

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, October 23, 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 William Johnson, Jr., and Clerk Recorder Tammy Bridges.

ITEM #1 – CONSIDER APPROVAL OF THE AGREEMENT BETWEEN JOHN KRAFT, R. PH., AND THE BOARD OF COUNTY COMMISSIONERS AS CONTRACT PHARMACIST FOR THE BUTLER COUNTY HEALTH DEPARTMENT AND ALLOW THE CHAIR TO SIGN

Carol Borger, Health Department Administrator, came before the Board for approval of the agreement between John Kraft, R. Ph., as contract pharmacist for the Butler County Health Department and the Board of County Commissioners. The payment for the contract pharmacist is currently \$30.00 per month and has not been increased since the original contract in 1982. Mr. Kraft is asking for an increase this year.

Commissioner Woydziak motioned to approve the Agreement with John Kraft, R. Ph., as contract pharmacist for the Butler County Health Department in the amount of \$60.00 per month and allow the Chair to sign. This agreement is to be reviewed in one year. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #2 – RECEIVE AND OPEN BIDS FOR MEDICAL OXYGEN FOR THE EMS DEPARTMENT

Brandon Russell, EMS, came before the Board to receive bids for Medical Oxygen for the EMS Department. Bids were received from: Young Welders Supply, Airgas, and Linnweld. All prices were submitted per tank and will be evaluated by staff.

Commissioner Woydziak motioned to receive the bids for Medical Oxygen and for the EMS Department to review and make a recommendation to the Commissioners. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER POSSIBLE ACTION AGAINST CENTRAL PAVING, INC. FOR VIOLATION OF CUP PROVISIONS

Rod Compton, Planning & Zoning Director, came before the Board for consideration of possible action against Central Paving, Inc., for violation of Conditional Use Permit (CUP) provisions. The complaint pertains to the quarry operator not complying with the one hundred feet setback requirement on the south and west side of the property. Mr. Compton stated that whether intentionally or inadvertently, the quarry operator has violated the terms of the CUP by mining within the setback area. Staff is recommending revocation of the Conditional Use Permit and cessation of all mining activity.

Jim Hargrove, Attorney, came before the Board representing Mr. & Mrs. Leon Trammel, adjacent landowners to the quarry property, to discuss this issue and the maintenance of berms that shield the surrounding property. Mr. Hargrove stated that the blasting has caused rocks and debris to accumulate on Mr. Trammel's property and the 100-foot

setback has been encroached upon. Mr. Hargrove asked the Board to shut down the quarry operation and cease blasting because of violating the terms of the CUP. He asked the Board why have a CUP if someone violates it and there is no consequence.

Brian Edson, Central Paving, commented that there have been many offers to pick up the rock on Mr. Trammel's property. He said the blasting is finished on the south side of the road and requested the Board to give him until December 31, 2007 to remove the rock that has already been blasted and start the reclamation process.

Commissioner Carpenter stated that Mr. Edson violated this agreement and that he is very disappointed and is in favor of revoking the CUP and repairing the right of ways. Commissioner Carpenter said it was a good faith effort and Central Paving broke their word, and the County's CUP's have to mean something. He said there should be consequences for violating county law.

The commissioners commented that they are disappointed and Commissioner Woydziak commented that our CUP's have to have some integrity.

Mr. Compton said he called the quarry owner a year and a half ago because of complaints and asked if they were encroaching on the 100 ft. setback at that time.

Commissioner Masterson motioned to amend the CUP to terminate the CUP on December 31, 2007 with no more blasting and reclamation to follow, and clean up the rock on Mr. Trammel's property, if he allows it. Commissioner Waldorf seconded the motion. Motion failed 2-3. Commissioners Wheeler, Woydziak, and Carpenter voted no.

Commissioner Carpenter motioned to suspend the existing CUP until the rock, dirt, and quarried material is restored back to the 100-foot setback, the berms are restored, and then move the rock out that has already been blasted. Commissioner Wheeler seconded the motion. Motion failed 2-3. Commissioners Masterson, Waldorf, and Woydziak voted no.

Commissioner Woydziak motioned to amend the CUP to terminate the CUP on December 1, 2007, cessation of any blasting activity, reclamation of the property, clean up of the rock on Mr. Trammel's property if he allows it, and reset the right-of-way back to 100 feet. Commissioner Masterson seconded the motion. Motion passed 3-2. Commissioners Wheeler and Carpenter voted no.

RECESS

Commissioner Waldorf recessed the Board meeting at 10:15 a.m. for 5 minutes.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:20 a.m.

Commissioner Masterson and Administrator Johnson left the meeting at 10:20 a.m. to attend a meeting in Topeka. Assistant Administrator/Finance Officer Mark Detter joined the meeting at that time.

ITEM #4 – CONSIDER APPROVAL OF THE TREND MICRO NEAT SUITE VIRUS AND TREND MICRO SPAM PREVENTION SOFTWARE SUBSCRIPTIONS AT A COST NOT TO EXCEED \$7,597.98

Scott Stoskopf, Computer Services Director, came before the Board for approval to renew Trend Micro Neat Suite Virus and Trend Micro Spam prevention. This annual subscription protects our computers from viruses and spyware and blocks e-mail Spam.

Commissioner Woydziak motioned to authorize Computer Services to renew Virus and Spam software subscriptions at a cost not to exceed \$7,597.98, to be funded by Computer Service's Contractual Services line item. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #5 – CONSIDER APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF EL DORADO, EL DORADO TOWNSHIP, AND BUTLER COUNTY RELATED TO THE PAVING OF TOWANDA AVENUE EAST OF HAVERHILL RD. TO EDGEMOOR DRIVE

Scott Rickard, City of El Dorado Engineering Department, came before the Board for approval of an Interlocal Agreement between the City of El Dorado, El Dorado Township, and Butler County for the paving of Towanda Avenue east of Haverhill Rd. to Edgemoor Drive. Mr. Rickard stated that 37% of the cost would be the responsibility of the City of El Dorado and the Benefit District would pay the remaining 63%. Commissioner Carpenter confirmed that the portion of the cost for the landowners would be \$261,000.

Commissioner Carpenter motioned to not enter into an Interlocal Agreement with the City of El Dorado to pave Towanda Avenue between Haverhill Rd. and Edgemoor Drive because of the overwhelming amounts that the individual landowners would be assessed. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Commissioner Waldorf asked Mr. Rickard to convey back to the city commission that the reason this request was denied is because of the negative impact to the property owners in the county.

ADDS & ABATES

There were no Adds and Abates.

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

There were no other items.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting at 10:55 a.m. Commissioner Woydziak seconded the motion. Motion carried 4-0.