

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

**December 3, 2007**

The Board of Harvey County Commissioners met in regular session on December 3, 2007 with all three Commissioners present. Chairman Westfall called the meeting to order at 9:00 a.m.

**ITEMS ADDED TO AGENDA:**

1. Commissioner Krehbiel informed the Commission that Jim Gilmore will replace Mike Sizelove on the Kansas Supreme Court Nominating Commission as representative for the 9th Judicial District.
2. Commissioner Krehbiel received a call from Bob Nattier, owner of Fox Ridge Golf Course, to inform the Commission that he will be going to Topeka to protest the amount of sales taxes that have to be paid on green fees by private golf courses. Municipal golf courses do not pay sales taxes on green fees. Private courses such as Fox Ridge have to pay sales taxes for each round of golf.
3. Commissioner Krehbiel reported on the Community of Corrections meeting that was held in Topeka last week. The State of Kansas total prison population is almost 80% repeat offenders. The goal of the State is to train inmates in job skills and provide education to hopefully reduce the percentage of repeat offenders.
4. Commissioner Westfall reported on an article in the Science Digest Magazine about a process where petroleum based trash is micro waved which in turn produces oil.
5. Roy Patton, Director of Solid Waste, reported that the groundbreaking for the Ethanol Plant has been delayed until approximately April 1, 2008.

**CALENDAR ITEMS:**

1. The County Commission meeting will begin at 10:00 a.m. next Monday following the REAP meeting.
2. The Regional Solid Waste meeting will be held in Hutchinson at the Plaza Go Grill on December 13, 2007.
3. The annual Township Board meeting will be held at the Road & Bridge Department this evening at 6:30 p.m.

Minutes of the November 26, 2007 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. Commissioner Krehbiel made a motion to approve **Resolution No. 2007-26** to change the rates at the Harvey County Transfer Station and Construction and Demolition Landfill beginning January 1, 2008. Commissioner Roberson seconded the motion and it was passed unanimously.
2. Attorney Levi Goossen presented a contract which has been signed by seven

attorneys who have served on the Indigent Defense Panel in the past few years. The contract is in the amount of \$150,000 plus reimbursement for out-of-pocket expenses. He cited the Smith Case which says that council should be compensated reasonably for their services. The amount that was budgeted for Indigent Defense in 2008 was \$120,000, which was based on actual hours worked on indigent defense cases submitted in District Court by the attorneys. Judge Richard Walker elaborated on how the process for Indigent Defense Attorneys works in District Court and also stated that he is satisfied with the panel of attorneys that have served in that capacity. The Commission will table a decision until next week.

John Waltner gave the Commission an explanation of the medical expenses for an inmate of the Detention Center who fell out of his bunk and suffered a fractured neck. A check to Via Christie Medical Center to pay for some of these expenses was not approved for payment last week until the Commission received further explanation. After contacting Correct Care, who oversees the medical expenses incurred by the Detention Center, it was determined that a mistake was made on the original billing and Harvey County does owe the additional \$16,000 that was billed. This check and all other warrant checks were approved upon a motion by Commissioner Roberson, seconded by Commissioner Krehbiel. Motion passed unanimously.

Scott Davies, Director of Planning & Zoning, presented a request by Joel Taylor, on behalf of Alltel Communications, for a conditional use permit to erect a telecommunications tower on property located in an A-1 Agricultural Zoning district south of the City of Hesston. The Planning Commission, by a vote of nine in favor and 0 opposed, has recommended that the request be denied. This denial was recommended because the Planning Commission felt that the tower would impair and diminish the use of the property to the south which contains a private airstrip. There were no letters or petitions received protesting this permit. Joel Taylor stated that this airstrip is a private airport and not governed by restrictive regulations from the FAA. Carl Weaver, user of property where the airstrip is located, stated that the airstrip and the tower cannot co-exist. The tower would be located approximately 1,500 ft north of the end of the airstrip and he feels it should be at least 4,000 ft. He runs a business from this site which is dependent on the airstrip and feels that if the tower were allowed to be placed there, his business would have to close.

Allen Schrag, who owns the property where the tower would be located, stated that FAA regulations do not prevent the tower from being located there. Mr. Taylor also said that Alltel had an air study done which indicated there should not be a problem with the location of the tower. Allen Schrag gave the Commission maps which showed three possible locations for the tower. It was determined that the Planning Commission did not have all the information available when they made their decision. Commissioner Roberson made a motion to send the new information to the Planning Commission to review the decision. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Craig Simons presented the proposed fee changes for the Harvey County Parks. Annual

camping fees would be increased by \$10.00 and rental of the open shelters would increase by \$10.00. Commissioner Roberson made a motion to authorize this increase in the Harvey County Parks Department user fees and authorize the Commission to sign. Since there was no fee increase for usage of the horse trails Chairman Westfall added that the Commission will instruct the Parks Department to set up a work day for volunteer maintenance on the horse trails. Commissioner Krehbiel seconded the motion and it was passed unanimously.

Chairman Westfall made a motion to recess the meeting to attend the Quad-County meeting at the Ark Valley Lodge in Wichita, and the Township Dinner at 6:30 p.m. at the Road & Bridge Department. Commissioner Roberson seconded the motion and it was passed unanimously.

**BOARD OF HARVEY COUNTY COMMISSIONERS**

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Chairman

ATTEST:

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Member

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County Clerk

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Member