

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, April 8, 2008

CALL TO ORDER

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

ITEM #1 – RECEIVE AND OPEN BIDS FOR EMS SUPERVISOR VEHICLE AND ALLOW STAFF TO REVIEW BIDS

Grant Helferich, EMS Director, came before the Board to receive and open bids for an EMS Supervisor vehicle. Bids were received from: John K. Fisher for a Yukon in the amount of \$30,153.33 and Stevens Ford for an Expedition in the amount of \$26,533.00.

Commissioner Carpenter motioned to receive the bids for the EMS supervisor vehicle and allow the EMS staff to review them and return with a recommendation. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #2 – CONSIDER SETTING A DATE FOR HEARING RELATED TO CLOSING A PORTION OF SE SHOSHONE RD., SOUTH OF SE 150TH ST. IN LOGAN TOWNSHIP

Darryl Lutz, P.E., Director of Public Works, came before the Board to consider setting a date for a hearing related to closing a portion of SE Shoshone Rd. south of SE 150th St. in Logan Township.

Commissioner Carpenter motioned to approve setting a public notice date of Tuesday, April 29, 2008 at 10:00 a.m. to consider vacating a portion of SE Shoshone going south from SE 150th St. in Logan Township and authorize the publication and mailing of legal notice. Commissioner Waldorf seconded the motion. Motion carried 4-0.

Mr. Lutz informed the Board of wind damage at the county shop from last night's storm.

ITEM #3 – CONSIDER AUTHORIZING THE PLACEMENT OF CATTLE GUARDS ON NE 20TH ST. EAST OF NE FLINTHILLS RD. IN PROSPECT TOWNSHIP

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a request from Mr. Bill Oats, ranch manager for Gottsch Enterprises cattle ranch north of Rosalia. He is requesting three new cattle guards and replacing two existing cattle guards on NE 20th St. and on NE Ivanpah Rd. east of NE Flinthills Rd. Commissioner Woydziak asked for a letter from the township stating that they are fine with this request.

Commissioner Carpenter motioned to approve the order allowing the placement of cattle guards on NE 20th St. and NE Ivanpah Rd. east of NE Flinthills Rd. in Prospect Township subject to a letter from the township stating they don't have a problem with the cattle guard placement and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVING AN EASEMENT FOR AN EXISTING NATURAL GAS SERVICE PIPELINE AT THE LANDFILL

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of an easement for an existing natural gas service pipeline at the landfill. Kansas Gas Service has discovered that one of the gas pipelines on property owned by Butler County on the north side of SW 40th St. and east of Boyer Rd. does not have an easement. The line has been in existence for many years and presently provides gas service to the old Vanora Schoolhouse building. Kansas Gas Service has asked Butler County to grant a 20' wide easement for the existing pipeline and is estimating the cost to be \$10,000 to extend the line 600 feet to the south. The Board directed Mr. Lutz to negotiate a lower cost with Kansas Gas and report back at a later date. Mr. Lutz commented that at this time the final financial analysis has not been determined and noted that the bid package would include an option for propane equipment versus natural gas.

Commissioner Waldorf motioned to table approval of the easement for the natural gas line at the landfill until a later date. Commissioner Masterson seconded the motion. Motion carried 4-0.

Mr. Helferich came back before the Board to recommend accepting the low bid from Stevens Ford in the amount of \$26,533.00.

Commissioner Waldorf motioned to accept the bid from Stevens Ford for the EMS Supervisor vehicle in the amount of \$26,533.00. Commissioner Carpenter seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Carpenter motioned to approve Adds & Abates #2343 dated April 8, 2008. Adds in the amount of \$71.54 and Abates in the amount of \$58,799.10. Commissioner Waldorf seconded the motion. Motion carried 4-0.

Mrs. Dianna Harms came before the Board to discuss the sewer problem at her home. Administrator Johnson indicated that the insurance company, EMC could not find any fault against the county nor a natural cause. EMC said the actual cash value loss is \$5,761.30 and have offered 50% of that amount. Mrs. Harms stated that EMC has re-evaluated the amount and are not depreciating the carpet because it was new and said the insurance company is now offering \$3,072. Mrs. Harms wanted the Board to know that Administrator Johnson and Darryl Lutz have both tried to help her in every way possible. She stated that she is satisfied with what they are attempting to do and thanked them both.

Administrator Johnson offered two options, putting an ejector lift pump outside to increase the elevation by three foot and installing a by-pass or installing a lateral field septic system. In order to install a lateral field, property would need to be purchased west of Mrs. Harms' home.

Mrs. Harms stated that Mr. Pruitt told her that it would cost \$17,000 to install a septic system. Mrs. Harms noted that if the commission would install a septic system, she promised they would never ever hear from her again, and that it would be her responsibility to maintain the septic tank.

Commissioner Carpenter suggested exploring options about buying additional property for the septic system.

Administrator Johnson and Darryl discussed putting in a bypass at the lift station. Administrator Johnson said it would probably run \$3,000-5,000.

Mr. Lutz indicated that 100 feet by 150 feet of ground would be needed to install a lateral field, which includes the setback requirement for the county health code.

Mrs. Harms thinks the best option is getting her home off of the system. She said it would protect her and the county and would make her home worth something. Mrs. Harms noted that her home is not sellable because it is uninsurable right now.

Commissioner Waldorf stated that he wanted to make it very clear that if Mrs. Harms puts in any improvements in the basement before the problem was fixed, and the sewer backed up again, it would be Mrs. Harms' responsibility.

Mrs. Harms asked for a timeframe and the Board discussed accomplishing a solution within 120 days.

Commissioner Carpenter motioned to approve the amount of \$3,072 to be paid out of the Sewer District 15 fund for damages to the Harms' property, that this will be the last damages that the county is incurring, and authorize the County Administrator to write an agreement for the landowner to be approved on Monday, April 14, 2008. Commissioner Waldorf seconded the motion. Motion carried 4-0.

RECESS

Commissioner Woydziak recessed the Board meeting at 10:30 a.m. for 5 minutes.

RECONVENE

Commissioner Woydziak reconvened the Board meeting at 10:35 a.m.

Commissioner Waldorf motioned to approve Resolution No. 08-06 for a Proclamation of a State of Local Disaster Emergency for Butler County, Kansas. Commissioner Carpenter seconded the motion. Motion carried 4-0.

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

Commissioner Waldorf stated that he received a voice message from Mr. Nicely stating that the Appraiser's Office has intentionally falsified information on his appraisal. Commissioner Waldorf wanted to make sure the Appraiser was aware of this complaint.

Administrator Johnson received a request asking the county to consider reducing the assessment charges for cleanup of the Squires' property. The Board agreed to not reduce the assessment.

Administrator Johnson informed the Board that Tour Butler is asking for \$3,000 to cover production of a brochure in addition to the request for \$8,000 for a half page ad in the Kansas Getaway Guide. Commissioner Waldorf asked that David Alfaro, Economic Development Director, present this as an agenda item.

Administrator Johnson stated that Berean Academy wanted to change the date of recognition for the girl's basketball team from April 15 to April 22. The commission is scheduled to meet at the City of Benton on the evening of the 22nd. Staff will check to see if they want to attend the evening meeting in Benton or change the date to April 29.

Commissioner Carpenter motioned to recess the Board to Executive Session under the following exceptions to the Kansas Open Meetings Act, to discuss personnel matters of non-elected personnel to discuss performance of non-elected personnel starting at 10:50 a.m. with the public session resuming at 11:00 a.m. Commissioner Waldorf seconded the motion. Motion carried 4-0. Those in attendance were Commissioners Carpenter, Masterson, Waldorf, Woydziak, and Administrator Johnson.

RECONVENE

Commissioner Woydziak reconvened the Board at 11:15 a.m. No action was taken as a result of Executive Session.

ADJOURNMENT

Commissioner Masterson motioned to adjourn the meeting of the Board at 11:15 a.m. Commissioner Carpenter seconded the motion. Motion carried 4-0.