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# HARVEY COUNTY NOW

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## Newton seeking bids for former Dillons demo

BY ADAM STRUNK  
HARVEY COUNTY NOW STAFF

NEWTON—The City of Newton might not yet have a clean up agreement from BNSF, but it's requesting bids to tear down the former Dillons building it owns at 320 N. Main.

The city commission voted 4-0 at its July 8 meeting to direct staff to issue a request for proposals to tear down the building. The proposals will be due July 30.

"I think it's wise to parallel the end of the negotiation process with BNSF to going through with this bid," Commissioner Rod Kreie said.

The city would have the option to accept or reject all bids for the project when the proposals come in.

At its past meeting, it tabled an agreement with BNSF for site cleanup with little explanation as to why it was unready to sign the contract.

The contract did not make an appearance at Tuesday's meeting.

BNSF is responsible due to past agreements for pollution mitigation on the site of the former Dillons building.

The soil on the property is polluted with hydrocarbons from fuel spills at the nearby railroad track over the years.

The soil has to be removed separately.

While BNSF is responsible for the pollution mitigation, the city has



Kreie

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MAIL LABEL

## County puts a moratorium on BESS

BY BILL BUSH  
HARVEY COUNTY NOW STAFF

Harvey County Commissioners approved a resolution to put a moratorium on battery energy storage systems (BESS) until Jan. 1, 2028, to give the planning commission time to review the

topic and update regulations.

Planning Commission Director Karen Rothe requested the moratorium, because she has been approached by several people about BESS and stated that some of the county's regulations are unclear.

"With it being such a hot topic,

I really believe we need to go in and look at our regulations and make sure that we are headed in the direction that the county wishes to handle those," Rothe told commissioners Tuesday morning. "There are some unclear areas of our regulations. When we redid the renewable

energy, standalone was not at the forefront of what we were looking at. We were looking at the wind and the solar."

She said the technology is changing quickly.

"I think we just need some

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PHOTOS BY WENDY NUGENT/HARVEY COUNTY NOW  
Newton resident Dave Anderson works on part of his 1930 Mortier Dance Organ he keeps in rural Walton. It's in a variety of pieces right now, some of which are in the background.

## Honing his craft

### Dance organ project a passion for Newton man

BY WENDY NUGENT  
HARVEY COUNTY NOW STAFF

WALTON—Dave Anderson mainly just stared at the 22-foot-wide Mortier Dance Organ when he first got it.

"What am I going to do with it?" he wondered.

The Newton resident said there are only a handful of such organs in the United States.

His organ, which he acquired in November 2022, was built in 1930 in Belgium. It has 121 keys and plays like a player piano and plays drums, xylophone and pipes.

"There are different ranks of pipes that make different sounds," Anderson said.

It's mainly pipes and percussion.

"My understanding is they'd haul it around," Anderson said, sitting in his rural Walton building where the organ is stored. "They'd set it up under a tent and have dances. It was in Belgium."

Then, that organ made its way to California and had a few different owners.

"I think two," Anderson said about the owners. "It may have been more."

The last guy who owned it passed away, and the organ was in a storage unit, Anderson said. The owner's brother contacted one of Anderson's



Dave Anderson of Newton looks over the back of the Mortier Dance Organ he has in a building in rural Walton.

friends in California, and he said if Anderson's friend took over the projects in the storage unit, he could have anything in there.

"My friend was able to sell some instruments that were in the storage until, but he couldn't sell the Mortier because it was so big," Anderson said. "He told me I could have it."

Anderson's friend knew Anderson had a large building, and all he had to do was pay for shipping.

And now he's working on restoring the instrument.

When he got it, much of it was disassembled, but most of

it was there, he was told.

Goessel resident Jerry Toews, who gets donated vehicles ready for the Menonite Central Committee annual sale and has a collection of steam tractors, said that before he's in the ground, he'd like to see it restored. He advised Anderson to start working on it at 6 a.m. every day and get it finished.

"Honestly, I don't do that," Anderson said. "It motivated me to work on it. It was such a daunting project, I didn't know where to start."

The organ, Anderson said, is

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## Second attempt planned after petition is denied

BY BILL BUSH  
HARVEY COUNTY NOW STAFF

HALSTEAD—The No BESS group has received word that their petition could not be certified by Harvey County Clerk Rick Piepho because he couldn't verify the signatures were valid, as he stated in a letter to Halstead City Clerk Julie Wait.

Piepho stated: "While we can confirm the registration status of the signers, none of the pages or individual signature entries include a date indicating when the signature was collected. As a result, we cannot confirm whether the individuals were registered voters at the time of signing or whether the signatures were gathered within the 180-day window required by statute."

Kevin Henderson, who organized the petition, spoke at the Harvey County Commission meeting. His contention with Piepho's decision is that Piepho cited the requirement from K.S.A. 25-3601, and Henderson pointed out that the statute states, "When any other statute imposes specific requirements which are different from the requirements imposed by K.S.A. 25-3601 et seq., and amendments thereto, the provisions of the specific statute shall control."

Henderson argues that K.S.A. 12-3013, which he used to submit the petition, has specific requirements, and they followed them, including the requirement to submit the signatures to the city clerk.

He said that county commissioners stated on April 29 that a proposed battery energy storage system was a city issue and not a county issue, and the county didn't have jurisdiction. He requested that the county return the signatures to the Halstead City Clerk for validation.

"For some reason that we don't know, the petition and

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Piepho



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