

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

December 15, 2008

The Board of Harvey County Commissioners met in regular session on December 15, 2008 with all three commissioners present. Chairman Krehbiel called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

Craig Simons stated that Roy Patton will present a report at 2:00 p.m. on ICM putting a gasifier at the transfer station to be used as an experimental unit.

CALENDAR ITEMS:

1. December 18, 2008 lunch at noon for Dr. Bardo lecture at WSU Campus Activity Center.

Minutes of the December 8, 2008 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Chairman Westfall. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Courtney Becker, Director of Communications, and Don Gruver, Assistant Director, presented a Shared-User Agreement with the Kansas Department of Transportation whereby Harvey County is allowed to operate their communications equipment on the State of Kansas' 800 MHz digital P25 radio communication system. Commissioner Roberson moved that we accept the agreement between the Kansas Department of Transportation and Harvey County that allows Harvey County to share the communication system for public safety purposes and authorize the Chairman to sign the agreement. Commissioner Westfall seconded the motion and it was passed unanimously.
2. A representative from Cox Communications requested a meeting with the commissioners to discuss the digital TV changeover in February 2009. The commissioners declined to meet with her and suggested that she meet with the media.

CITIZENS FORUM:

Don Rodgers, Stutzman Recycling, presented a report on the current state of recycling and the grim outlook on future recycling. He will be monitoring the situation and looking for more local partners to market the recycling to.

Warrant checks were approved upon a motion by Commissioner Westfall, seconded by Commissioner Roberson. Motion passed unanimously.

Keith DeHaven and Janice Enterkin, Representatives from the City of Sedgwick, were present for the public hearing for the 2003 City of Sedgwick Annexation Five Year Hearing. There were no objections from the residents living in the affected area. Commissioner Westfall moved to

accept **Resolution 2008-30**, which finds that the City of Sedgwick, Kansas has provided services in accordance with the 2003 Annexation Area Service Extension Plan. Commissioner Roberson seconded the motion and it was passed unanimously.

A public hearing was held at 10:30 a.m. to discuss the issue of Industrial Revenue Bonds for Schaben Enterprises, a small manufacturing company that has purchased 65 acres near the intersection of I-135 and K-196. They will use only 20 acres at the present time and the remaining acreage will be developed into an industrial park. There are eight lots in the industrial park development Schaben is currently using only one. A 10-year tiered "in lieu of" tax abatement has been drafted. Sherry Esau, EDC representative, presented the cost benefit analysis required by the abatement process. The school district and the City of Newton have been notified. The company anticipates adding eight employees at the new site. The public hearing was closed at 10:40 a.m., with no one making comments.

The Commissioners considered a resolution authoring the issuance of Industrial Revenue Bonds, Series A 2008, not to exceed \$1,160,000, and Taxable Industrial Revenue Bonds, Series B & C, not to exceed \$1,640,000 for the Bigs Property, L.L.C. The wording of the resolution will be changed to indicate that the resolution will not need to be published. Commissioner Roberson made a motion to accept **Resolution 2008-31**, authorizing the issuance of these bonds and authorize the Commission to sign. Commissioner Westfall seconded the motion and it was passed unanimously.

Kevin Cowan, legal council for Gilmore & Bell, P.C. presented bids for the public sale of general obligation temporary notes. Five bids were received as follows:

Midland National Bank, Newton	2.31%
County Club Bank, Kansas City	2.90%
DeWaay Financial, Kansas City and Wichita	2.98%
Commerce Bank, Kansas City and Wichita	3.30%
UMB, Kansas City	3.00%

Commissioner Westfall made a motion to accept the low bid from Midland National Bank at 2.31%. Commissioner Roberson seconded the motion and it was passed unanimously.

Commissioner Westfall made a motion to approve **Resolution 2008-32**, issuing General Obligation Temporary Notes in the amount of \$750,000. Commissioner Roberson seconded the motion and it was passed unanimously.

The State Legislators from this area gave the Commission an update on what is happening at the State level. Don Schroeder, Representative from the 72nd District, said that Kansas will fall behind approximately 140 to 160 million in revenues this year. The State is beginning to have some cash flow problems. Certificates of indebtedness will be issued. The larger issue is that the Governor has the statutory authority to cut budgets, but has not yet done that. The challenge will be to prioritize the appropriation of the budgets. The projected shortfall for next year could be a billion dollars.

Marc Rhoades, Representative from the 74th District, said the Governor has two options when it

comes to appropriating the money. There can be a straight percentage off of every budget or the Governor and the leadership can determine how the allotments will be given. The sooner these decisions are made, the better position the State will be in. The Governor is expected to possibly exempt school districts, some of which are having trouble making payroll, from the heavy budget cuts. Representative Rhoades said the Highway 50 plan continues to be very important, but there are no ideas on how to fund it. All three legislators said that the state funding issues should remain a problem of the State and not become problems of Counties and Cities. Commissioner Roberson expressed concern about cutting all budgets by the same straight percentage. It is imperative that the monies be prioritized. The issue of coal-fired power plants will come up again in the next session. The plant at Holcomb could be a multi-billion dollar boost to the state.

Senator McGinn agreed with the information given by Representatives Schroeder and Rhoades. She is disappointed that the Governor has not stepped in to begin the process. She said the recovery will not occur in a year or even two years. This is a three to five year process, however, this is an opportunity to re-evaluate budgets and explore the possibility of private and public partnerships. We may be healthier and stronger when it's over, but process will be painful. There are many cuts proposed including education, both local and regents. There are issues with wind energy because it affects rural citizens and urban citizens are the ones that benefit.

Commissioner Westfall expressed concern about changing sentencing guidelines to control the number of felony prisoners that the state can handle. Counties cannot accept more of the burden. Senator McGinn said she believes that the Fair Fares program should be a priority when budget cuts are considered.

The commission recessed for lunch at 12:10 p.m.

After reconvening at 1:15 p.m. Levi Goossen, Attorney, presented the contract for legal services for the 2009 Indigent Defense Panel. He said that all the attorneys involved have been asked to turn in vouchers for all their hours worked. Commissioner Westfall made a motion to approve the 2009 contract for legal services between the Indigent Defense Panel and Harvey County. Commissioner Roberson seconded the motion and it was passed unanimously.

Craig Simons presented **Resolution 2008-29**, establishing fees for the Harvey County Parks as of January 1, 2009. No action was taken until corrections are made next week..

Craig Simons presented a resolution which would allow Harvey County to transfer funds from the Road and Bridge Fund to the Special Highway Improvement Fund. Commissioner Roberson made a motion to approve **Resolution 2008-27** allowing Harvey County to transfer funds from the Road and Bridge fund to the Special Highway Improvement fund in an amount not to exceed 25% of the Road and Bridge fund budget appropriated for 2008. The motion was seconded by Commissioner Westfall and passed unanimously.

Commissioner Roberson made a motion to approve **Resolution 2008-28**, requesting a waiver

from GAAP reporting in the preparation of Harvey County comprehensive financial statements and reports in accordance with K.S.A. 75-1120a(c)(1). Commissioner Westfall seconded the motion and it was passed unanimously.

Roy Patton reported that ICM called last Friday and asked for permission to place a gasifier burner at the Harvey County Transfer Station. The plan is for ICM to test the gasification of incinerated agricultural waste such as corn stalk, wheat straw, bran, and possibly some municipal solid waste. This is an experimental operation that would include a chamber that would heat to 1000 to 1200 degrees. It has a thermal oxidizer inside it and a slow moving auger. This unit was permitted with the State for another location, but there were zoning regulations that prevented the installation as planned. To cool the shaft of the chamber, water from the run-off pond at the old landfill will be used. There would be no hazardous materials processed in the system and the only emissions would be carbon dioxide and water. Commissioner Westfall made a motion to allow ICM Corporation to draw up a contract with Harvey County to install and test a gasifier system at a location across the road north from the current transfer station, making sure that it is in compliance with KDHE regulations. Commissioner Roberson seconded the motion and it was passed unanimously.

The meeting was adjourned at 2:25 p.m. by Chairman Krehbiel.

BOARD OF HARVEY COUNTY COMMISSIONERS

Ron Krehbiel, Chairman

ATTEST:

Marge Roberson, Member

Joyce Truskett, County Clerk

George A. "Chip" Westfall, Member