

BUTLER COUNTY BOARD OF COMMISSIONERS
Monday, May 7, 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 Masterson motioned to approve the minutes of the Butler County Commission Meeting of Monday, April 30, 2007 as written. Commissioner Wheeler seconded the motion. Motion carried 5-0. Commissioner Masterson motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, May 1, 2007 as written. Commissioner Wheeler seconded the motion. Motion carried 4-0. Commissioner Waldorf abstained since he was not present at the meeting of May 1, 2007.

ITEM #1 – RECEIVE MARK DICK OF ALLEN, GIBBS & HOULIK TO REVIEW THE 2006 AUDIT

Mark Dick, Allen, Gibbs & Houlik, came before the Board to review the 2006 audit and made recommendations primarily related to checks and balances in the financial procedures. Commissioner Waldorf asked for management’s response to some of the suggestions. Commissioner Waldorf gave kudos to staff for all the work they do to make the audit process go as smoothly as possible. No action was taken.

ITEM #2 – REVIEW THE CONTRACT BETWEEN CHILDREN’S MERCY FAMILY HEALTH PARTNERS AND THE BUTLER COUNTY HEALTH DEPARTMENT AND ALLOW THE CHAIR TO SIGN

Carol Borger, Health Department Administrator, came before the Board for approval of the contract between Children’s Mercy Family Health Partners and the Butler County Health Department. This contract will allow the Health Department to bill for services provided with the new payers selected by the State of Kansas for Medicaid recipients.

Ms. Borger commented that the county health department sent 75 doses of tetanus/diphtheria vaccine and 200 syringes for workers helping out in Greensburg, KS due to the tornado.

Commissioner Woydziak motioned to approve the contract between Children’s Mercy Family Health Partners and the Butler County Health Department and allow the Chair to sign. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Riley Walters, Noxious Weed Department Director, came before the Board to open bids for the ATV and sprayer purchase. Bids were received from:

	<u>ATV</u>	<u>Sprayer</u>
Superior Outdoor Power Center, Inc.	\$5,580	\$1,385
Mid America Powersports	\$5,999	No Bid

Commissioner Wheeler motioned to accept the low bid from Superior Outdoor Power Center, Inc., for an easy ride sprayer in the amount of \$1,385 and 2007 Yamaha ATV in the amount of \$5,580. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #3 – 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 and May 7 of this year in order to explore another location for the tower. Mr. Goble, Verizon Wireless, did not attend the Board meeting today, but indicated to Mr. Compton that Verizon would be willing to move the tower 150 yards to the east.

Rhonda Smith came before the Board and stated that even though she doesn't want the tower, moving it would be better than having it right outside her front window. Ms. Smith said she appreciates the Board's cooperation.

The Planning Commission recommended approval with the following conditions:

- (1) Verizon Wireless must provide co-location space for at least three (3) additional carriers on the guyed tower,
- (2) Verizon Wireless or any future owner shall remove the proposed tower facility within 60 days of the last day of the 12th month in which all use of the tower has ceased,
- (3) Grant Verizon Wireless the right to request an extension for such removal where there is an ongoing negotiation for new or revised leases for existing tower space,
- (4) Verizon Wireless shall file this tower with and shall become part of the FAA database,
- (5) The applicant shall secure a cash bond with the County to cover the costs of removal. The amount of the bond shall be established at the time of approval based on tower type, height, and associated facilities. The amount shall be the current estimated value for removal plus 50 percent to allow for future inflation,
- (6) The wireless communication facility shall comply with all federal, state, and local rules and regulations.

Commissioner Wheeler motioned to approve the request by Linda L. Masters and Verizon Wireless for a Conditional Use Permit to erect a self supporting telecommunications tower 300 feet in height on property located in the Southwest Quarter of the Southeast Quarter of Section 34, Township 25 South, Range 7 east of the 6th P.M., Butler County, Kansas, subject to the conditions noted above; and authorize the Chair to sign Resolution No. 07-08. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER TABLED CONDITIONAL USE PERMIT FOR A 240 FOOT HIGH WIRELESS COMMUNICATIONS TOWER IN THE AG-40 ZONING DISTRICT AT THE SOUTHWEST EDGE OF ROSE HILL

Rod Compton, Planning & Zoning Director, came before the Board for approval of a conditional use permit submitted by The Schrag Family Revocable Trust for a 240-foot high wireless communications tower in the AG-40 zoning district at the southwest edge of Rose Hill. The Planning Commission recommended approval by a 5 to 1 vote. The City of Rose Hill communicated in a letter to the Planning Commission that they were opposed to this location and preferred that the tower be located in the industrial area approximately ¼ mile southwest of the

proposed site. Commissioner Woydziak discussed the lack of timeliness of this issue since it has been 4 months since this came before the Board the first time.

Dave Yearout came before the Board to discuss this tower and asked for another week in order to speak with Mr. Scully about moving the tower to another location.

Commissioner Woydziak expressed disappointment with the planning board for not taking into consideration the letter from the City of Rose Hill stating opposition to the location of the tower because of the comprehensive plan and future growth plans. Commissioner Waldorf agreed with Commissioner Woydziak.

Commissioner Carpenter motioned to deny the request by The Schrag Family Revocable Trust for a Conditional Use Permit for a tower. Commissioner Masterson seconded the motion. Motion carried 4-0. Commissioner Woydziak abstained to alleviate this Board from the possibility of someone saying he has a conflict of interest because of past dealings with the residents and being part of the comprehensive plan on this particular issue, and also, he is on the Economic Development Board of the City of Rose Hill.

RECESS

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

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:15 a.m.

ITEM #5 – WORK SESSION – OVERVIEW OF 1ST QUARTER REPORT ON THE OURWORKPLACE PROGRAM

Will Johnson, Administrator, came before the Board with an overview of the 1st Quarter Report on the Ourworkplace program. Administrator Johnson commented that since January of this year, 60 reports have been received with 43 suggestions and 17 concerns. No action was taken.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for May 7, 2007 in the amount of \$189,330.19. Commissioner Woydziak seconded the motion. Motion carried 5-0.

APPROVAL OF ADDS AND ABATES

Commissioner Carpenter motioned to approve Adds & Abates #2302 dated May 7, 2007. Adds in the amount of \$1,101.96 and Abates in the amount of \$937.52. Commissioner Woydziak seconded the motion. Motion carried 5-0.

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

Commissioner Waldorf reminded the Board of tomorrow's meeting in Potwin at 6:00 p.m.

Commissioner Carpenter and the Board discussed the procedure for homeowners returning to the City of Greensburg after the tornado and how Butler County would respond to a similar situation. Administrator Johnson discussed the resources and crews from Butler County who have been helping with the state of affairs in Greensburg.

Commissioner Wheeler and the Board discussed the low jail count. Commissioner Waldorf asked for feedback from the Sheriff about why the numbers are low and what can be done to raise the jail count. Administrator Johnson will be contacting other county administrators for input as well.

Commissioner Wheeler left the meeting at 10:50 a.m. for another meeting.

Commissioner Waldorf suggested working on a short-term goal for May. Administrator Johnson said he would work on the space analysis project for the Courthouse.

Administrator Johnson and the Board discussed not having a commission meeting on Monday, May 14, 2007 since the REAP meeting and Water Coalition Board meeting are scheduled for that day.

Administrator Johnson noted that the Board of Commissioners is invited to a breakfast on Wednesday, May 16, 2007 from 7:00 a.m. to 8:30 a.m. at the Augusta High School Commons area for a celebration in honor of National Law Enforcement Week.

Administrator Johnson informed the Board that Hinkle Elkouri, the county's bond counsel, would no longer be in the public finance business. The county will continue working with Kelley Miller and Kim Bell, formerly with Hinkle Elkouri, now of Gilmore Bell for bond counsel work.

The Board noted that Ennis Paint was awarded the bid for highway paint on May 1, 2007. There was an error in the bid amounts. The amount for yellow highway paint was bid as \$26,071.50 and should be \$26,472.60. The amount for white highway paint was bid at \$36,369.00 and should be \$37,783.35. Ennis Paint remains the low bidder.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:35 a.m.

Commissioner Carpenter seconded the motion. Motion carried 4-0.