

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 15, 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 Woydziak motioned to approve the minutes of the Butler County Commission Meetings of Monday, May 7, 2007 and Tuesday, May 8, 2007 as written. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #1 – RECEIVE MR. HANK BURCHARD TO DISCUSS FUNDING OF MUSEUM

Mr. Hank Burchard came before the Board to discuss funding for the Towanda Area Museum. Commissioner Woydziak said a formula is in the works to develop consistent funding for the museums in Butler County. Commissioner Waldorf stated that the funding is to be based on hours of operation (open all day or by appointment only), number of visitors documented over the last year, and whether the museum is staffed with employees or volunteers. Commissioner Carpenter said it is important to have performance-based situations for the museums and stated that there are some inequities. The Board discussed scheduling a work session regarding funding museums. No action was taken.

ITEM #2 – PUBLIC HEARING – PROPOSED ASSESSMENTS FOR WEST RIVER SECOND ADDITION

Mr. Larry Kleeman, M & I Bank, came before the Board for a public hearing to receive comments or complaints regarding proposed assessments for West River Second Addition. A resolution will need to be adopted to levy the assessments for paving improvements, set a pay-in period, and authorize the sale of bonds to pay off unpaid assessments at the end of the pay-in period.

Commissioner Waldorf opened a public hearing at 9:25 a.m. to receive comments or complaints regarding proposed assessments for West River Second Addition.

There were no public comments.

Commissioner closed the public hearing at 9:25 a.m.

Mr. Kleeman said the property owners would have until May 29, 2007 to pay the assessments in full or they would be assessed over 15 years.

Commissioner Carpenter motioned to adopt Resolution No. 07-14 levying assessments to the benefit district related to street paving improvements for West River 2nd Addition and setting a pay-in period and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #3 – PUBLIC HEARING – ADVISABILITY OF CREATING A BENEFIT DISTRICT TO PAVE INTERNAL STREETS IN A PORTION OF PAUL’S VALLEY SECOND ADDITION

Mr. Larry Kleeman, M & I Bank, came before the Board to receive comments or complaints regarding the advisability of creating a benefit district to pave internal streets in a portion of Paul’s Valley Second Addition. There are 17 lots in the benefit district.

Commissioner Waldorf opened a public hearing at 9:30 a.m. to receive comments or complaints regarding advisability of creating a benefit district to pave internal streets in a portion of Paul’s Valley Second Addition.

Darryl Lutz, P.E., Director of Public Works, came before the Board to discuss the petition that was initiated over three years ago at which time the estimate was \$325,000 for paving improvements. Now, three years later, the petition has been returned to the Engineer’s Office and the amount has increased to \$370,000. Mr. Lutz said the maximum amount in the petition was set at \$325,000 that would increase on a pro rata basis of 1% per month after April 1, so the upper limits of the petition amount for this month, which is 37 months later, is \$470,000. Mr. Lutz informed the Board of a certified letter he received from Bruce and Marcia Barrett and an e-mail from LaDonna Johnson expressing opposition to this project.

Larry Leatherman came before the Board to clarify that he was one of the two that started this petition 3 years ago. He stated that he received an estimate of between \$50 to \$90 per month for this paving project; he did not know it was going to go up as much as it has, but is still in favor of this project.

Brenda Dietzman, Scott Denker, David Gochenour, Rick Sanderbeck, Tony Racchini, and Nancy Swift all came before the Board to express opposition to this paving project. They said these specials would be a burden, would affect retirement savings and budgets, and would increase property taxes. They asked the Board to deny this resolution. Jana Lumbert and Dennis Corbin came before the Board and said they were in favor of the paving, but not at the increased cost and also discussed concerns with drainage problems and how the roads are maintained.

Mr. Lutz and Commissioner Waldorf encouraged the homeowners to contact the Township Board to discuss issues about drainage and maintenance on the roads.

Commissioner Waldorf commented that he appreciated everyone’s comments.

Commissioner Waldorf closed the public hearing at 10:15 a.m.

Darryl Lutz said at least two people who signed the petition indicated they are not interested in moving forward with the project, which makes the count 10-7 against the paving project.

Commissioner Woydziak motioned to disallow the petition to create a benefit district and not authorize the street paving at this time because of the age of the petition and two people who changed their mind and don’t want to go forth and have stated so publicly. Commissioner Carpenter seconded the motion. Motion carried 5-0.

The Board discussed an appropriate amount of time for a petition to be completed and turned into the Engineer's Office. The Board and Mr. Lutz discussed allowing six months to complete the petition including an expiration date, the total cost of the project, and allowable increases.

RECESS

Commissioner Waldorf recessed the Board meeting at 10:25 a.m. for 5 minutes.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:30 a.m.

ITEM #7 – WORK SESSION – PAL (PROVISIONALLY ACCREDITED LEVEE) AGREEMENT

Rod Compton, Planning & Zoning Director, came before the Board for approval of the PAL (Provisionally Accredited Levee) Agreement. Mr. Compton said FEMA wants the levees certified as being able to withstand a 100-year flood (a flood that is statistically determined to have a 1% chance of occurring in any given year) or risk having the levee removed from the flood plain map, which would cause property owners to purchase flood insurance. The levees that affect Butler County are around the City of Augusta east of Hwy 77 on the east side of town. Mr. Bill Keefer, City Manager of Augusta, came before the Board to discuss the levee situation. Mr. Keefer noted that he requested the Corp of Engineers in Tulsa to check for information to provide to FEMA that would support the 100-year flood protection level. No action was taken.

ITEM #5 – CONSIDER APPROVAL AND ALLOW THE CHAIR TO SIGN THE EMERGENCY MEDICAL SERVICES WEEK PROCLAMATION FOR THE WEEK OF MAY 20 – MAY 26 2007

Brandon Russell, EMS, came before the Board for approval of the Emergency Medical Services Week Proclamation for May 20-26, 2007. This event is held yearly to honor those who provide medical care to citizens throughout the United States.

Commissioner Woydziak motioned to approve the EMS Week Proclamation for the Butler County EMS staff for the week of May 20 –27, 2007 and allow the commissioners to sign. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #6 – RECEIVE AND OPEN SEALED BIDS FOR THE BUTLER COUNTY EMS VEHICLE MAINTENANCE PROGRAM

Brandon Russell, EMS, came before the Board to open and receive sealed bids for the Butler County EMS vehicle maintenance program. Bids were received from:

<u>Company</u>	<u>Hourly Shop Rate</u>	<u>Company</u>	<u>Hourly Shop Rate</u>
Ace Automotive	\$64.87	Flint Hills Fire & Rescue	\$45.00
Steven Ford-Mercury	\$75.00	Fenton Ford El Dorado	\$72.00

Commissioner Woydziak motioned to have the Butler County EMS Director and staff review the bids and make a recommendation to the Board on May 22, 2007. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SOLICIT SEALED BIDS FOR PURCHASE OR REPLACEMENT HIGHWAY MAINTENANCE EQUIPMENT

Darryl Lutz, P. E., Director of Public Works, came before the Board for approval to solicit sealed bids for purchase or replacement of highway maintenance equipment. Items proposed to be replaced at this time include two power brooms, four snow plows and one salt-sand spreader.

Commissioner Carpenter motioned to authorize the Director of Public works to obtain sealed bids for purchase of equipment for the Highway Division including two (2) power brooms, four (4) snow plows, and one (1) salt-sand spreader. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #8 – CONSIDER APPROVAL OF A NEW AGREEMENT FOR 911 SERVICES WITH THE CITY OF EL DORADO

Will Johnson, Administrator, came before the Board for approval of a new agreement for 911 services with the City of El Dorado. The agreement limits the term to 5 years as well as eliminating the payments to the City of El Dorado. The contract provides for the same service level along with collection of E-911 taxes from the City. The City of El Dorado approved the contract on April 16, 2007 and staff is recommending approval of the contract by the County.

Commissioner Carpenter motioned to approve the Emergency Communications Agreement between the City of El Dorado and Butler County and allow the chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Woydziak voted no because he feels phone calls to 911 should be for emergency reasons only and not for general services.

APPROVAL OF VOUCHERS

Commissioner Carpenter motioned to approve the vouchers dated May 14, 2007 in the amount of \$230,043.84. Commissioner Waldorf seconded the motion. Motion carried 5-0.

APPROVAL OF ADDS AND ABATES

Commissioner Masterson motioned to approve Adds & Abates #2303 dated May 15, 2007. Adds in the amount of \$31,505.10 and Abates in the amount of \$3,643.86. Commissioner Wheeler seconded the motion. Motion carried 5-0.

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

Commissioner Carpenter noted that the commission on the road meetings need to be advertised.

Commissioner Carpenter asked about checking property with high valuations. Administrator Johnson said the Appraiser runs a list at 15% on residential and 20% on commercial property.

Commissioner Carpenter spoke with David Crum who is on the House of Representatives tax committee and discussed forming a tax group to look at options regarding property taxes.

Commissioner Woydziak suggested looking at a sales tax or an income tax tied to reducing property tax to stop relying totally on property tax for income.

Commissioner Carpenter noted that the Kansas County Commissioners Association voted to donate \$20,000 to Greensburg, Kansas.

Commissioner Woydziak thought the meeting in Douglass went well.

Commissioner Woydziak commented that this morning a super young man from Rose Hill was buried. This young 19-year old was involved in numerous activities such as Police Explorers, EMS Explorers, Fire Explorers, President of SADD, and was a volunteer fireman. He said this shows that we have a lot of good young people out there. The young man lost his life in an accident on the way to fight a fire. Commissioner Woydziak said his heart and prayers go out to the family.

Commissioner Wheeler said he and Commissioner Carpenter spoke with a Sedgwick County Commissioner about sending inmates to the Butler County Jail.

Administrator Johnson informed the Board of a request for annexation petition from the City of Andover. This annexation is in accordance to K.S.A. 12-521 for property on 13th Street. Administrator Johnson requested setting a public hearing for July 10, 2007.

Commissioner Masterson motioned to set a public hearing date for July 10, 2007 for the annexation of lands in the City of Andover in accordance to City of Andover's Resolution No. 07-11. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Commissioner Woydziak motioned to set a public hearing for Bob Johnson's nuisance hearing abatement for June 5, 2007. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Administrator Johnson said the Marshall Service initiated a new contract with the jail for \$60.00 per day.

Administrator Johnson and Commissioner Wheeler talked about a joint dinner with the City of El Dorado to discuss items of mutual interest on June 5, 2007 at 6:00 p.m.

Administrator Johnson said he would be attending a Women with Insurance banquet at Botanica on Thursday, May 17 at 7:00 p.m. to receive a check for \$500 for the public safety department.

Administrator Johnson said he attended a meeting on the Wholesale Water District and talked about the county buying and holding excess capacity outside of what is needed in Augusta and selling it to other communities. Administrator Johnson will be meeting with Chuck Bouilly about creative financing for the wholesale water district.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 12:10 p.m. Commissioner Masterson seconded the motion. Motion carried 5-0.