

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, July 31, 2007

CALL TO ORDER

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 Reporter Tammy Bridges.

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Monday, July 23, 2007 and Tuesday, July 24, 2007 as written. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #1 – RECEIVE BIDS FOR THE MENTAL HEALTH OFFICE IN AUGUSTA

Mark Detter, Assistant Administrator/Finance Officer, introduced Bill Morris, Architect, who came before the Board to discuss the Mental Health Office in Augusta. Bids were received from:

Craig Sharp Homes, Inc., Augusta, KS	\$ 849,890
Sutherland Builders, Wichita, KS	\$1,148,000
Pinnacle Builders, Wichita, KS	\$ 935,000
Descon, Inc., Goddard, KS	\$1,116,300

Commissioner Woydziak motioned to receive the bids and direct staff to compile and return with a recommendation. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Mr. Morris stated that the architect's estimate was \$750,000 to \$800,000.

ITEM #2 – RECEIVE CHUCK BOULLY TO DISCUSS ISSUES RELATED TO BOND ISSUANCE THROUGH PUBLIC BUILDING COMMISSION FOR NEW MENTAL HEALTH CENTER

Chuck Bouilly, George K. Baum, came before the Board to discuss possible finance options for the purpose of constructing the new Mental Health Office in Augusta. The first option is General Obligation Bonds that would apply against the debt limit and the second option is the Public Building Commission (PBC), which does not apply to the debt limit. The Board decided to proceed through the PBC. No action was taken.

ITEM #3 – CONSIDER APPROVAL OF REQUEST BY CHARLES E. HOBBS AND CELLULAR NETWORK PARTNERSHIP FOR A CONDITIONAL USE PERMIT TO ERECT A GUY WIRE SUPPORTED TELECOMMUNICATIONS TOWER (CU-07-07) (RESOLUTION No. 07-28)

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Charles E. Hobbs on behalf of Cellular Network Partnerships for a Conditional Use Permit to construct a guy wire supported communications tower 260 feet in height located at the intersection of SE Turkey Creek Rd. and SE 90th Street. Mr. Compton pointed out that there is an existing tower one mile away at Highway 77 and SE 90th Street. David Buskirk, Cimarron Land Services, came before the Board and said there are already two carriers on that tower, and at 180 feet, it is

not tall enough to communicate with the towers in Augusta and Beaumont. Mr. Buskirk stated that the proposed tower could not be increased in height because it is in the approach to the El Dorado Airport.

The Planning Commission recommended approval of the proposed communications tower by a 5-0 vote with the following conditions: (1) Reservation of space at the top of the tower for 911 transmitter, (2) Required removal of tower within 60 days following a twelve month period during which the tower has been unused, (3) Submittal of bond to cover the cost of removal. Said bond shall be in an amount that equals the estimated cost of removal plus 50 percent, (4) That all appropriate approvals be obtained from the FAA, (5) Any violation of these conditions shall declare CU-05-07 null and void, (6) The tower must be erected within one year of the date of issuance of a building permit or the bond will be forfeited and the Conditional Use Permit will be revoked, and (7) The tower must be constructed on the site as delineated by the submitted site plan.

Commissioner Wheeler motioned to approve the request by Charles E. Hobbs and Cellular Network Partnership for a Conditional Use Permit to erect a guy wire supported telecommunications tower 260 feet in height on property located north of the railroad right of way in the Northwest Quarter of Section 19, Township 27 South, Range 6 East of the 6th P.M., Butler County, Kansas, subject to the conditions noted above; and authorize the Chair to sign Resolution No. 07-28. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF REQUEST BY RALPH W. BURNHAM ON BEHALF OF RICHLAND TOWNSHIP FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A 60’ X 100’ METAL BUILDING TO BE USED FOR TOWNSHIP PURPOSES (CU-07-08) (RESOLUTION NO. 07-29)

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Ralph Burnham and Richland Township for a conditional use permit to construct a 60’ x 100’ metal building to store township maintenance equipment. Mr. Burnham owns the property, and is donating the land. This request will require no expenditure of county funds, and was approved by the Planning Commission by a 5-0 vote.

Commissioner Woydziak motioned to approve the request by Ralph Burnham and Richland Township for a Conditional Use Permit to establish a township maintenance building and material storage area on the following described property and authorize the Chair to sign Resolution No. 07-29. The property is described as: Beginning at a point approximately 760 feet west of the southeast corner of the Southwest Quarter of Section 10, Township 29 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence West approximately 230 feet; thence North approximately 378 feet; thence East approximately 230 feet; thence South approximately 378 feet to the beginning. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER APPROVAL TO ACCEPT THE DEDICATIONS SUBMITTED FOR THE DUWAYNE KERR LOT SPLIT AND ALLOW THE CHAIR TO SIGN THE DEDICATION DOCUMENT (CASE NO. PL-07-06)

Rod Compton, Planning and Zoning Director, came before the Board for acceptance of the dedications for the DuWayne Kerr lot split. The property contains approximately 28 acres and is located at the southwest corner of SW Prairie Creek Rd. and School St. on the east edge of the

City of Rose Hill. This property was platted into two lots known as Kerr Subdivision and Mr. Kerr is proposing to split Lot 1 into two parcels. One parcel would contain his residence and 14.8 acres and the other would contain 13.49 acres. The Planning Commission approved this lot split by a 6-0 vote. The County Engineer and the Rose Hill City Administrator have determined that the only dedication of right of way that is needed is 35 feet for School Street.

Commissioner Woydziak motioned to accept the dedications submitted for the DuWayne Kerr lot split survey and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL OF REQUEST BY CURTIS SOMMERS TO REZONE APPROXIMATELY 2 ACRES FROM AG-40 TO R RESIDENTIAL (CASE NO. RZ-07-04) (RESOLUTION NO. 07-26)

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Curtis Sommers to rezone property from Ag-40 to R Residential. Mr. Sommers owns approximately 15.5 acres and is requesting approval to rezone approximately 2 acres to separate the existing residence from the rest of the property. Mr. Compton noted that he received letters from the cities of Rose Hill and Towanda stating that they are not opposed to this request.

Commissioner Carpenter motioned to approve the request by Curtis W. Sommers to rezone the following described property: Beginning at a point approximately 1,328 feet South and 618 feet West of the Northeast Corner of the Southwest Quarter of Section 9, Township 26 South, Range 4 East of the 6th P.M., Butler County, Kansas; thence North approximately 520 feet; thence Southwesterly along a natural drainage channel to a point that is approximately 1,037 feet west of the East line of the Southwest Quarter of Section 9; thence South approximately 198 feet; thence East approximately 419 feet to the beginning, and authorize the Chair to sign Resolution No. 07-26. Commissioner Wheeler seconded the motion. Motion carried 5-0.

RECESS

Commissioner Waldorf recessed the Board meeting at 9:55 a.m. for 5 minutes.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:00 a.m.

ITEM #7 – CONSIDER APPROVAL OF REQUEST BY DAN AND JOY GRIMSLEY TO REZONE APPROXIMATELY 40 ACRES FROM AN AG-80 CLASSIFICATION TO AN AG-40 CLASSIFICATION (CASE NO. RZ-07-06) (RESOLUTION NO. 07-27)

Rod Compton, Planning and Zoning Director, stated that the applicants have requested a continuation of this matter until August 21, 2007.

Commissioner Wheeler motioned to postpone this agenda item until August 21, 2007. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Rod Compton, Planning and Zoning Director, presented a plat for Lipscomb Acres 2nd Addition and asked for acceptance of dedication of 40 feet of right of way on Hunter Rd.

Commissioner Carpenter motioned to approve the dedication of 40 feet of right of way on Hunter Road. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #8 – RECEIVE AND OPEN BIDS FOR THE PURPOSE OF AN AGGREGATE MATERIALS CONVEYOR/STACKER FOR HIGHWAY DIVISION – 10:00 A.M.

Darryl Lutz, P. E., Director of Public Works, came before the Board to receive and open bids for the purchase of an aggregate materials conveyor/stacker for the Highway Division. The Public Works Department is renting a conveyor/stacker this summer due to the large quantity of cold mix asphalt material being produced. Bids were received from Berry Tractor in the amount of \$35,750; and G. W. Van Keppel presented two bids, one in the amount of \$24,127 for a new unit and one in the amount of \$16,746.95 for a rental purchase.

Commissioner Carpenter motioned to accept the bids and allow the Director of Public Works to tabulate them and return with a recommendation. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #9 – RECEIVE AND OPEN BIDS FOR 4.2 MILES OF BITUMINOUS SURFACING WORK ON SW SANTA FE LAKE ROAD BETWEEN US 400 AND THE KTA OVERPASS – 10:00 A.M.

Darryl Lutz, P. E., Director of Public Works, came before the Board to receive and open bids for 4.2 miles of bituminous surfacing work on SW Santa Fe Lake Rd. between US-400 and the KTA overpass. Bids with bid bonds were received from:

APAC-Kansas, Wichita, KS	\$683,337.76
LaFarge North America, Wichita, KS	\$694,398.28
Cornejo & Sons, Wichita, KS	\$931,741.40

Mr. Lutz noted that the Engineer’s estimate was \$825,332.

Commissioner Wheeler motioned to accept the bids for Project No. BC 853(15-19) 06 for milling and bituminous surfacing work on 4.2 miles of SW Santa Fe Lake Rd. between US 400 and the KTA overpass and to direct the Director of Public Works to tabulate the bids and to return at a later time with a recommendation for award. Commissioner Masterson seconded the motion. Motion carried 5-0.

Darryl Lutz recommended awarding the bid for the conveyor/stacker to G. W. Van Keppel in the amount of \$16,746.95.

Commissioner Woydziak motioned to approve the purchase of the conveyor/stacker from G. W. Van Keppel in the amount of \$16,746.95. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #10 – WORK SESSION – RECYCLE TASK FORCE STATUS OF PLANNING WORK

Darryl Lutz, P. E., Director of Public Works, came before the Board to discuss the Recycle Task Force. Mr. Lutz spoke about not mandating the cities to participate, but would rather the communities voluntarily take part in the recycling program. Two cost models were presented, one for the actual operation of a processing and recycling center and warehouse and the other one for curbside recycling. Mr. Lutz said the cost for the building, operating a residential curbside program, and a commercial program, would be approximately \$1.5 million per year (presuming to use the existing El Dorado facility with an upgrade and extension). There was discussion

regarding a fee schedule and generating additional revenues to pay for the program. No action was taken.

ITEM #11 – CONSIDER APPROVAL OF TOW ROTATION POLICY AND PROCEDURES

Chris Davis, 911 Director, came before the Board for approval of the Tow Rotation Policy and Procedures. The Board discussed the fee schedule and requested County Counsel Norman Manley to come before the Board to discuss this matter. No action was taken.

APPROVAL OF VOUCHERS

Commissioner Woydziak motioned to approve the vouchers for July 31, 2007 in the amount of \$701,882.66. Commissioner Carpenter seconded the motion. Motion carried 5-0.

APPROVAL OF ADDS AND ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2314 dated July 31, 2007. Adds in the amount of \$457.26 and Abates in the amount of \$80,224.94. Commissioner Masterson seconded the motion. Motion carried 5-0.

RECESS

Commissioner Waldorf recessed the Board meeting at 10:45 a.m. for 5 minutes.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:50 a.m.

Sheriff Craig Murphy came before the Board for approval to replace the equipment that records the information from the cameras at the jail. There was a death at the jail in June and in the interest of protecting the county, the equipment had to be pulled for use as evidence in court. In the meantime, new cameras are needed. The cost to replace this equipment is \$24,305.94. Sheriff Murphy noted that there is a technology phone grant for \$10,000 that could be used for the camera system, which would bring the price to \$14,305.94 to be paid out of the Sheriff Budget. Commissioner Carpenter asked about going out for bids for the equipment. Sheriff Murphy said if we go out for bids, we probably would have to change the whole system and money has already been spent to wire the cameras into the DVR's.

Commissioner Woydziak motioned to authorize the expenditure not to exceed \$25,000 to replace the recording system at the jail with the understanding that there is a grant for \$10,000 and the remainder will come out of the Sheriff's Capital Budget. Commissioner Masterson seconded the motion. Motion carried 4-1. Commissioner Carpenter voted no because there was no bidding process.

Sheriff Murphy informed the Board that the fence around the perimeter of the jail was cut in an attempt to break someone out of jail. Sheriff Murphy said we would need to address perimeter lighting. Capt. Galen Whitaker noted that he walks the perimeter fence once or twice a week, inside the fence and outside the fence.

ITEM #12 – ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS OF NON-ELECTED PERSONNEL

Commissioner Woydziak motioned to recess the Board to Executive Session at 11:20 a.m. for 20 minutes, with the public session resuming at 11:40 a.m., to discuss personnel matters of non-elected personnel to protect the privacy of an individual/employee who is non-elected.

Commissioner Carpenter seconded the motion. Motion carried 5-0. Those in attendance were Commissioners Carpenter, Masterson, Waldorf, Wheeler, Woydziak, County Administrator Will Johnson, and Sheriff Craig Murphy.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 12:15 p.m.

There was no action as a result of Executive Session.

ITEM #13 – CONSIDER APPROVAL OF PUBLICATION OF THE 2008 BUTLER COUNTY BUDGET

Administrator Johnson came before the Board for approval of the publication of the 2008 Butler County Budget. Administrator Johnson said this budget reflects a mill levy of 35.723, which is what the certified mill levy was for last year. This budget shows a 5.2% increase that includes a 1.5% Cost of Living Allowance (COLA).

Commissioner Woydziak motioned to approve the publication of the 2008 Butler County Budget as presented. Commissioner Wheeler seconded the motion. Motion carried 3-2. Commissioner Masterson and Carpenter voted no.

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

Commissioner Carpenter and the Board discussed the cell tower regulations and directed staff to schedule a meeting with Planning and Zoning and the cell phone companies.

Commissioner Carpenter said the 4-H auction is Wednesday, August 1, 2007 at 7:00 p.m. Commissioner Waldorf discussed sending a letter of opposition to the federal representatives requesting that they vote no on HB 811 regarding election changes.

Administrator Johnson said he had a request from Fire District #7 to go out to bid to replace a 1983 tanker truck. Bids were received from: Emergency Fire Equipment for \$134,314 for a new tanker truck; and Wise Fire Safety Equipment for \$93,800 for a new chassis and refurbishing the existing tank.

Commissioner Masterson motioned to approve the bid from Wise Fire Safety Equipment for an amount of \$93,800. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 12:45 p.m. Commissioner Masterson seconded the motion. Motion carried 5-0.