

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 25, 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, Commissioner Mike Wheeler, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges.

ITEM #1 – CONSIDER APPROVAL OF REQUEST BY RICK AND DELLA COOPER TO REZONE APPROXIMATELY 160 ACRES FROM AN AG-80 AGRICULTURAL ZONING CLASSIFICATION TO AN AG-40 AGRICULTURAL ZONING CLASSIFICATION

Rod Compton, Planning & Zoning Director, came before the Board for approval to rezone approximately 160 acres from an AG-80 Agricultural zoning classification to an AG-40 Agricultural zoning classification. Rick & Della Cooper own approximately 160 acres located on the southwest corner of the intersection of NW 50th St. and NW Shumway Rd. The applicants have stated that they checked on the zoning classification of the property before they bought it, and the property was zoned AG-40. They had purchased the entire quarter section with the idea of transferring parcels of 40 acres to their children. The zoning map was changed in 2006 to include all of this property within the AG-80 zoning district. The Planning Commission approved this request by a 5-0 vote. Staff also recommends approval.

Commissioner Carpenter motioned to approve the request by Rick & Della Cooper to rezone approximately 160 acres described as: the Northeast Quarter of Section 11, Township 25 South, Range 4 East of the 6th P.M., Butler County, Kansas from an AG-80 classification to an AG-40 Agricultural classification and hereby authorize the Chair to sign Resolution No. 08-05 granting such change. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL TO ALLOW THE SHERIFF'S DEPARTMENT TO SOLICIT BIDS FROM AREA AUTOMOBILE DEALERS FOR THE PURCHASE OF A SPORTS UTILITY VEHICLE TO BE USED BY THE NARCOTICS DIVISION

Sheriff Craig Murphy came before the Board for approval to solicit bids from area automobile dealers for the purchase of a sports utility vehicle to be used by the narcotics division. Sheriff Murphy stated that supplies and equipment would be more secure and much easier to access in an SUV.

Commissioner Masterson motioned to allow the Sheriff's Department to solicit bids for purchase of a 2008 sports utility vehicle. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Commissioner Wheeler asked Sheriff Murphy if there were plans to install video cameras in patrol cars. Roy Raney, Under Sheriff said they are researching that and said it would cost \$5,000 per car. Sheriff Murphy said it would be a good thing, but wants to make sure the equipment is worth the cost.

ITEM #3 – CONSIDER APPROVAL OF AN AGREEMENT WITH KDOT FOR TREATMENT OF NOXIOUS WEEDS BY THE WEED DEPARTMENT AND ALLOW THE CHAIR TO SIGN

Riley Walters, Noxious Weed Department Director, came before the Board for approval of an agreement with KDOT for treatment of noxious weeds on KDOT rights-of-way.

Commissioner Wheeler motioned to approve the agreement to treat noxious weeds on KDOT property. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL TO ALLOW THE WEED DIRECTOR TO PURCHASE HERBICIDES FOR THE NOXIOUS WEED DEPARTMENT

Riley Walters, Noxious Weed Department Director, came before the Board for approval to purchase the products best suited to the Weed Department’s use. The estimated cost of \$120,000 is well within budget. Bids were received from:

<u>Product</u>	<u>UAP Distributing</u>	<u>Van Diest Supply Co.</u>	<u>Vegetation Mgmt Supply, Inc.</u>	<u>Snyder Sales & Services</u>
2,4-D Amine 4 – 2000 gal.	\$10.25	\$10.04	\$ 9.95	No Bid
2,4-D Amine 4 – 900 gal.	\$ 9.79	\$10.02	\$ 9.65	No Bid
2,4-D Low vol ester – 360 gal.	\$13.25	\$12.79	\$12.68	No Bid
Glyphosate – 1500 gal.	\$32.60	No Bid	No Bid	No Bid
Glyphosate – 720 gal.	\$31.60	No Bid	No Bid	No Bid
Picloram – 180 gal.	\$59.49(360 gal)	\$55.14	No Bid	\$58.70

Commissioner Wheeler motioned to allow the Weed Director to review the bids and return with a recommendation for purchase. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Mr. Walters returned with recommendations to the Board for purchase of herbicides.

Commissioner Carpenter motioned to approve the bids from Vegetation Management Supply, Inc. for the 2,4-D’s, UAP Distributing for the Glyphosate, and Van Diest Supply Co. for the Picloram. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER LANDFILL ENGINEERING PROPOSALS FOR THE 2008 SEMI-ANNUAL GROUNDWATER MONITORING WORK, GENERAL ENGINEERING SERVICES, WASTE VOLUME CALCULATIONS, CONSTRUCTION DOCUMENTS FOR AREA 2B AND CONSTRUCTION DOCUMENTS FOR EXPANSION OF THE LEACHATE RECIRCULATION SYSTEM

Darryl Lutz, P.E., Director of Public Works, came before the Board to present engineering proposals for the 2008 semi-annual groundwater monitoring work, general engineering services, waste volume calculations, construction documents for Area 2B, and construction documents for expansion of the leachate recirculation system. All of this work is budgeted.

Commissioner Wheeler motioned to approve engineering services provided by Burns & McDonnell Engineering Company under Authorization No. 36 in the amount of \$30,030 for 2008 semi-annual groundwater monitoring work at the landfill, under Authorization No. 37 in the not to exceed amount of \$15,000 for 2008 general engineering support for the landfill, under Authorization No. 38 in the not to exceed amount of \$28,813 for waste volume calculations, under Authorization No. 39 in the not to exceed amount of \$76,869 for preparing

plans and construction documents for Area 2B and under Authorization No. 40 in the not to exceed amount of \$18,221 for preparation of plans and documents for extending the leachate recirculation lines and authorize the Chair to sign all five authorizations. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #6 – REVIEW AND DISCUSS THE PROPOSAL FOR ENGINEERING WORK RELATED TO MAJOR REPAIRS ON THE WALNUT RIVER BRIDGE ON NE 110TH STREET

Darryl Lutz, P.E., Director of Public Works, came before the Board to review and discuss the proposal for engineering work related to major repairs on the Walnut River Bridge on NE 110th Street. The engineer fees proposed for this project are considered excessive. Butler County has visited with another engineering firm who suggested a fee significantly less than the fee proposed. The other firm has significant experience with specialized bridge design and repair work with KDOT and many other cities and counties. Staff recommends considering negotiating a fee for the requested work.

Commissioner Wheeler motioned to consider a proposal from Finney & Turnipseed for repair/rehabilitation work for the Walnut River Bridge on NE 110th Street. Commissioner Carpenter seconded the motion. Motion carried 5-0.

RECESS

Commissioner Woydziak recessed the Board meeting at 9:50 a.m. for 5 minutes.

RECONVENE

Commissioner Woydziak reconvened the Board meeting at 9:55 a.m.

ITEM #7 – DISCUSS THE STATUS OF CONNECTING BUTLER RURAL SEWER DISTRICT NO. 8 TO THE CITY OF EL DORADO

Darryl Lutz, P.E., Director of Public Works, came before the Board to discuss the status of connecting Butler County Rural Sewer District No. 8 (College Acres area) to the City of El Dorado's sanitary sewer collection system. Poe & Associates, Inc., was awarded the work to prepare the cost study and to make the necessary report. In March 2007 the report was approved by the Board of County Commissioners and submitted to KDHE. Following acceptance of the report by KDHE, Butler County began working immediately with the City of El Dorado to proceed with the required work. The City was requesting annexation of College Acres in order to make the connection. The county advised the City that they would need to initiate annexation on their own if that is what they desired. The city initiated annexation procedures last fall, but due to an error the city had to start over. On March 3rd, the City Commission was presented with a new ordinance to initiate the annexation process again. The City governing body chose to not proceed with annexation. City staff has since notified the County of the City's actions and also notified the County that the City will not allow connection to the City's sewer system. Butler County has forwarded notification to KDHE of the City's actions and is awaiting guidance. Administrator Johnson said the city could annex unilaterally under 12-520, which hasn't happened. He said there has been discussion about the city requesting annexation under 12-521, which requires the city to pass an ordinance to petition the County Commissioners to approve the annexation of the property. The Board received the status report and guided staff to wait for a response from KDHE. No action was taken.

Administrator Johnson and the Board discussed the sewer system at the prison and jail and alleviating problems with sheets and blankets being put into the system.

Commissioner Wheeler asked for an update on Diana Harms. Administrator Johnson stated that Mrs. Harms met with plumbers who found that there isn't enough room to install laterals. There was discussion about putting in a pumping system. Administrator Johnson discussed putting in a lift pump that would come up out of the ground and loop back down through the sewer line. Another idea is to buy enough property from the sale barn to put in laterals. Administrator Johnson added that if the shower and especially the toilet in the basement were eliminated, the bypass would work at the lift station. Commissioner Woydziak suggested putting in a small ejector pump that can be purchased at a hardware store. Administrator Johnson noted that he would be meeting with Planning & Zoning today to discuss this issue.

ITEM #8 – RECEIVE A REPORT FROM THE RECYCLE TASK FORCE TO RECOMMEND ADOPTION OF THE PROPOSED COUNTY-WIDE RECYCLE PLAN

Darryl Lutz, P.E., Director of Public Works, came before the Board to discuss the process for presentation of the Countywide recycle plan. Mr. Lutz said the Task Force held its most recent meeting on Wednesday, March 12th. After receiving final comments on the plan, it was recommended for approval to the Board of County Commissioners subject to final corrections and revisions being made. The Board discussed the countywide recycling plan and asked for copies of the plan to be presented at a later date. No action was taken.

RECESS

Commissioner Woydziak recessed the Board meeting at 11:00 a.m. for 5 minutes.

RECONVENE

Commissioner Woydziak reconvened the Board meeting at 11:05 a.m.

The Board asked questions regarding an abate for Cochran Construction. Elysa Lovelady, County Appraiser, stated that an equipment list was used from a comparable business because Cochran Construction did not file a list. Now, since they filed their list with the county, the amount is being adjusted through an abate.

APPROVAL OF ADDS AND ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2341 dated March 25, 2008. Adds in the amount of \$1,445.42 and Abates in the amount of \$53,000.28. Commissioner Masterson seconded the motion. Motion carried 5-0.

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

Commissioner Masterson stated that Economic Development Director David Alfaro said the work session went well with the City of Andover regarding the railroad property.

Commissioner Waldorf asked about closing Highway 77 South of Augusta to work on the railroad tracks. Mr. Lutz said that probably will happen in April or May, and noted that they may be exploring another option.

Commissioner Woydziak said he and Commissioner Carpenter would be attending the Farm Bureau dinner tonight.

Administrator Johnson announced that the KOMA and KORA class would be on Thursday, March 27 from 1:00 to 3:00 p.m. at the Community Building.

Administrator Johnson informed the Board that Zoll Medical Corporation is contesting the bid on the heart monitors that was submitted on February 12, 2008 stating that the Philips Electronics North America bid did not meet specifications. Administrator Johnson said staff would review and bring back a recommendation.

Administrator Johnson shared a letter he is sending to the Fire Districts reminding them not to use county facilities to store personal equipment.

David Alfaro, Economic Development Director, came before the Board to ask the Chairman to sign the railroad easement from Kansas Gas Services.

Commissioner Masterson asked Administrator Johnson for an update on the communications study.

Administrator Johnson said the county's policy on burning requirements would be an agenda item next week.

Mr. Lutz advised the Board about the road vacation on the old K-196 Highway between NW 30th and NW 40th St. The City of Potwin has requested an easement for the water line before proceeding with the order to vacate the road.

Mr. Lutz noted that he met with the Wichita Metropolitan Area Planning Organization (WAMPO), Technical Advisory Committee regarding the SW Butler Rd. project. Mr. Lutz noted that Scott Dunakey, WAMPO representative, has been appointed to the task force, and indications are that this will go through without any problems.

Mr. Lutz informed the Board of a meeting at the Augusta Refinery on Thursday, March 27, to address the drainage through the refinery. Mr. Lutz said it seems that the problem with water backing up on the railroad right-of-way is related to the drainage problems.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:45 a.m.

Commissioner Waldorf seconded the motion. Motion carried 5-0.

****Commissioners will be attending a dinner meeting with Farm Bureau Association starting at 6:30 p.m.****