

MINUTES OF
BOARD OF HARVEY COUNTY COMMISSIONERS

January 5, 2009

The Board of Harvey County Commissioners met in regular session on January 5, 2009 with all three commissioners present. Chairman Krehbiel called the meeting to order at 9:00 a.m.

ITEMS ADDED TO AGENDA:

1. Craig Simons informed the Commissioners that the 1:15 agenda item will be an executive session to discuss economic development.
2. Chairman Krehbiel reported that Scott Davies has received a letter from FEMA regarding the flood plain maps. FEMA representatives and Kansas Water Department representatives will be coming to Harvey County on January 16th to tour the area and audit the flood plain regulation compliance.

CALENDAR ITEMS:

1. There will be a farewell reception for A.J. Wuthnow, outgoing Sheriff, at the Law Enforcement Training Center on January 9 from 4:00 p.m. to 6:00 p.m.
2. There will be a farewell for T. Walton, who will be leaving the Newton Police Department, after being elected as Harvey County Sheriff, held on Wednesday January 7 from 3:00 p.m. to 5:00 p.m. at the Law Enforcement Training Center.
3. The Harvey County Council of Governments will meet on Wednesday, January 7 at 7:00 a.m. at the Breadbasket to discuss the possibility of hiring a lobbyist.
4. There will be a reception held for outgoing Sedgwick County Commissioner Tom Winters at 11:00 a.m. in the Boardroom of the Sedgwick County Offices on January 7.
5. There will be a reception for the South Central Legislative Delegation on January 8 at 4:45 p.m. in the Marcus Welcome Center at Wichita State University.
6. On January 16 representatives from Bio-Gold will meet with Westar representatives at the Westar Offices in Wichita at 2:00 p.m.

Minutes of the December 22, 2008 Commission meeting were approved upon a motion by Commissioner Westfall, seconded by Commissioner Roberson. Motion passed unanimously.

ADMINISTRATIVE ITEMS:

1. Commissioner Westfall made a motion to approve **Resolution No. 2009-1,** designating the Newton Kansan as the official County Newspaper. Commissioner Roberson seconded the motion and it was passed unanimously.
2. Commissioner Roberson made a motion to approve **Resolution 2009-2,** designating First Bank of Newton as the official depository for the public funds of Harvey County. Commissioner Westfall seconded the motion and it was passed unanimously.
3. A letter of credit from Schaben Industries is required before Schaben Road can be

constructed at the development site south of Newton. However, the newly constructed facility has been appraised at a value lower than the investment to build it and the bank will therefore not issue money for the project. This has caused a delay in the issuance of the letter of credit. Schaben Industries has requested that the revenue bonds that have been approved could be issued in 2009 instead of 2008. The developer for the industrial park road has agreed to go ahead with the construction of the road. Commissioner Roberson made a motion to approve Craig Simons to sign the notice of bid award to Cornejo & Sons providing Schaben Industries gets all the proper paperwork to Harvey County in a timely manner. Commissioner Westfall seconded the motion and it was passed unanimously.

4. Commissioner Westfall made a motion for Harvey County to enter into an agreement with the Kansas Department of Transportation to perform the oversight and inspection of new Bridge #40C-0151-41 in Harvey County.
5. Harvey County received a letter from David D. Kerr, Secretary of Commerce, stating that Harvey County has been approved as a designated non-metropolitan business region as presented in **Resolution No. 2008-13**. The designation is effective from October 6, 2008 until October 6, 2011.

CITIZENS FORUM:

There were no citizens present for Citizens Forum.

Becky Noble, County Treasurer, informed the Commission that her office needs to be notified 24 hours in advance when there is going to be a large wire deposit made into the County account. This will enable her to make sure that all the accounts are secured.

With the exception of a check to St Luke Presbyterian Church, warrant checks were approved upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously. Staff will look into the remaining check for more information..

Commissioner Roberson made a motion to go into executive session at 10:05 a.m. to discuss legal issues for a period of 5 minutes. Commissioner Westfall seconded the motion and it was passed unanimously. County Counselor Greg Nye and John Waltner, Director of Special Projects, were also in attendance. Executive session ended at 10:10 a.m. with no action being taken.

Scott Davies, Director of Planning & Zoning, presented proposed amendments to Article 16.06 of the Harvey County Unified Development Code, Communication Towers. The Planning Commission recommended the changes by a vote of 11 in favor and 0 opposed, with the Chairman abstaining. These amendments would allow Harvey County the option to co-locate on communication towers with no access fee or rental fee. Commissioner Westfall made a motion to approve the recommended amendments to Article 16.06. Commissioner Roberson seconded the motion and it was passed unanimously.

Scott Davies presented an application by Merrill Gordon with Gordon & Associates Architects

on behalf of Cox Communications of Kansas, LLC to construct a cable substation in the A-1 Agricultural Zoning District. The request was considered by the Harvey County Regional Planning Commission at a meeting on December 30, 2008. The Commission voted to recommend approval of the application by a vote of 10 in favor and 0 opposed, with the Chairman abstaining. Upon the recommendation of the Planning Commission, Commissioner Roberson made a motion to approve the application. Commissioner Westfall seconded the motion and it was passed unanimously.

Commissioner Westfall made a motion to sign the authority to award a contract to King Construction for the construction of Bridge #40C-4151-01 located on Ridge Road between 1st Street and 12th Street. Commissioner Roberson seconded the motion and it was passed unanimously.

The Commission held a discussion on how the food payments for the Detention Center are to be handled in the future. At the current time the Sheriff receives \$4.50 per prisoner per day for food which is prepared by inmate trustees. The Sheriff pays for food out of this allotted amount and the leftover amount is paid to him through payroll. This amount has ranged from \$16,000 to \$28,000 per year. The Commission believes this might be better handled in a different manner. Sheriff-Elect, T. Walton, believes this is a gray area and agrees it should be handled differently.

K.S.A. 19-1911 states that the Sheriff can charge only what the cost of the food is. Commissioner Westfall made a motion to change the re-allocation of the funds for Detention Center food to pay for the food service and re-examine the jail captain's salary next week. Commissioner Roberson seconded the motion and it was passed unanimously.

Craig Simons presented proposed changes to the Harvey County Personnel Policy. Most of the changes are to bring the policies into alignment with state law with regard to Nielander vs. Lincoln County. The discussion will be continued later this afternoon.

At 11:45 a.m. the meeting recessed for lunch.

The meeting reconvened at 1:22 p.m. Commissioner Roberson made a motion to go into executive session for a period of 20 minutes to discuss economic development. Frank Choriego, Assistant Director of Wichita State University Kansas Small Business Development Center; Greg Nye, County Counselor; and John Waltner were also in attendance. Commissioner Westfall seconded the motion and it was passed unanimously. At 1:42 p.m. Commissioner Roberson made a motion to extend the session until 1:50 p.m. Commissioner Westfall seconded the motion and it was passed unanimously. Executive session ended at 1:50 p.m. with no action being taken. Commissioner Westfall made a motion for the County Administrator to continue to work on an economic development project. Commissioner Roberson seconded the motion and it was passed unanimously.

The Commission completed the review of the Employee Personnel Policies Manual. Commissioner Roberson made a motion to accept the submitted changes in the policy manual with the exception of an additional policy for administrative leave and a policy change regarding

the continuation of life insurance coverage for retired employees. Commissioner Westfall seconded the motion and it was passed unanimously.

Sixteen applications were submitted to fill nine positions on the Harvey County Fairgrounds development committee. Those chosen were Rydell Penner, Sandy Fraser, Dwayne Roux, Gary Lanier, Mike Weber, Bill Hake, Pat Wendling, Richard Denno, and Commissioner Westfall. Ex-Officio members will be Craig Simons, Extension Agents Ann Religa, Jonie James, Scott Eckert, Susan Jackson, and Tim Johnson.

The meeting was adjourned at 2:58 p.m. by Chairman Krehbiel.

BOARD OF HARVEY COUNTY COMMISSIONERS

Marge Roberson, Chairman

ATTEST:

George A. "Chip" Westfall, Member

Joyce Truskett, County Clerk

Ron Krehbiel, Member