

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

**March 10, 2008**

The Board of Harvey County Commissioners met in regular session on March 10, 2008 with all three Commissioners present. Chairman Krehbiel called the meeting to order at 10:30 a.m. following the REAP meeting.

**ITEMS ADDED TO AGENDA:**

1. The Commissioners received a copy of a letter to Robert Nolan, District Director in the office of Congressman Todd Tiahrt, from Tina Payne, Executive Director of Harvey County Health Ministries, asking for support for grant funds for a Community Health Center.
2. Commissioner Westfall has talked to the Extension office about the risk of E-Coli infections from the show barns during the Fair. Precautions will be taken.
3. Commissioner Westfall was appointed by REAP to serve on the nominating Committee for oversight of the Wired Grant Fund which will administer grant funds to 10 or 11 counties that surround Sedgwick County. The grant funds will be used for education and training for jobs.
4. Chairman Krehbiel attended a Community Corrections meeting last week and the new director is in place and seems to be doing well.

**CALENDAR ITEMS:**

1. The joint City/County meeting to discuss the results of the KDOT traffic impact study for the proposed ethanol plant has been changed from March 11 to March 25 at 5:30 p.m. There will be an outgoing reception for City Commissioner Kim Harris prior to the meeting.
2. There will be a reception for Randy Riggs, incoming Newton City Administrator, on March 11 from 4:30 to 6:30.
3. A KDOT luncheon with a program on child seatbelts and restraints will be held at the Red Coach Inn on Thursday, March 13.
4. A REAP legislative reception will be held on March 18 in Topeka.
5. The WORKS Conference will be held March 25 – March 28 in Overland Park. Craig Simons and Roy Patton, Director of Solid Waste, will attend.
6. The Circles Initiative, or Bridges out of Poverty, will meet March 11.
7. Harvey County Strategic Planning Session will be held on Monday, March 31 at the Whitestone Mennonite Church in Hesston.
8. Extech, a manufacturing company located at the Newton City/County Airport, will hold an open house on Friday, March 14, 2008 in celebration of their one year anniversary.

The minutes of the March 3, 2008 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. Scott Davies, Director of Planning & Zoning, updated the Commission on the progress of the construction of a septic system at the Don Esch property east of Newton on First Street. Mr. Esch has been granted a permit for the system and he has also applied for grant funds from the Soil Conservation District to assist with payment of the system.
2. Craig informed the Commission that there will be an article about Bio-Gold in today's Newton Kansan. Bio-Gold is interested in locating a plant in Harvey County.

#### **CITIZEN'S FORUM:**

There were no items presented during Citizen's Forum.

Warrant checks for 2007 and 2008 were approved upon a motion by Commissioner Westfall, seconded by Commissioner Roberson. Also included in the motion was permission to release a check held from last week to the Clerk of the District Court. Motion passed unanimously.

At 11:30 a.m. a public hearing was held regarding the sale of surplus vehicles and equipment by the Road & Bridge Department. No citizens were present for the hearing. The hearing was closed at 11:40 a.m. upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously.

The Commission recessed for lunch at 11:41 a.m.

The meeting reconvened at 1:30 p.m. Several citizens were present to talk to the Commission regarding the moratorium on building in the dam breach impact areas of watershed dams. The Commission passed a resolution approving a moratorium in May of 2007. Citizens present were Jim Brubacher, Wade Brubacher, Wade Williams, Stan Jost, Boyd Rodeman, Tom Cowan, Byron Warta, and Emil Schmidt. Representatives from the Sand Creek Watershed Board were Bill Hamm, Vern Koch, and Mindy Vogt. Greg Nye, Harvey County Counselor, and Scott, Davies, Planning & Zoning Director, were also present. Wade and Jim Brubacher presented the Commission with a document which outlined the problems and concerns of landowners who are affected by the regulation restricting new construction in the breach areas. They were concerned about the lack of notification to landowners when the moratorium was initially passed. Vern Koch and Bill Hamm explained that the only notification required was in the official County Newspaper, the same as any other notification. The watershed dams, which were constructed with County and State funds, were originally built as flood protection for Harvey County taxpayers.

There was concern raised about whether the County or the Sand Creek Watershed district would be held liable if the dam were to breach. Greg Nye stated that it would have to be proven the dams were built improperly before either would be held liable.

The Watershed Board has had to deal with constantly changing regulations from the State for the past two years, which has made it very difficult to comply with them. They hired an engineering firm to route the breach areas. It is also very expensive to have to reclassify dams from low hazard to high hazard.

Boyd Rodeman has done some research and there are approximately 166 landowners that are

impacted in the Sand Creek and Whitewater River Watershed Dam Breach areas. He suggested that allowances for the construction of machine or implement buildings be allowed. He is also concerned about existing homes in the breach areas as far as being able to re-build there if they were destroyed by a catastrophic event.

Greg Nye stated that a "hold harmless" clause in the resolution would not be a viable solution. However, the Board could give a strong recommendation for the Planning and Zoning Board to revisit the issue.

The Commission would like to verify how the breach areas were mapped and if the information used was correct. The Sand Creek Watershed board will go back to the engineers with the questions raised. Bill Hamm stated that every landowner involved needs to be contacted and informed about the regulations for dam breach areas.

Commissioner Westfall made a motion to allow staff and administration to develop a policy and appoint a committee within two weeks to review the dam regulations. Commissioner Roberson seconded the motion and it was passed unanimously.

Marianne Eichelberger, Director of the Newton Public Library, presented the annual library report to the Commission. The general circulation figures for the library are decreasing but the usage is up. Space is a continuing problem and a building consultant has been hired to study the future needs of the library and how they might be met. Ms. Eichelberger thanked Commission for their continued support.

Marion Rowland, Director of Parks, and Shannon Metz, Ranger at West Park, presented information on the proposed West Park Community Building. The consensus of the Commission was that a cedar building would fit better at the Park than a metal building. Specifications for a Cedar Forest Construction Building were presented. Craig Simons will talk to the architect to see if they can prepare a rendering of the layout of the building and playground in the surrounding area.

The meeting was adjourned at 3:40 p.m. upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion 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