

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, February 13, 2007**

Commission Chairman Randy Waldorf called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Will Carpenter, Commissioner Jeff Masterson, Commissioner Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges.

**ITEM #1 – RECEIVE KELLY HAWORTH TO DISCUSS TEMPORARY USE OF CULVERT**

Kelly Haworth came before the Board to discuss temporarily using his property to store building materials for Nations Construction. To access the proposed site, a gravel road will need to be constructed. A site plan was presented that included two options. Option one proposes accessing the property off of SW 100<sup>th</sup> St. on the North, which requires temporary usage of a culvert. Option two uses the existing driveway to access the area without installing a culvert. Mr. Haworth is proposing to build a 60 x 60 foot gravel pad for a 40 ft self contained box container to store items such as windows, copper tubing, lumber, or steel. He indicated that no chemicals would be stored on the site. Mr. Haworth has compiled a list of all the residents within 1,000 ft. of the property. All of the adjoining property owners, except one, gave Mr. Haworth authorization to proceed with the plan. One person disapproved of the plan with concerns that open-air storage of lumber would attract vermin such as rats and snakes. This area of Mr. Haworth's property hasn't been utilized or mowed for 7 years, and suggested that this would improve the property and remove grass that may attract vermin.

The construction company will be meeting tomorrow, and Mr. Haworth said they would like to have a decision by then. Commissioner Waldorf is concerned about the zoning since the property is currently zoned rural residential, and Rod Compton, Director of Planning and Zoning said this would change the zoning to commercial.

Darryl Lutz, Director of Public Works, said it is Butler County's policy to restrict accesses to one per tract along major county roads. Mr. Lutz said too many entrances pose a maintenance problem and are looked upon as obstacles and obstructions.

Mark Detter, Assistant Administrator/Finance Director, said the neighbor who is objecting to this project would like to have another week to gather information in order to address the Board since she was informed about this only two days ago on Sunday.

Commissioner Carpenter said we don't want people concerned about not being able to go through the regular planning process.

Commissioner Woydziak stated that he has a problem putting a storage facility in a residential area and doesn't think two days notice is enough notice to surrounding property owners.

Commissioner Wheeler added that he didn't want to be rushed in making this decision.

Commissioner Waldorf voiced concerns about the process, and the fact that the Planning and Zoning Department did not have control of the information that was given to the homeowners.

Commissioners Woydziak and Waldorf commended Mr. Haworth for putting together a lot of information within a short period of time.

Administrator Johnson suggested treating this like a public hearing and asked Rod Compton to send out notices this week and schedule a public hearing to be on the agenda in two weeks.

***Commissioner Woydziak motioned to table the authorization permit for temporary use for two weeks and have staff send out notice to all property owners within 1,000 feet to give notice that we will take public comments on Tuesday, February 27, 2007. Commissioner Carpenter seconded the motion. Motion carried 5-0.***

Mr. Ray Connell, with the law firm of Connell and Connell, came before the Board to discuss the Conditional Use Permit (CUP) for Mr. Turpin, owner of Pro-Kleen. Mr. Turpin contacted Rod Compton and said he didn't realize the CUP would prohibit him from any outside sandblasting. At times Mr. Turpin will need to sandblast outside, and suggestions were made to include wind screen fencing.

Commissioner Waldorf believed the Board's intent was not to prevent Mr. Turpin from outdoor sandblasting but to avoid problems the sandblasting was causing for the county shop and the neighbor. The Board agreed. Commissioner Waldorf asked Rod Compton to modify the CUP to clarify that outside sandblasting is allowed and return to the Board for signature.

Mr. Ray Connell suggested the following language be included in modifying the CUP: all sandblasting shall be confined to an area screened to the north with a windscreen fence no less than 10 feet tall. Landowner shall exercise due diligence to minimize effect of any sandblasted material leaving the landowner's property.

**ITEM #2 – CONSIDER APPROVAL OF RESOLUTION NO. 07-02 URGING THE FEDERAL AND STATE GOVERNMENT TO RETAIN DRIVERS' LICENSE RENEWALS AT THE LOCAL LEVEL**

Will Johnson, Jr., County Administrator, came before the Board for approval of Resolution No. 07-02 urging the federal government to retain drivers' license renewals at the local level. This is a resolution of support only to be sent to our federal representatives and has no binding action of the County Commission.

***Commissioner Masterson motioned to approve Resolution No. 07-02 urging the federal government to retain drivers' license renewals at the local level. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

**ITEM #3 – CONSIDER APPROVAL OF CONTRACT BETWEEN PREFERRED HEALTH SYSTEMS AND THE BUTLER COUNTY HEALTH DEPARTMENT FOR AN ADDENDUM TO CONTRACTING PROVIDER AGREEMENT LEASED NETWORK DESIGNATED FEE SCHEDULE AND ALLOW THE CHAIR TO SIGN**

Carol Borger, R.N./Administrator, Butler County Health Department, came before the Board for approval of the contract between Preferred Health Systems and the Butler County Health Department. This agreement allows the Health Department to bill for services provided with the new payers selected by the State of Kansas for Medicaid recipients.

*Commissioner Wheeler motioned to approve the contract between Preferred Health Systems and Butler County Health Department for Addendum to Contracting Provider Agreement Leased Network Designated Fee Schedule and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #4 – CONSIDER APPROVAL OF CONTRACT BETWEEN KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND BUTLER COUNTY HEALTH DEPARTMENT AS THE FISCAL AGENT FOR WICHITA AREA CITIES READINESS INITIATIVE AND ALLOW THE CHAIR TO SIGN**

Carol Borger, R.N./Administrator, Butler County Health Department, came before the Board for approval of the contract between Kansas Department of Health and Environment and Butler County acting as fiscal agent for Wichita Area Cities Readiness Initiative. The Cities Readiness Initiative is new to the Wichita Metropolitan Statistical Areas (MSA) and will benefit all of the approximately 750,000 people living and working in our MSA should there be a need for mass pharmaceutical distribution.

*Commissioner Wheeler motioned to approve the contract between the Kansas Department of Health and Environment and the Wichita Area Cities Readiness Initiative and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**RECESS**

Commissioner Waldorf recessed the Board meeting at 10:05 a.m. for 5 minutes.

**RECONVENE**

Commissioner Waldorf reconvened the Board meeting at 10:10 a.m.

**ITEM #5 – CONSIDER APPROVAL OF THE PURCHASE OF A REPEATER FROM MOBILE RADIO SERVICES**

Chris Davis, 9-1-1 Director, came before the Board for approval to purchase a repeater from Mobile Radio Services to replace the Command channel repeater that has stopped functioning. Mr. Davis said parts are scarce, but it is possible to repair it. He strongly discouraged that option because we would end up getting used parts from e-bay. Commissioner Waldorf asked if parts from the old repeater could be sold. Mr. Davis said that could be possible. Following are the bids received: First Wireless/D&D Communications for \$7,108.00 and Mobile Radio Service for \$6,940.01.

Commissioner Waldorf inquired as to what happens to this repeater when the new system is installed. Mr. Davis said the existing repeaters could be used for ancillary purposes in transmitting data or weather warnings.

*Commissioner Woydziak motioned to approve replacing the Command channel repeater and authorize the Director of Emergency Communications to purchase the 100-watt repeater from Mobile Radio Services for an amount not to exceed \$6,940.01. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM #6 – RECEIVE AND OPEN BIDS FOR 2007 PC, LAPTOP, AND MONITOR REPLACEMENT**

Scott Stoskopf, Computer Services Director, came before the Board to receive and open bids for 2007 PC, Laptop, and Monitor replacement. Bids were sent out to 14 vendors and responses were received from Cybertronic PC, Gateway Computers, and Dell.

*Commissioner Woydziak motioned to have Computer Services take the received bids and check them for compliance and tabulation and return next week with a recommendation. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM # 7 – CONSIDER APPROVAL OF RESOLUTION GRANTING WAIVER FROM GAAP STATUTORY REPORTING REQUIREMENTS FOR THE 2006 FINANCIAL STATEMENTS**

Mark Detter, Assistant Administrator/Finance Director, came before the Board for approval of a resolution granting waiver from Generally Accepted Accounting Principles (GAAP) Statutory reporting requirements for 2006.

*Commissioner Woydziak motioned to approve Resolution No. 07-03 which waives the obligation of Butler County to prepare financial statements in accordance with the GAAP requirements for the 2006 financial statements. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM # 8 – CONSIDER APPROVAL OF RESOLUTION GRANTING WAIVER FROM GAAP STATUTORY REPORTING REQUIREMENTS FOR THE 2007 FINANCIAL STATEMENTS**

Mark Detter, Assistant Administrator/Finance Director, came before the Board for approval of a resolution granting waiver from GAAP Statutory reporting requirements for 2007.

*Commissioner Waldorf motioned to approve Resolution No. 07-04 which waives the obligation of Butler County to prepare financial statements in accordance with the GAAP requirements for the 2007 financial statements. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #9 – CONSIDER APPROVAL OF PROPOSAL FROM WICHITA CANTEEN FOR VENDING MACHINE PLACEMENT AND SERVICE**

Will Johnson, Jr., County Administrator, came before the Board for approval of vending machine placement and service for the Courthouse and East Annex. Proposals were received from Vending Service, Inc. of El Dorado and Wichita Canteen Company of Wichita. Both companies met the needs requested, however, Wichita Canteen offered a broader selection of items and a higher commission on items sold. Revenue generated as a result of these machines will continue to be deposited in the employees association fund. Commissioner Wheeler said Vending Services offered 10% commission because he said if he put in a cold food vending machine that he would take it out in 60 days because there isn't enough traffic to keep it. Commissioner Carpenter said he is always going to go with the local guy because he pays taxes here in Butler County.

*Commissioner Carpenter motioned to approve Vending Services, Inc. for vending services in the courthouse and east annex with 10% commission on products sold except for the items in cold food vending and allow the County Administrator to negotiate an agreement on behalf of Butler County. Commissioner Wheeler seconded the motion. Motion was denied 2-3. Commissioners Masterson, Waldorf, and Woydziak voted no.*

*Commissioner Woydziak motioned to approve a proposal from Wichita Canteen for vending machine placement and service with 15% commission on products sold including cold food vending, and allow the County Administrator to negotiate the agreement on behalf of Butler County. Commissioner Masterson seconded the motion. Motion carried 3-2. Commissioners Carpenter and Wheeler voted no.*

**ITEM #10 – CONSIDER TERMINATION OF THE CURRENT 9-1-1 AGREEMENT WITH THE CITY OF EL DORADO AS A RESULT OF MANIFEST INJUSTICE AND RENEGOTIATION OF A NEW AGREEMENT**

Will Johnson, Jr., County Administrator, came before the Board for termination of the current 9-1-1 agreement with the City of El Dorado as a result of manifest injustice and renegotiation of a new agreement. Commissioner Wheeler was not in agreement with the format of the letter.

*Commissioner Woydziak motioned to cancel the current 9-1-1 agreement with the City of El Dorado as a result of manifest injustice. Commissioner Carpenter seconded the motion. Motion carried 4-1. Commissioner Wheeler voted no due to the language in the termination letter.*

**APPROVAL OF ADDS AND ABATES**

*Commissioner Wheeler motioned to approve Adds & Abates # 2292 dated February 13, 2007. Abates in the amount of \$21,748.66 and Adds in the amount of \$1,824.48. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**OTHER ITEMS OF BUSINESS TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS**

Commissioner Woydziak received a benefits update from PPK insurance company, which indicated facilities that are not covered in the Wichita area. Commissioner Woydziak inquired about requesting other facilities to be covered under PPK. Administrator Johnson said we would be going out for health care bids in 2008.

Commissioner Waldorf inquired as to who would be attending the CERT dinner on Tuesday, March 13, 2007 at Prairie Rose. Commissioners Carpenter, Waldorf, Masterson, Woydziak, and Wheeler will be attending.

Administrator Johnson informed the Board of the Basic Assessment and Taxation in Kansas class PVD is conducting for Butler County. The class will be on Thursday, March 1, 2007 at the EMS Building. Commissioners Carpenter, Masterson, and Wheeler have an interest in attending.

Administrator Johnson said the Appraiser has been asked to set up a website demo to purchase and possibly sell the rights to use the website to real estate agents, appraisers, or title companies. Administrator Johnson inquired about reviewing Department Head performance appraisals. The Vice Chair, Commissioner Carpenter, will review the appraisals.

Commissioner Waldorf reminded the Board that the County offices will be closed, and there will be no commission meeting on Monday, February 19, 2007 in order to observe President's Day.

**ADJOURNMENT**

*Commissioner Wheeler motioned to adjourn the meeting at 11:10 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.*