

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

September 22, 2008

The Board of Harvey County Commissioners met in regular session on September 22, 2008 with all three Commissioners present. Chairman Krehbiel called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Commissioner Westfall inquired as to whether the bridge project on Ridge Road at Highway 50 was running behind schedule. Craig will check on the status.
2. Commissioner Roberson reported that the Newton Chamber of Commerce and the Newton Recreation Center will meet on October 1 to discuss the Recreation project.
3. Chairman Krehbiel inquired as to when construction will begin on the convention center and Holiday Inn Express to be located at I-135 and East Broadway.

CALENDAR ITEMS:

1. The October CDDO meeting, which will be held in Hillsboro, will begin at 4:30 p.m. instead of the usual time of 4:00 p.m.
2. The Newton Chamber of Commerce annual banquet will be held Thursday, September 25 at Grace Community Church, with the social hour at 6:00 p.m. and the dinner at 7:00 p.m.

Minutes of the September 15, 2008 meeting were corrected and approved upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. The EDC has requested that one of the Commissioners attend the transportation meeting in Hutchinson, September 23 to speak for a short time on the Highway 50 development.
2. Jeanie Flaming, Director of Transportation, presented a Rural Transit Excellence Award plaque that was presented to Harvey County Interurban by Federal Transit Authority Region 7 at the state conference last week. The Interurban ridership has increased by 88%.
3. The Commissioners signed copies of the 2009 budget for Harvey County.
4. Craig Simons reported that following an inquiry at the Commission meeting last week, the Road & Bridge Department graded Chisholm Lane to make sure it was passable for residents who live there. Improvements on the road and drainage ditches are scheduled to be done as soon as the utility companies stake the road.
5. Improvements on Old Trail Road between Highway 50 and 12th Street were completed the latter part of this summer; however payment will not be made to the contractor because the improvements are not acceptable.
6. Beachner Construction will not start the road sealing project until October 1.

7. Craig reported that the engineer working on the Schaben Road project is near completion on the final plans.
8. Ed Roberts, real estate agent, has requested permission to begin marketing frontage lots on the property purchased to develop the Harvey County Fairgrounds. The Commission agreed to market the frontage lots.
9. Paul Ferguson, Poe & Associates Engineer, will be conducting more research on the bridges in Harvey County to make sure they are all rated properly and that the signage is correct on each one.

CITIZEN'S FORUM:

There were no items presented for Citizen's Forum.

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

Janet Cagle, Director of Harvey/McPherson County Community Corrections, presented the 2008 Community Corrections outcome report. Part of their three-year comprehensive plan included reducing the revocation by 25%, however they were not able to meet that goal. Commissioner Westfall made a motion to approve and authorize the chairman to sign the 2008 Community Corrections outcome report. Commissioner Roberson seconded the motion and it was passed unanimously.

The meeting was recessed at 10:20 a.m. until 7:00 p.m. for a public hearing for the Dam Breach Area Proposed New Regulations.

The meeting was reconvened at 7:00 p.m. in the Community Room. In addition to Craig Simons and the Commissioners, Harvey County representatives present for the public hearing were Scott Davies, Director of Planning and Zoning; and Greg Nye, County Counselor. Public attendees were Larry Goering, Dale Friesen, Richard Johnston, Melinda Vogt, Richard and Rebecca Schroeder, Roland D. Funk, Barbara Lewis, and Jane Hershberger.

An advisory committee was appointed several months ago to review the regulations on building in the dam breach areas of watershed dams. The intent was to attempt to write new regulations that would be acceptable to both the watershed districts and the landowners affected. Serving on the committee were Boyd Rodeman and Wade Brubacher, landowners; Bill Hamm, representative of the watershed districts; Ron Peters, Planning Commission member; and Scott Davies, Planning and Zoning Director. Melinda Vogt, representative of the watershed districts, served as a non-voting member. New regulations have been drafted and the Planning Commission has recommended the approval of these regulations on a vote of 7 for and 0 opposed, with the Chairman abstaining. Greg Nye outlined the suggested changes in a letter to Scott Davies on June 24, 2008. Scott Davies reported that notification letters were sent to every landowner that would be affected by the new regulations and a legal publication was printed in the Newton Kansan on July 23.

The section of the regulations that contains the proposed changes is Article 20.05, which states the permitted uses. High hazard dams are built to the strongest specifications; therefore all structures are to be allowed below them if not prohibited by other regulations. Agricultural and non-inhabitable structures are to be allowed below medium and low hazard dams, but no homes. However a variance can be granted if there is a certification by a surveyor that the residence is either outside or one foot above the dam breach area. The watershed districts would also have to be notified. There is also a provision that the residence can be remodeled or rebuilt if it is destroyed.

In answer to a question from Commissioner Roberson, these areas would not require flood insurance.

Planning and Zoning does not have the elevations on the breach impact areas and Melinda Vogt stated that the burden of finding the elevations would be the landowner's responsibility. Richard Johnston asked if the dam near his property will be reclassified to a high hazard dam. Melinda Vogt said that the dam is to be reworked and after that is completed it will be reclassified.

Barbara Lewis asked if the regulations affect any property outside of Harvey County. These are Harvey County regulations only.

Commissioner Westfall thanked the Committee for the work they put into drafting the new regulations and made a motion to approve the amendment to Article 20 of the Floodwater Retarding Dam Breach Impact District, with the recommended uses as presented and outlined in the letter from Greg Nye, County Counselor. Commissioner Roberson seconded the motion and it was passed unanimously.

The meeting was adjourned by Chairman Krehbiel at 7:37 p.m.

BOARD OF HARVEY COUNTY COMMISSIONERS

Chairman

ATTEST:

Member

County Clerk

Member