

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

May 2, 2016

The Board of Harvey County Commissioners met in regular session on May 2, 2016 with all three commissioners present. Chairman Westfall called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Westfall reported that he has requested a report from Road & Bridge of the costs for repairing 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. He stated that the vendor for the process should reimburse the county for the repair expenses.
2. Commissioner Westfall asked if Administration has completed a book with lists of tasks by month for each department as suggested by KAC and the commission. John Waltner, Administrator, replied that a lot of departments have prepared the information, but it is not complete and the information has not been compiled into a book.

CALENDAR ITEMS:

1. There were no items added to the calendar.

Minutes of the April 25 Commission regular meeting were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Hague. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. John reminded the commissioners that the G402 – ICS for Elected Officials class is scheduled for May 6 from 1-4 p.m.
2. John reported that Mirror, Inc. and Prairie View have both submitted requests for appropriations from the Local Alcoholic Liquor Fund. Each agency was awarded \$3,000 last year from the fund and they are each requesting \$3,000 this year to help support their substance abuse programs. The commissioners requested that each agency present an in-person request at a future meeting.
3. John reported that last Friday the Kansas Legislature passed the tax lid legislation for counties and cities that will take affect on January 1, 2017. They also passed an omnibus budget late last night prior to adjourning the session.
4. John distributed copies of photos showing the large quantity of items collected for the Safe House during a recent collection drive conducted at Wal-Mart by RSVP.
5. John presented a letter from GSS, Inc. informing the commission of their intent to erect a 42' monopole communications pole for a positive train control system on the Union Pacific right-of-way near Whitewater in Harvey County.
6. John presented information regarding Public Service Recognition Week, May 1-7, 2016 as proclaimed by the President. Commissioner Westfall stated that governments cannot exist without public servants and it is important to recognize their service. The commissioners directed Administration to draft a letter on behalf of the commission supporting Public Service Recognition Week and have it published in the local newspapers. They suggested that next year a proclamation be prepared in advance.

7. John reported that Jan Jones, Executive Director of Harvey County DV/SA Task Force & Safe House, was contacted regarding Victims of Violence Act recovery programs available from the State or Federal government. A consultant is coming next week to meet with agencies and departments affected by the shooting events in Newton & Hesston. Commissioner Westfall suggested that administration follow up with Excel Industries regarding employee retention rates after the incident.
8. John presented two proposed appointments for Harvey County representatives on the board of the Harvey County Economic Development Council (EDC). The recommendation is to re-appoint current board members Ray Penner and Byron Warta who have both agreed to continue to serve on the board. The commissioners agreed that the terms for the three Harvey County representatives on the EDC board should be staggered so that the term of only one representative expires each year. The term for board member Melinda Budde expires in April of 2018. Commissioner Hague made a motion to appoint Ray Penner for the term May 2016 to April 2017 and appoint Byron Warta for the term May 2016 to April 2019 to the EDC board and authorize the chairman to sign each appointment form. Commissioner Krehbiel seconded the motion and it was passed unanimously.
9. John presented a Chief Elected Official Board Agreement for Local Workforce Development Area 1. The agreement was revised to change the expiration date to June 30, 2017 due to the efforts by the county to have Harvey County reassigned to Area 4. Commissioner Hague made a motion to authorize the agreement as presented and authorize the chair to sign. Commissioner Krehbiel seconded the motion and it was passed unanimously.
10. Don Gruver, Communications Director, reported that the new 800 MHz system is fully operational and it is working well with all agencies completing their transition to the new system.
11. Gary Denny, Emergency Management Director, reported that he is working on the appeal of the ruling 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. He also reported that the second active shooter workshop is scheduled for June 1. The goal of this workshop is to define policies and guidelines.
12. Byron Warta reported that he is scheduled to attend a number of water meetings this month to prepare and implement the Governor's Water Plan.
13. Kass Miller, Director of Parks, reported that the bait shop at West Park is now open. He also reported that the educational programs being conducted by the Parks Department are very successful. He believes that every kindergarten class in the county has taken a field trip to at least one of the parks this year. Kass also stated that the Food Truck Festival is scheduled for May 7 from 5-8 p.m. in the Willow Bend area at East Park.
14. Counselor Greg Nye reported that he is working on the paperwork and schedule for the next tax sale now that the previous one has been completed.

CITIZENS FORUM:

Bryan Hall, City of Newton Police Officer, presented a design and information regarding a proposed award to be given to all of the responders involved in the shooting events on February 25, 2016 to acknowledge their participation. He stated that he has presented the information to some of the other agencies involved and they support the creation of the award. He stated that he will seek

donations to fund the purchase of the lapel pins created with this design to be awarded to the approximately 300 responders involved in the incidents. The commissioners stated that it is a good idea to recognize everyone involved and gave their approval for the concept and the design. They suggested he present the information at the Council of Governments meeting on May 11. Commissioner Hague made a motion to support the recognition of the responders for the shooting events on February 25, 2016. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Warrant checks in the amount of \$69,788.13 were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Hague. Motion passed unanimously.

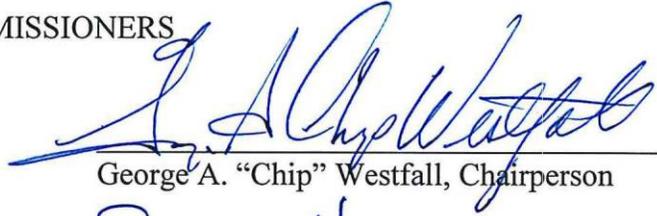
Counselor Greg Nye presented proposed findings of the Board of County Commissioners acting as Fence Viewers for the fence viewing that was conducted on March 28 at 5827 S. Ridge Rd. He proposes that Douglas and Rhonda Little who own the property at 5827 S. Ridge Rd. pay the costs of reconstructing the chain link fence that was recently removed along portions of the west and north boundary lines; then sharing the costs of maintaining this fence in the future with the Mosimans. He also proposes that Bradley and Wendy Mosiman who own the adjacent property at 5631 S. Ridge Rd. share the costs of repairing and maintaining the 225' of old barbed wire fence along a portion of the north boundary line with the Littles to the minimum standard 3 wire barbed wire fence. The proposed findings include allowing for removal of the gate in that section and closing the gap between the new Mosiman fence and the chain link fence. Greg stated that the Littles have already agreed to replace the chain link fence that was removed. Greg stated that Kansas Statutes state that both parties are equally liable for the expense of erecting and maintaining a partition fence if the land is not in common use, but do not specifically address residential land. A discussion was held regarding the laws and the specific issues for this situation. Commissioner Hague expressed his opinion that he doesn't believe that these findings follow the intent of the law and that one landowner should not be required to pay for half of the costs of a partition fence. Chairman Westfall made a motion to approve the findings as presented. Commissioner Krehbiel seconded the motion, agreeing with the findings, but stating that the laws should not force a landowner to share the costs of a partition fence. The motion passed 2-1 with Commissioner Westfall and Commissioner Krehbiel voting yea and Commissioner Hague voting nay. The commissioners agreed that the laws regarding fences are antiquated and should be revisited by the legislature; they directed John to draft a letter to the local legislators suggesting they explore revisions to the fence laws.

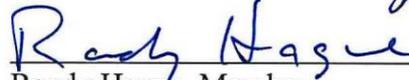
Rollin Schmidt, Solid Waste Director, presented a proposed Invitation to Bidders for the purchase of a new 2015 or 2016 roll-off trailer for the Solid Waste department. The funds for this purchase are available in the 2016 CIP budget if revisions are made to remove the approved purchases of fire suppression for dozer (\$12,000), grapple bucket for loader (\$15,000), and the rebuild of the compost tractor (\$17,000). Rollin stated that the current roll-off trailer is old and requires a lot of maintenance and he feels that it is more important to replace this trailer this year than to complete the approved projects listed. The bids are due at 4:00 p.m. on May 20 to be opened in public on May 23, 2016. Commissioner Hague made a motion to revise the 2016 CIP budget for Solid Waste as presented. Commissioner Krehbiel seconded the motion and it was passed unanimously. Commissioner Krehbiel made a motion to approve and distribute the Invitation to Bidders. Commissioner Hague seconded the motion and it was passed unanimously.

The meeting was adjourned at 10:48 a.m.

BOARD OF HARVEY COUNTY COMMISSIONERS




George A. "Chip" Westfall, Chairperson


Randy Hague, Member


Ron Krehbiel, Member

ATTEST:


Rick Piepho, County Clerk