

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

**April 1, 2013**

The Board of Harvey County Commissioners met in regular session on April 1, 2013 with all three Commissioners present. Chairman Westfall called the meeting to order at 9:00 a.m.

**ITEMS ADDED TO AGENDA:**

1. Commissioner Hague reported that he talked with Barry Powell at Wenger Oil about repairing or replacing the fuel pump at the Road & Bridge Department. He has some used units that are reasonably priced.
2. Commissioner Westfall attended the REAP Legislative Committee meeting last Friday. He reported that two bills before the legislature are not expected to make it out of committee this year. One has to do with valuation changes and the other is the so-called "trade fixtures" bill.

**CALENDAR ITEMS:**

1. The RSVP banquet to be held at Our Lady of Guadalupe Catholic Church will begin at 5:30 p.m.
2. Chairman Westfall will attend the Mitigation meeting on Friday, April 5 at 1:00 p.m.

Minutes of the March 25 Commission meeting were approved upon a motion by Commissioner Hague seconded by Commissioner Krehbiel. Motion passed unanimously.

**ADMINISTRATIVE ITEMS:**

1. Craig Clough, Appraiser, presented a proposal to replace the 2003 Chevy Blazer used by the Appraiser's Office. The budget includes \$20,000 for the replacement of this vehicle. Craig requested that he be allowed to bypass the bid policy and shop the local dealerships for a possible program vehicle. He also asked permission to replace the vehicle with a mid-size SUV. Commissioner Hague made a motion to waive the county purchasing policy and allow the Appraiser's Office to pursue the purchase of a used vehicle. Commissioner Krehbiel seconded the motion and it was passed unanimously.
2. Commissioner Krehbiel made a motion to authorize the Chairman to sign a proclamation celebrating 45 years of fair housing in Harvey County. Commissioner Hague seconded the motion and it was passed unanimously.
3. The judicial nominating committee met two weeks ago and identified three potential candidates to fill the open judge's position in the 9<sup>th</sup> District Court. Governor Brownback will make the appointment within 60 days. Ms. Wilder is to be interviewed by the Governor this week and has asked John to send a letter of support for her. Ms. Wilder is the only Harvey County Candidate and the other two candidates are from McPherson County.

4. The Commissioners received a copy of a letter from Dave Baughman, Chairman of the Newton Downtown Car Show. In conjunction with the event, the Car Show is requesting permission to host a helicopter ride to be located in the south parking lot of the courthouse. The Commissioners also received information from KCAMP Insurance stating that there is no insurance coverage for the County if any type of mishap occurs. Discussion was held and although the Commissioners are in support of the car show, they are hesitant to allow usage of the parking lot for helicopter rides because of the liability involved.
5. John reported that the county has received an application from an individual who would like to set up a gunsmith operation in the western part of the county. In order to do this he is required to obtain a Federal Firearms License from the ATF. The license he has applied for is a very broad license that would include gunsmith activities, retail, wholesale, and manufacture of firearms. A conditional use permit from the county will also be required. Planning & Zoning is talking with the individual, so more information will be provided at a later date.
6. The Commissioners received information from the Kansas Association of Counties listing a variety of educational classes that will be available this year.
7. Allison J. McFarland, Ph.D, MBA, will present a program on How to Manage Millennials at Bethel College on May 21 from 11:00 a.m. to 1:00 p.m. The Commissioners will attend.
8. Commissioners received a copy of a note of appreciation written to the Driver's License Office for the excellent service they received at the Harvey County Driver's License Office.
9. The Commissioners received a picture of the new sign that has been installed at the South Pine address of the co-location of Prairie View, Health Ministries, and the Harvey County Health Department.
10. Sheriff T. Walton will conduct a meeting of the departments in this building on Tuesday, April 2 to discuss security concerns in the courthouse. There was another incident at the Driver's License Office last week where law enforcement had to be called in. Discussion was held regarding the bill that is before the legislature that affects courthouse security.
11. Kevin Cowan, Bond Counsel, spoke to the Commissioners about the IRB's that are being issued by the County for Schowalter Villa and Kidron Bethel who have merged. The bonds are refinancing bonds for both facilities. The bonds were initially expected to close in late December, but are now scheduled to close on April 11. Transaction documents such as trust indentures, the base lease (to the County), closing certificates, and notices to be filed with the Register of Deeds Office will need to be signed by the Chairman of the Commission. There is no liability for the County other than pledging that Kidron Bethel and Schowalter Villa will make the lease payments.
12. Jim Meier, Road & Bridge Superintendent, reported that he will meet with BNSF Railroad representatives regarding the traffic safety study that was done at the intersection of BNSF and NE 48<sup>th</sup> Street where a fatality accident occurred last fall. The meeting is scheduled for Wednesday, April 3 at 11:00 a.m. at the intersection.

13. Sheriff T. Walton reported that his department worked with the State Attorney General's Office last Friday on a fraud case in Harvey County involving scams on elderly people. One individual was arrested and is now at the Detention Center. The AG's Office was very impressed with the talent and skills of the officers in the Sheriff's Office. T. also reported that a marijuana growing operation of about 30 to 35 plants was shut down.
14. Byron Warta reported that the Kansas Water Authority will hold their annual meeting in the basement of the Courthouse at 1:00 p.m. on May 16, 2013. In addition to the 12 members of the Water Authority, the Governor's cabinet will also attend. He also reported that the 2<sup>nd</sup> stage of the runway reconstruction is now underway.
15. Anthony Swartzendruber presented the sales tax report for the month of March which reflects the January collections. The report indicates an increase of 11.56% for the first quarter as compared to the same period in 2012. He also reported that he is working with West Park to get a different credit card vendor that will be less costly for the County.
16. Commissioner Krehbiel asked Byron Warta whether the State Water Authority was monitoring water issues caused by fracking and the injection of water into waste water wells. KDHE has been working with the Kansas Department of Commerce on testing of ingoing and outgoing water. So far, everything that has been tested is below standard parameters set by the State. The major oil companies, Sandridge, Shell, and Chesapeake have been fully cooperating with the State Water Authority. There are some smaller oil companies that the State is watching fairly closely.

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

No items were presented during Citizen's Forum.

Warrant checks in the amount of \$56,221.65 were approved upon a motion by Commissioner Krehbiel, seconded by Commissioner Hague. Motion passed unanimously.

The Commission recessed for a short break.

Carl Eyman, Deputy Administrator and Loss Prevention Manager with KWORCC, presented the worker's compensation loss history for Harvey County. The report indicates that Harvey County has a 32% loss ratio, which for an organization of this size is fairly good. The National Council of Compensation Insurance has developed experience mods for counties. The Harvey County experience mod is very good. The mods are developed using three years loss history and every year the older year drops off and the most recent year's loss history is added. In 2013 Harvey County's mod jumped from 90 to 104, based on losses for the years 2009, 2010, and 2011. Although there were no employee names revealed, the Commissioners received a list of claims for the years 2006 to 2012. Anthony requested that KWORCC provide documentation that explains a 33% increase in work comp rates for the County. KWORCC will also run a report on adding a deductible to see if it would save the County any money.

Marianne Eichelberger, Director of the Newton Public Library, gave the 2012 annual report for the Library. Functions and services provided by the library were enumerated. She thanked the Commission for their support of the Enlite Program which provides large print books and home delivery for patrons in Newton and North Newton. County funding pays for 2 part-time aides that work with this program. There are eighteen other volunteers that also work with this program. There was a 4% increase in the use of the program in 2012. The library averaged almost 2,900 people using the library every week.

Mickey Fornaro-Dean, Director of the Harvey County EDC, and Stan Brodhagen gave a presentation regarding an initiative to draw German industry to the Kansas Logistics Park. Because of his prior contacts and relationships with the German/American Business Council, Mr. Brodhagen is planning to attend four German Trade Shows, one in Washington D.C. and the remaining three in Germany. An EDC representative will also attend the four trade shows. Thirteen private companies have contributed funding for this initiative. For this public/private partnership, although Mr. Brodhagen is not requesting any compensation for his services, the request is that the County pays his airfare and lodging, not to exceed \$15,000 for all four trade shows. Also requested are airfare and hotel expenses for the EDC representative for all four trade shows. Commissioner Westfall suggested that 50% of the funding be authorized and then re-evaluate whether the last two trips are necessary.

At 11:38 a.m. Commissioner Hague made a motion to go into executive session for a period of 7 minutes to discuss economic development with EDC representatives. Commissioner Krehbiel seconded the motion and it was passed unanimously. Also in attendance for the session were Counselor Greg Nye, Anthony Swartzendruber, John Waltner, Joyce Truskett, Mickey Fornaro-Dean, and Stan Brodhagen. Executive session ended at 11:45 a.m. with no action being taken.

Further discussion was held regarding the German Initiative. Commissioner Hague made a motion to fund a trip to Washington DC and a trip to Germany for Mr. Brodhagen and a trip to Washington DC for an EDC representative, in an amount not to exceed \$6,000 with a full disclosure of expenses presented following the trips. Commissioner Krehbiel seconded the motion. The motion did not pass by a vote of 1 aye and 2 nay.

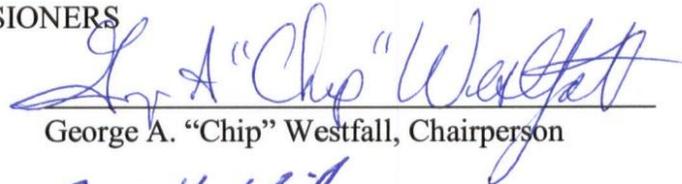
Chairman Westfall suggested language that could be used for a new motion. Commissioner Krehbiel made a motion for the County to support the German Trade Initiative as presented, which includes funding for airfare and hotel expenses for Stan Brodhagen to travel to one trade show in Washington DC and three trade shows in Germany, not to exceed an amount of \$15,000, with payments to be made as reimbursements of actual expenses after each trip. The Initiative will be reviewed and evaluated after the first two trips, with the County reserving the right to cancel the program at that time. Commissioner Hague seconded the motion and it was passed unanimously.

Judge Richard Walker addressed the Commission to inform the Commission that HB 2285 which would allow the carry of concealed weapons in courthouses. The bill has now been amended by the Chief Justice of the Supreme Court to allow court judges the authority to ban concealed carry only during trials that have an armed guard present.

At 12:15 p.m. Commissioner Krehbiel made a motion to go into executive session for a period of 10 minutes to discuss attorney/client privilege. Commissioner Hague seconded the motion and it was passed unanimously. Also in attendance for the session were John Waltner, Anthony Swartzendruber, Counselor Greg Nye, and Joyce Truskett. Executive session ended at 12:25 p.m. with no action being taken.

The meeting was adjourned at 12:30 p.m.

BOARD OF HARVEY COUNTY COMMISSIONERS

  
George A. "Chip" Westfall, Chairperson

  
Ron Krehbiel, Member

  
Randy Hague, Member

ATTEST:

  
Joyce Truskett, County Clerk

