC representative, distributed copies of the current EDC prospect report. He stated that the EDC is still in a transition phase after the departure of their executive director, but there are a few new projects on the list.
6. Gary Denny, Emergency Management Director, reported that Harvey County has officially been denied participation in the FEMA Fire Management Assistance Grant Program (FMAGP) for reimbursement of firefighting expenses related to the wildfires in the western part of the county. Gary will appeal the ruling.
7. Sheriff T. Walton reported that the PREA audit has been completed for the detention center. He reported that they were cited for low staff numbers, but the auditors were impressed with the overall operation and the reporting. The final audit report will be presented to the commission at a future meeting.
8. Kass Miller, Director of Parks, reported that the crappie tournament that was held over the weekend was very successful with over 1,000 fish caught. He also reported that one of the restroom facilities failed completely and had to be shutdown; they are working on fixing the problems so that it can be reopened.
9. Anthony Swartzendruber, Assistant Administrator & Finance Director, reported that departmental budgets are in and that departmental hearings with the commission are scheduled to begin May 23.

CITIZENS FORUM:

There were no items presented during Citizen's Forum.

Warrant checks in the amount of \$115,093.87 were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Hague. Motion passed unanimously.

Tina Payne, Harvey County United Way Executive Director, presented a report of United Way activities including accomplishments in 2015 and upcoming projects. She reported that 99% of the funding received is distributed locally, 58% to Health related programs, 30% to Income related programs and 12% to Education related programs. She noted that 25% of the total funding included in the Health programs is for abuse, neglect and crime related services and the 15% of total funding supports aging in place. She reported that the literacy initiative programs launched in 2015 have been very successful and well received with the Dolly Parton's Imagination Library serving 651 children from every community in Harvey County and with 141 children attending the KidFEST event in 2016. Tina reported that in 2016 they are funding special project grants for The Meeting House in Sedgwick and Newton Community Child Care.

Janet Cagle, Director of Harvey/McPherson County Community Corrections, presented the FY 2017 Community Corrections Comprehensive Plan and Grant Application for \$409,523.80. Commissioner Hague made a motion to approve the grant application as presented and authorize the chair to sign. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Jan Jones, Executive Director of Harvey County DV/SA Task Force & Safe House, presented a 2016 Emergency Solutions Grant application requesting \$79,485.00 from the Kansas Housing Resource Corporation (KHRC) for Harvey County DV/SA Task Force, Inc. for homeless assistance and operation of the Safe House. Commissioner Krehbiel made a motion to approve the grant application and authorize the chairman to sign. Commissioner Hague seconded the motion and it was passed unanimously.

Gina Bell, Planning & Zoning Director, began the fence viewing review and discussion by presenting copies of the plat and photos from the survey that was recently completed for the Little property at 5827 S. Ridge Rd. The survey found that the new fence on south side of the Little property that was erected by Mr. Mosiman, which was intended to be completely on his property, crossed the property line into the Little property; Mr. Mosiman is in the process of moving that fence completely onto his property. The survey also showed that the existing fences on the west and north sides of the Little property were on or very close to the actual property lines. Counselor Greg Nye had previously presented proposed findings of the Board of County Commissioners acting as Fence Viewers for the fence viewing that was conducted at 5827 S. Ridge Rd. He proposed 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 proposed that Bradley and Wendy Mosiman who own the adjacent property at 5631 S. Ridge Rd. share the costs of replacing and maintaining the 225' of old barbed wire fence along a portion of the north boundary line with the Littles. Greg stated that the Littles have already agreed to replace the chain link fence that was removed. Greg reported that he contacted Ryan Flaming, Harvey County Extension Agent, and Forest Bueller, KSU Extension Service legal counsel, who both agreed that the land is not in common use so both parties are equally liable for the expense of erecting and maintaining a partition fence. A discussion was held regarding the survey results and the specific issues for this situation. Commissioner Krehbiel stated that since the chain link portion of the fence is being replaced the only portion of the fence still in dispute is the 225' of old barbed wire fence along a portion of the north boundary line with the Littles. He suggested that portion of the fence be repaired instead of replaced.

The commission directed Counselor Nye to revise his proposed findings to include closing the gap between the new Mosiman fence and the chain link fence and sharing the costs of repairing the wire fence section, allowing for removal of the gate. Greg will present a final draft at next week's meeting. Wendell Newell, 4331 S. Hillside Rd., requested and received a copy of the plat for the Little property.

At 11:45 a.m. Commissioner Krehbiel made a motion to go into executive session for a period of 15 minutes to discuss confidential matters involving economic development. Commissioner Hague seconded the motion and it was passed unanimously. Also present for the session were John Waltner, Anthony Swartzendruber, Counselor Greg Nye, Rick Piepho and Bob Myers, Newton City Attorney. At 12:00 noon Commissioner Hague made a motion to extend the executive session for a period of 10 minutes to discuss confidential matters involving economic development with all of the above present. Commissioner Krehbiel seconded the motion and it was passed unanimously. Executive session ended at 12:10 p.m. with no action being taken.

The meeting was adjourned at 12:10 p.m.

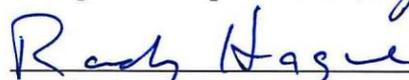
BOARD OF HARVEY COUNTY COMMISSIONERS



ATTEST:


Rick Piepho, County Clerk


George A. "Chip" Westfall, Chairperson


Randy Hague, Member


Ron Krehbiel, Member