

BUTLER COUNTY BOARD OF COMMISSIONERS
Monday, November 10, 2008

CALL TO ORDER

Commission Chairman Dan Woydziak called the Butler County Board of Commissioners to order at 9:26 a.m. Present were Commissioner Will Carpenter, Commissioner Jeff Masterson, Commissioner Mike Wheeler, Administrator Will Johnson, Jr., and Executive Assistant Sandy Zieman. Commissioner Waldorf was absent.

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Monday, November 3, 2008 and Tuesday, November 4, 2008 as written. Commissioner Carpenter seconded the motion. Motion carried 4-0.

ITEM #1 – CONSIDER AND MAKE RECOMMENDATION TO THE CITY OF AUGUSTA REGARDING WHETHER THE APPLICATION BY JOHN JENSEN FOR A CONDITIONAL USE PERMIT TO ALLOW THE INTERNET SALE OF ANTIQUE CARS THAT ARE RESTORED AND STORED ON PROPERTY IN THE AUGUSTA EXTRATERRITORIAL AREA WOULD BE IN CONFORMANCE TO THE BUTLER COUNTY COMPREHENSIVE PLAN.

Rod Compton, Planning & Zoning Director, came before the Board to consider and make recommendation to the City of Augusta regarding whether the application by John Jensen for a conditional use permit to allow the internet sale of antique cars that are restored and stored on property in the Augusta Extraterritorial area would be in conformance to the Butler County Comprehensive Plan. Mr. Jensen owns Lots 8, 9, 12, and 13 of Tawakoni Hills Estates. The lots total approximately 35.3 acres. Mr. Jensen wishes to utilize an existing building located on Lot 8, which is located on the southwest corner of the intersection of SW Tawakoni Road and SW 104th Street to restore antique vehicles which will then be offered for sale over the internet. He has indicated that he does not wish to display any of the vehicles outside.

Staff feels the use as proposed would conform to the County's Comprehensive Plan because, if carried out in the manner proposed, it would not alter the character of the area.

Commissioner Carpenter motioned to find that the Conditional Use Permit requested by John Jensen would be in conformance with the Butler County Comprehensive Plan and authorize Staff to send a letter to the Augusta City Planning Commission signifying the same with the conditions of no signage and no outside storage of vehicles or parts. Commissioner Wheeler seconded the motion. The motion carried 4-0.

ITEM #2 – CONSIDER AUTHORIZING THE COUNTY ENGINEER TO SOLICIT FOR ENGINEERING SERVICES FOR TWO BRIDGE REPLACEMENT PROJECTS FOR BRIDGES DESTROYED DURING RECENT FEMA DECLARED FLOODING EVENTS.

Darryl Lutz, County Engineer, came before the Board to consider authorizing the County Engineer to solicit for engineering services for two bridge replacement projects for bridges destroyed during recent FEMA declared flooding events. The County has received two FEMA disaster declarations this year due to major flooding. During each flooding event, a major bridge was destroyed. Both locations have long detours and justify a bridge replacement project. The first location is a bridge

on Cedar Ford Road over Rock Creek between SE 220th Street and SE 225th Street. The second location is a bridge on SW 137th Street over the Little Walnut River between Boyer Road and Purity Springs Road. FEMA will be paying 75% of the cost of replacing these bridges to current modern bridge standards. It is expected that an additional 10% of the project cost will be paid for by the State of Kansas. There is an Alternate FEMA bridge shown on the map. Mr. Lutz stated this particular bridge would be funded by FEMA at 65%. The local share of cost will be prioritized for funding for 2009 or 2010 depending upon when plans are ready to go to bid.

Commissioner Masterson motioned to authorize the Director of Public Works to obtain proposals for engineering services for design and plan preparation work for bridge replacement projects located on Cedar Ford Road over Rock Creek and on SW 137th Street over the Little Walnut. Commissioner Carpenter seconded the motion. The motion carried 4-0.

ITEM #3 – CONSIDER AUTHORIZING THE COUNTY ENGINEER TO NEGOTIATE A CONTRACT EXTENSION WITH THE COUNTY’S CURRENT CONCRETE BOX CONTRACTOR TO REPLACE A CONCRETE STRUCTURE DAMAGED DURING A RECENT FEMA DECLARED FLOODING EVENT.

Darryl Lutz, County Engineer, came before the Board to consider authorizing the County Engineer to negotiate a contract extension with the County’s current concrete box contractor to replace a concrete structure damaged during a recent FEMA declared flooding event. During the recent June 2008 flooding event, several bridges and drainage structures were badly damaged or destroyed. This flood event was declared a federal disaster which allows the damaged to be repaired or replaced with FEMA Public Assistance. A county jurisdiction concrete structure located on SW River Valley Road north of Douglass was badly damaged and will need to be replaced. FEMA is providing funding for the replacement work. Staff is presently working on design, plans and quantities for replacement concrete box type structure.

FEMA is funding replacement of the damaged structure as a small project. Small project are to be completed within 6 months of receiving project approval unless an extension is approved. Small projects are also under \$60,400 in value. LMK Concrete Construction is currently under contract with Butler County for the construction of 8 concrete box structures in the County. The proposed additional work is similar in type and could probably be built for the same unit costs. Since LMK is already staged in Butler County, no additional costs for mobilization are expected. There could be some costs related to increases in concrete or reinforcing steel materials.

Funding for this work will be mostly paid for with FEMA funds. The balance for this project will be paid for with Bridge Building funds.

It was the consensus of the Board to have Mr. Lutz check with additional contractors and bring back an informal proposal.

ITEM #4 – WORK SESSION – REVIEW OF E-WASTE PROMOTIONAL MATERIAL

Darryl Lutz, County Engineer, came before the Board to review E-Waste Promotional Material. The E-waste program will be free to all households, schools and government agencies. There will be a \$0.10 per pound charged to all businesses and non-profit groups. A PowerPoint presentation will be distributed to all City’s for use on their cable channels for informational purposes to the citizens of those cities. The E-Waste facility will be opened on December 1st. UNICOR

information was distributed to the Board. UNICOR is the Federal Prison Industries Recycling Business Group.

It was the consensus of the Board to waive the \$0.10 per pound fee for the first year for all in-Butler County e-waste. The Board will re-evaluate the fee structure next year. Out-of-county e-waste will still fall under the \$0.10 per pound fee.

Darryl Lutz, County Engineer, received favorable comments from Marion County on the Out-of-County Trash agreement. Marion County was ok with the out clause, requested an adjustment in the billing cycle due to paying bills once a month, and requested an insertion of the definition for special waste (asbestos, contaminated soil, etc.).

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for November 10, 2008 in the amount of \$483,551.41. Commissioner Carpenter seconded the motion. Motion carried 4-0.

COMMISSION ADS & ABATES

Commissioner Masterson motioned to approve Adds & Abates #2369 dated November 10, 2008. Adds in the amount of \$0.00 and Abates in the amount of \$1,490.20. Commissioner Wheeler seconded the motion. Motion carried 4-0.

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

Commissioner Wheeler inquired about who will be attending the Leadership Butler Celebration on Thursday, November 20th. Commissioner Carpenter and Woydziak will be attending. Commissioner Wheeler and Administrator Johnson will be attending the Butler County Extension Annual Meeting and Elections on the same evening.

Commissioner Woydziak reminded the Board of the upcoming KAC Conference in Wichita.

Administrator Johnson received an email from City Manager Llewellyn requesting the County pay their portion on the levy benefit district. City Manager Llewellyn reviewed the levy benefit district and found the benefit district is very small. Butler County's portion would be \$3,400. Commissioner Woydziak requested Administrator Johnson to get the amount in writing from the City of El Dorado.

Administrator Johnson stated he has the approved agreement from Pro-Kleen. The County Commission had approved \$20,000 in Economic Development assistance for the building of the pad. Pro-Kleen is also spading trees and placing them to make a wind block on their property. Administrator Johnson stated he has received no more complaints from the Butler County employees. The Board requested Administrator Johnson to check with the employees to make sure their vehicles were cleaned.

Administrator Johnson stated the Board will be leaving from the Courthouse at 10 a.m. for St. Joseph, MO. All County Commissioners and County Commissioner Elect Harris will be attending. Administrator Johnson stated he would send out notification of this event.

Administrator Johnson informed the Board the Augusta Recycling Meeting will be held tonight at 7 p.m. at City Hall in Augusta.

ADJOURNMENT

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:40 a.m.
Commissioner Wheeler seconded the motion. Motion carried 4-0.*