

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 25, 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 Recorder Tammy Bridges.

**ITEM #1 – CONSIDER REQUEST BY ED PHANNENSTIEL ON BEHALF OF BUTLER COUNTY RURAL WATER DISTRICT #5 FOR A CONDITIONAL USE PERMIT TO INSTALL A BOOSTER PUMP STATION IN THE AG-40 ZONING DISTRICT**

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Ed Phannenstiel on behalf of Butler County Rural Water District #5 for a Conditional Use Permit to install a booster pump station in the AG-40 zoning district. The property is located approximately 475 feet east of SW County Line Rd. on the south side of SW 30<sup>th</sup> St. The Planning Commission recommended approval by an 8-0 vote because it was felt the use would provide a much needed service for the area and would not adversely affect adjacent and nearby properties.

*Commissioner Carpenter motioned to approve the request by Butler County Rural Water District #5 for a Conditional Use Permit to establish a booster pump station on the above noted property for the reasons noted in the Planning Commission's recommendation, and authorize the Chair to sign Resolution No. 07-39. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #2 – CONSIDER REQUEST OF LEWIS SIMMONS FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 7 ACRES FROM THE REMAINDER OF A 160 ACRE PARCEL**

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Lewis Simmons for a Homestead Lot Split and Agricultural Preservation Overlay in order to separate an existing homestead and 7 acres from the remainder of a 160-acre parcel. The Planning Commission recommended approval of the request by an 8-0 vote.

*Commissioner Woydziak motioned to approve the APO Lot Split located in the South Half of the Northeast Quarter of Section 9, Township 27 South, Range 7 East of the 6<sup>th</sup> P.M., Butler County, Kansas, and authorize the Chair to sign the Overlay Agreement and acceptance of right of way dedication subject to the recording of the Agricultural Protection Overlay agreement, survey of the residential site, and dedication of right of way document with the Register of Deeds. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE CONTRACT BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC), FOOD AND NUTRITION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE AND ALLOW THE CHAIR TO SIGN**

Carol Borger, Health Department Administrator, came before the Board for approval of the contract between the Kansas Department of Health and Environment Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Food and Nutrition Service, and the United States Department of Agriculture. The WIC grant allows the Health Department to continue to serve those who are at greatest risk for poor nutrition in Butler County.

*Commissioner Masterson motioned to approve the contract between the Kansas Department of Health and Environment and the Butler County Health Department for Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Food and Nutrition Service, and United States Department of Agriculture and allow the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #4 – CONSIDER APPROVAL TO ALLOW THE EMS DEPARTMENT TO SUBMIT BIDS FOR MEDICAL OXYGEN FOR THE EMS DEPARTMENT**

Major Brandon Russell, EMS Department, came before the Board for approval to submit bids for Medical Oxygen for Emergency Medical Services. Bids are to be returned by Monday, October 22, 2007 for bid opening on Tuesday, October 23, 2007.

*Commissioner Masterson motioned to approve the EMS Department to receive bids for Medical Oxygen supplies. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #5 – CONSIDER APPROVING THE PURCHASE OF TYPE III BARRICADES FOR USE BY THE HIGHWAY DEPARTMENT**

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval to purchase 30 sets of Type III barricades for use by the Highway Department. Bids were received from:

National Sign, Ottawa, KS	Engineering Grade	\$ 7,264.80
	High Intensity	\$ 8,305.80
Newman Signs, Jamestown, ND	Engineering Grade	\$ 7,320.00
	High Intensity	\$ 7,560.00
Hall Signs, Bloomington, IN	Engineering Grade	\$ 7,161.00
	High Intensity	\$10,113.00

*Commissioner Masterson motioned to approve the purchase of 30 sets of Type III barricades with High Intensity sheeting for use by the Highway Department from Newman Signs, Jamestown, ND for a not to exceed delivered price of \$7,560. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM #6 – REVIEW AN AGREEMENT WITH KDOT FOR ADMINISTRATION OF THE PROPOSED PROJECT TO RECONSTRUCT SW 210<sup>TH</sup> ST. WEST OF SANTA FE LAKE RD.**

Darryl Lutz, P.E., Director of Public Works, came before the Board and noted that instead of reviewing the agreement with KDOT, he would like to discuss the KDOT project to reconstruct SW 210<sup>th</sup> St. west of Douglass. Mr. Lutz said the current construction cost estimate is approximately \$4,000,000. Each year the department submits a 5 year plan to KDOT which utilizes the amount of funds that Butler County is obligated to spend in federal aid dollars. The

County receives approximately \$550,000 per year from KDOT. The County has accumulated enough money to do about \$2.8 million of work, which would be matched 80/20. The state would put in \$2.2 million and the remaining 20% (\$600,000) would be the county's responsibility. Mr. Lutz noted that he has spoken to KDOT about receiving money that is not being utilized by other cities and counties. Mr. Lutz commented that the options are to come up with \$1.2 million, use allocated KDOT funds from other entities, or delay this project to acquire more dollars.

The Board agreed to move forward, but push the project back until late summer 2008 and possibly 2009. This item was for discussion only and no action was taken.

The Board asked Mr. Lutz questions regarding the Butler Road study, the Santa Fe Lake Rd. project, signage on 30<sup>th</sup> St., problems with 70<sup>th</sup> St., 190<sup>th</sup> St. project, and the road repairs in Whitewater.

**ITEM #7 – CONSIDER APPROVAL OF RFP FOR MERCHANT SERVICES AND AUTHORIZE STAFF TO SUBMIT FOR BIDS**

Matt Lawn, Administration, came before the Board for approval of an RFP for merchant services and authorization for staff to send out proposals. Merchant services would allow county departments and agencies to accept payment by credit/debit cards.

*Commissioner Masterson motioned to approve the RFP for merchant services and authorize staff to send out proposals. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #8 – CONSIDER APPROVAL OF CITIZEN RECOGNITION POLICY**

Matt Lawn, Administration, came before the Board for approval of the Citizen Recognition Policy. This policy would allow anyone to nominate and recognize individuals and citizen groups for various distinctions and accomplishments. Adoption of a Recognition Policy is listed as a County Commission Short-Term Objective for 2007.

*Commissioner Carpenter motioned to approve Policy No. AR-07-08, the Citizen Recognition Policy. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**RECESS**

Commissioner Waldorf recessed the Board meeting at 10:05 a.m. for 5 minutes.

**RECONVENE**

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

**ITEM #9 – CONSIDER APPROVAL TO ALLOW STAFF TO DEVELOP AN ENGAGEMENT LETTER WITH ALLEN, GIBBS & HOULIK FOR AUDITING SERVICES 2007-2009 FISCAL YEARS**

Mark Detter, Assistant Administrator/Finance Officer, came before the Board for approval to develop an engagement letter with Allen, Gibbs, & Houlik for auditing services for 2007, 2008, and 2009 fiscal years. Previously, the commission approved an RFP for auditing services. Six proposals were sent out, and the only proposal that was received was from Allen, Gibbs, and Houlik of Wichita. The audit will cost \$57,350 for the 2007 audit. The 2008 and 2009 audits each have a 3% escalator clause, so the maximum for the 2008 audit would be \$59,071 and \$61,473 in 2009.

*Commissioner Wheeler motioned to authorize staff to work with Allen, Gibbs, and Houlik to develop an engagement letter for the purpose of performing the annual fiscal audit in 2007, 2008, and 2009 fiscal years and authorize the Chair to sign such engagement letter.*

*Commissioner Masterson seconded the motion. Motion carried 5-0.*

Mark Detter presented and asked for approval of a contract from Architect Bill Morris, for the South Central Mental Health Facility in Augusta in the amount of \$849,890.00.

*Commissioner Woydziak motioned to allow Butler County to sign a contract with Craig Sharp Homes, Inc. for \$849,890.00 to construct a new Mental Health Center in Augusta.*

*Commissioner Masterson seconded the motion. Motion carried 4-0. Commissioner Carpenter abstained because his wife is a member of the Mental Health Center Board.*

#### **APPROVAL OF ADDS AND ABATES**

*Commissioner Wheeler motioned to approve Adds & Abates #2320 dated September 25, 2007. Adds in the amount of \$0.00 and Abates in the amount of \$596.86. Commissioner Masterson seconded the motion. Motion carried 5-0.*

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

Administrator Johnson informed the Board that Connie Rausch, Department on Aging Director, is retiring at the end of November.

Administrator Johnson stated that Savage Services would start the clean up of the Johnson property in Douglass next Monday, October 1, 2007.

Ron Roberts, County Clerk, came before the Board and stated that the Clerk's Office issues red light permits for private vehicles, including tow trucks and volunteer firefighters. Mr. Roberts stated that he received a complaint about the 3-year permit fee from a volunteer firefighter in Benton, and asked the Board to review the 1993 Resolution regarding this issue. The Board discussed the county's liability and asked Staff to obtain information from the insurance company.

Ron Roberts, County Clerk, stated that the Glencoe Township Board has not turned in their 2008 Budget.

Commissioner Waldorf asked about the HAVA issue regarding new printers for the voting machines. Mr. Roberts said this issue was to come back before the federal legislature next week. He noted that he is not in favor of spending approximately \$200,000 now before the 2008 election and then having to spend money again to comply with the requirements for the 2010 election.

Commissioner Carpenter and the Board discussed sending a letter to the state school board showing support of Circle School District regarding boundary changes.

Commissioner Carpenter and the Board discussed animal control in Butler County.

Commissioner Waldorf said the meeting at the Andover Senior Center went pretty well.

Administrator Johnson stated that Chuck Bouilly, George K. Baum, negotiated a 4.05% rate for the PBC Revenue Bonds for constructing a new Mental Health Center in Augusta.

**ADJOURNMENT**

*Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:10 a.m.*

*Commissioner Masterson seconded the motion. Motion carried 5-0.*