

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

**May 5, 2008**

The Board of Harvey County Commissioners met in regular session on May 5, 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 reported that the bid for the compass pad at the Newton City/County Airport is set to go forward. Although the only bid received for the project was more than the engineer's estimate, the bidder has agreed to decrease the bid. The bid for the taxiway improvements was not accepted by the F.A.A.
2. The Commission would like to schedule a time to tour the Kansas Coliseum pavilion.

**CALENDAR ITEMS:**

1. May 8 - Community Corrections Meeting at 12:00 p.m.
2. May 9 - Newton Chamber annual Steak Cookout at the National Guard Armory.
3. May 12 - Commissioner Krehbiel will be absent from the Commission meeting.
4. May 19 - Aviation Commission Meeting at 4:00 p.m.

Minutes of the April 28, 2008 Commission meeting were approved upon a motion by Commissioner Roberson, seconded by Commissioner Westfall. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. Marion Rowland will speak to the Commission later in the morning regarding the Pleasant Township building site. The farmer that farms land adjacent to the site where the Pleasant Township building is to be constructed appears to be encroaching on Harvey County Land.

**CITIZEN'S FORUM:**

There were no items presented during Citizens Forum.

With the exception of a check to Regier Title Company, warrant checks were approved upon a motion by Commissioner Westfall, seconded by Commissioner Roberson. The check to Regier Title is held pending further action being taken by the Commission later in the meeting. If the action is approved then this check approval will be included with this motion. Motion passed unanimously.

Commissioner Westfall made a motion to go into Executive Session at 10:00 a.m. for a period of fifteen minutes to discuss land acquisition. County Counselor, Greg Nye, Real Estate Agent, Ed Roberts; and Kevin Cowan, Bond Counsel, were also in attendance. No action was taken during Executive Session which ended at 10:15 a.m. The Commission announced that Harvey County is considering entering into a contract to purchase approximately 76 acres of property currently zoned Agricultural. Ed Roberts gave the legal description of the property as follows: North half of the Northeast quarter of section five, Township twenty-four south, range one east of the sixth

p.m., less ROW, Darlington Township, Harvey County, Kansas. The general location is at the SW Corner of SW 36th and S Kansas. The seller of the property is the Diana L. Dunkelberger Trust and the contract price is \$836,000. The contract contains a 120 days due diligence clause which will enable Harvey County to obtain zoning approval for the property, inspection by the County, and easement clarifications. The property is currently leased and is planted crop land. The tenant will have the right to continue this arrangement until after the crop is harvested in June of 2009. Commissioner Westfall made a motion to proceed with the acquisition of the property as described with all contingencies as listed in the contract. Commissioner Roberson seconded the motion and it was passed unanimously. The property is to be used for the development of the Harvey County Fairgrounds, with a possible livestock arena and event center, but not limited to those options. Commissioner Westfall explained that we have outgrown the current site for the Fairgrounds and safety issues are becoming a concern. The new facility will be a multi-purpose project and will not be built with the intention of it sitting idle most of the year. It will be the intent to have it used regularly every weekend. It will be designed to have multiple uses with enough land to accommodate future growth needs. Since the bond on the Detention Center does not pay out until 2011, there is enough time to appoint a committee to develop a plan to accommodate all the needs. Commissioner Roberson stated that this is an opportunity to encourage more growth for Harvey County and the City of Newton has encouraged the vision. She added that the County is very fortunate to be able to purchase property of this quality in such a good location. This project coordinates well with the City's new corridor plan and will not be used for the same type of events and clientele as the hotel and convention center being developed by the City.

Kevin Cowan, Bond Counsel with Gilmore and Bell, presented a Charter resolution exempting the County from the provisions of K.S.A. 12-1758 and K.S.A. 12-1767b relating to public building commissions and the issuance of revenue bonds thereby and providing substitute and additional provisions relating thereto. This would allow the County to develop Fairgrounds as a possible use for the land. Commissioner Roberson made a motion to accept and sign the charter resolution to be published in the Newton Kansan. Commissioner Westfall seconded the motion and it was passed unanimously.

John Waltner updated the Commission on the ongoing problem with the upgrade of Chisholm Lane. There have been several complaints regarding the condition of the road.

Phil Adams, Road & Bridge Superintendent, presented information on the proposed purchase of a new asphalt paver. He asked permission from the Commission to be allowed to bid on a slightly used asphalt paver being sold by online auction by the City of Maryville, Tennessee. Commissioner Roberson made a motion to allow Mr. Adams to bid up to \$90,000 not including the buyer's premium of \$7,500 on the used asphalt paver. Commissioner Westfall seconded the motion and it was passed unanimously.

In response to questions raised during last week's Commission meeting, Mr. Adams stated that the signage on Highway 50 at the approach to Ridge Road follows standard requirements by the Kansas Department of Transportation. Ridge Road is closed north of Highway 50 while a bridge is being replaced.

Mr. Adams also checked a location near Dutch Avenue and Meridian which is an area that has received some complaints regarding ditches and drainage. The property owners at the location will need to address a drainage issue on their property. The County will clean the ditch to the north.

Craig Simons informed the Commission that a new member will have to be appointed to the Public Building Commission to replace D.J. Sims. Commissioner Roberson made a motion to appoint Richard Denno pending his acceptance. Commissioner Westfall seconded the motion and it was passed unanimously.

Commissioner Westfall made a motion to amend the purchasing policies for Harvey County. The new policy, dated May 1, 2008, states that if any elected official or employee of Harvey County, or an immediate family member of an elected official or employee of Harvey County having a financial interest in a business or businesses shall either refrain from purchasing from this business or businesses, or shall have the purchase processed and requisition completed by the Fiscal Office in the Administration Department. Immediate family member means the spouse or children of the elected official or employee of Harvey County. The Fiscal Office shall conduct the purchase process in a fair and impartial manner for all vendors. The change applies to all purchases both under \$300 and over \$300. Commissioner Roberson seconded the motion and it was passed unanimously.

Marion Rowland, Director of Parks, presented information to the Commission regarding the encroachment of a farmer who planted crop on land owned by Harvey County. A Township building for Pleasant Township is to be built on the property. The survey flags marking the property boundaries were placed last week. It was suggested that the farmer be allowed to continue with the crop, however he may have to pay the County to farm the encroached ground.

The Commission recessed for lunch at 11:35 a.m.

The meeting was adjourned at 1:00 p.m. upon a motion by Chairman Krehbiel, 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