

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 1, 2007

Commission Vice Chairman Will Carpenter called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Randy Waldorf was absent in order to attend his daughter's awards program.

ITEM #1 – CONSIDER TABLED CONDITIONAL USE PERMIT FOR A 300-FOOT TALL WIRELESS COMMUNICATIONS TOWER IN THE AG-80 ZONING DISTRICT
Rod Compton, Planning & Zoning Director, came before the Board for approval of a Conditional Use Permit for a 300-foot tall wireless communications tower. This item was tabled on April 24, 2007 to consider the possibility of relocating the tower due to a homeowner's protest. The main concern from the homeowner is that the tower will be visible through their front window. Scott Goble, Verizon Wireless, came before the Board to discuss the location of the tower. The commissioners suggested moving the tower approximately 100 yards to the East. Mr. Goble will check with Verizon to make sure that will work for them, and staff will contact the property owners.

Commissioner Woydziak motioned to table this item until Monday, May 7, 2007. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Commissioner Woydziak told Mr. Goble that the Board appreciates his patience and willingness to work with the County.

ITEM #2 – CONSIDER APPROVAL TO ALLOW THE EMS DEPARTMENT TO APPLY FOR A GRANT THROUGH THE FIREFIGHTER GRANT APPLICATION PROCESS IN THE TOTAL AMOUNT OF \$275,450

Grant Helferich, Director of EMS, came before the Board for approval to apply for a grant through the Firefighter grant application process in the total amount of \$275,450.00. This grant would allow for the purchase of a new ambulance and replacement of the 9 CPR assist devices called Auto Pulse. The grant is an 80/20 matching grant in which the county would be responsible for 20% of the total cost. The total amount applied for is \$142,000.00 for the ambulance and \$133,450.00 for 9 Auto Pulse units for a total cost of \$275,450.00. The County share would be \$55,090.00 if the funding were received.

Administrator Will Johnson informed the Board that the EMS Director sent staff members to an auction and they picked up 3 new cots still in the box for a total of \$1,500 that normally would have cost \$4,200-4,500 apiece.

Commissioner Woydziak motioned to approve the EMS Department applying for an Assistance to Firefighter Grant in the total amount of \$275,450.00 with the county's share for this amount to be \$55,090.00 if the application is approved. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM # 3– CONSIDER APPROVAL OF LEGAL SERVICES AGREEMENT WITH GERALD N. CAPPS

Will Johnson, Administrator, came before the Board for approval of legal services agreement with Gerald N. Capps. A fee appraisal has been completed for the Frontier Refinery and the refinery is appealing the value. The hearing is set for May 10, 2007 and Mr. Manley, County Counsel, will be out of the office on that date. A standard service agreement has been proposed by Mr. Capps to represent the County with the refinery valuation appeal. Commissioner Carpenter suggested a cap of \$5,000.

Commissioner Woydziak motioned to approve the Legal Services Agreement with Gerald N. Capps not to exceed \$5,000 for the appeal of the refinery valuation and allow the vice chair to sign. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #4 – REVIEW BIDS RECEIVED FOR INTERNET ACCESS PROVIDER AND ENTER INTO AN AGREEMENT WITH A SELECTED VENDOR

Scott Stoskopf, Computer Services Director, came before the Board to select a vendor to replace Powwwer.Net as Butler County’s Internet provider. Powwwer.Net has determined that the cost to comply with the Homeland Security Telecommunications requirements prevents them from continuing in their broadband business. Following are the proposed rates:

	<u>6MB</u>		<u>10MB</u>		<u>Installation</u>
NuVox	\$1,312/mth	\$15,744/yr	\$2,512/mth	\$30,144/yr	\$ 0.00
Cox	\$1,350/mth	\$16,200/yr	\$2,000/mth	\$24,000/yr	\$ 500.00
AT&T	\$1,991/mth	\$23,892/yr	\$2,000/mth	\$24,000/yr	\$1,800.00

Commissioner Woydziak motioned to authorize the Computer Services Department to pursue an agreement with Cox for a 10MB Internet connection for 36 months for Butler County. Commissioner Wheeler seconded the motion. Motion carried 4-0.

RECESS

Commissioner Carpenter recessed the Board meeting at 9:50 a.m. for 5 minutes.

RECONVENE

Commissioner Carpenter reconvened the Board meeting at 9:55 a.m.

ITEM #5 – CONSIDER APPROVAL OF AWARD OF BID FOR HIGHWAY TRAFFIC PAINT AND REFLECTIVE BEADS

Darryl Lutz, P.E., Director of Public Works, came before the Board for award of the bid for highway traffic paint and reflective beads. The bids were opened and read on April 30, 2007. The low bids were from Ennis Paint for yellow and white highway paint and Flex-O-Lite for reflective beads.

Commissioner Wheeler motioned to approve the bids from Ennis Paint in the amount of \$62,440.50 and Flex-O-Lite in the amount of \$17,100.00. Commissioner Carpenter seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER APPROVAL FOR ENGINE REPAIRS ON THE SCRAPER AT THE LANDFILL

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of engine repairs on the scraper at the landfill. Mr. Lutz recommended rebuilding the engine to deal with the head gasket failure and expects another 10-15 years of use out of this piece of equipment.

Commissioner Masterson motioned to authorize rebuilding the engine on the Caterpillar elevating scraper at the landfill by Foley Equipment Co. for an estimated cost of \$32,000.00. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #7 – CONSIDER APPROVAL OF THE KDOT 5-YEAR FEDERAL AID ROAD AND BRIDGE PLAN

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the KDOT Federal Aid 5-Year Plan for county road and bridge construction projects.

Commissioner Wheeler motioned to approve the projects and project priorities for the proposed 2008-2012 Federal Aid 5-Year Road & Bridge Plan for submission to KDOT. Commissioner Masterson seconded the motion. Motion carried 4-0.

The Board and Mr. Lutz discussed traffic counts on Butler Rd and Commissioner Carpenter asked about expediting the process.

ITEM #8 – CONSIDER APPROVAL OF THE CONTRACTS FOR CULVERT LETTING NO. 62

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the contract with Claycamp Construction Co. for Culvert Letting No. 62. The Board received and opened sealed bids for this project on Monday, April 10, 2007. The bid was awarded to Claycamp Construction Co. on Tuesday, April 17, 2007. This is a standard contract form used by Butler County for road and bridge construction projects.

Commissioner Masterson motioned to approve the contracts with Claycamp Construction, Inc., Soldier, KS, for Culvert Letting No. 62, the construction of 10 reinforced concrete box culvert structures throughout Butler County for a total project bid amount of \$187,304.20 and authorize the vice chair to sign. Commissioner Woydziak seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2301 dated May 1, 2007. Adds in the amount of \$670.42 and Abates in the amount of \$33,391.34. Commissioner Masterson seconded the motion. Motion carried 4-0.

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

Commissioner Woydziak talked about looking at alternate revenue sources for the county.

Commissioner Wheeler discussed the Planning and Zoning Board and filling the vacancies.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting at 11:03 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.