

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, November 4, 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 Executive Assistant Sandy Zieman.

**ITEM #1 – CONSIDER APPROVING A REQUEST BY THE EMERGENCY MANAGEMENT DEPARTMENT TO APPLY FOR THE 5% SET ASIDE GRANT RELATED TO MITIGATION TO PURCHASE A SAND BAG MACHINE.**

Kathy Guy, Assistant Emergency Management Director, came before the Board for approval to apply for the 5% Set Aside Grant related to mitigation to purchase a sand bag machine. Since 1993, there have been 21 disaster declarations, 7 of those disasters have resulted in Federal declarations, 4 were for flooding which has resulted in over \$8,000,000 in damage.

During every flooding event that occurs in Butler County, Emergency Management received telephone requests from citizens for sandbags. For instance, during the September 12<sup>th</sup> flood event, we received requests from citizens in and around Leon, El Dorado, and Augusta. When the Whitewater River in Augusta reaches 25 feet, Augusta Department of Public Safety begins the process of sandbagging along the railroad line south of town. Sandbagging is very labor-intensive job requiring enormous amounts of manpower just to fill the bags alone. A sand bag machine would reduce the amount of labor required enabling the job of sandbagging to then become one of transporting the bags to the area where they are needed and placement.

The sandbag machine proposed is capable of filling 3200 bags/hour with a sustained rate of approximately 2,000 bags per hour. The machine is portable which enable sit to be moved to where operations are needed. The Butler County Engineer's Office has agreed to store the machine at the north shop in El Dorado.

The FEMA 5% Set Aside Mitigation Program is designed for mitigation projects that do not meet Benefit Cost Analysis. It is a 75/25 program. The total cost of the proposed sandbag machine is \$28,020 which means that the grant would pick up 75% of the cost (\$21,015) with Butler County picking up 25% of the cost (\$7,005). In addition, Butler County would need to purchase sandbags to have in stock. The cost would be \$2,725 for 10,000 sandbags. The Corp of Engineer's will provide sandbags during the disaster. However, the closest location to get the sandbags is either Council Grove or Fall River. This would be a non-budgeted item if the grant is approved.

*Commissioner Waldorf motioned to approve the application by Emergency Management to the Kansas Division of Emergency Management for a 75/25 mitigation grant to purchase a sandbag machine for Butler County. In addition, if the grant is successful, I recommend approval of the purchase of 10,000 sandbags at the cost of \$2,725 to assure a stock supply is available. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Kathy Guy informed the Board that Emergency Management will be meeting with FEMA tomorrow to discuss the Federal Declaration that has been approved for Butler County in the amount of \$1.8 million dollars.

**ITEM #2 – CONSIDER APPROVAL OF THE FY2008 KDOC ANNUAL OUTCOMES REPORT**

Chuck McGuire, Community Corrections Director, came before the Board for approval of the FY2008 KDOC Annual Outcomes Report. This process is performed annually. It is the report that is utilized in measuring the outcomes for stated agency goals and objectives from the previous fiscal year. The report requires signatory verification from the Butler County Commission and the 13<sup>th</sup> District Joint Corrections Advisory Board to show that it was presented. The Board reviewed the objectives and outcomes for the June 2007 to July 2008 period.

*Commissioner Wheeler motioned to approve the 13<sup>th</sup> District Community Corrections FY2008 KDOC Annual Outcomes Report and authorize the chair to sign. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF A MEMORANDUM OF UNDERSTANDING RELATED TO RECYCLING OF E-WASTE COLLECTED BY BUTLER COUNTY**

Darryl Lutz, County Engineer, came before the Board for approval of a Memorandum of Understanding related to recycling of E-Waste collected by Butler County. Butler County received notice of award in 2007 of approximately \$264,000 in grant funds from KDHE for a proposed new building and equipment for collecting electronic waste materials (e-waste). Landfill staff and public works staff have worked through last fall and this year to construct the new E-waste building, to purchase equipment and to develop a collection program for this project. The program is on schedule to begin receiving e-waste by December 1, 2008. Butler County intends to utilize UNICOR, a division of Federal Prison Industries, to process and/or recycle electronic waste collected by Butler County. UNICOR is approved and certified by KDHE to process and recycle electronic wastes with data drives. They are offering their services for transportation and processing of e-waste at no cost to the County.

Commissioner Waldorf voiced his concern that UNICOR is a prison based company and that confidential data could get into the wrong hands.

*Commissioner Carpenter motioned to approve the Memorandum of Understanding between Butler County and INICOR for processing and recycling e-waste collected by butler County and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-1, with Commissioner Waldorf voting against the motion.*

**ITEM #4 – CONSIDER APPROVING AN AMENDMENT TO THE GRAN TCONTRACT FOR THE E-WASTE PROGRAM FOR A NO-COST EXTENSION OF TIME.**

Darryl Lutz, County Engineer, came before the Board for approval of an amendment to the grant contract for the E-Waste program for a no-cost extension of time. Butler County received notice of award in 2007 of approximately \$264,000 in grant funds for KDHE for a proposed new building and equipment for collecting electronic waste materials (e-waste). Landfill staff and public works staff have worked through last fall and this year to construct the new E-waste building, to purchase equipment and to develop a collection program for this project. Under the current grant agreement, the deadline for expending funds is December 31, 2007. Staff has

requested a 6 month extension to the grant expenditure deadline to allow sufficient time to complete site work, access roads and parking for the new e-waste building. The building is essentially completed, but, final payment of the project could possibly not occur until after December 31<sup>st</sup>. The program however, is on schedule to begin receiving e-waste by December 1, 2008.

***Commissioner Wheeler motioned to approve the amendment to the E-Waste Grant Contract between KDHE and Butler County to allow a no-cost extension of time for the grant reimbursement period and to authorize the Chair to sign. Commissioner Carpenter seconded the motion. Motion carried 5-0.***

Daryl Lutz, County Engineer, presented the bid Evaluations and Recommendations for the 2008 Bridge Repair Projects. Bids were received, opened, and tabulated for three bridge repair projects in Butler County. Mr. Lutz requested three different motions for the three projects.

Project No. BR 11N5-24-6(08) – East Branch Walnut River Bridge on NE 110<sup>th</sup> Street. Bids were received from 3 contractors for this project. The low bid was received from Wildcat Construction Services, inc., Topeka, Kansas for a total bid amount of \$189,433.50. The bid documents were considered responsive and Wildcat Construction Services is qualified for this type of work. The bid was below the engineer's estimate of \$202,868.50. The bid was not tied to any other project.

***Commissioner Masterson motioned to award the bid for Project No. BR 11N5-24-6(08) for bridge repair and deck rehabilitation on the West Branch Walnut River Bridge on NE 110<sup>th</sup> Street to Wildcat Construction Services, Inc., Topeka, Kansas for a total bid amount of \$189,433.50 and authorize the Chair to sign the Notice of Award. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

Project No. BR 19N7-29-3(08) Polecat Creek Bridge on SW 210<sup>th</sup> Street. Bids were received from 4 contractors for this project. The low bid was received from Dondlinger & Sons Construction Co., Inc., Wichita, KS for a total bid amount of \$176,587.50. The bid documents were considered responsive and Dondlinger & Sons Construction co. is qualified for this type of work. The bid was not below the engineer's estimate of \$162,078.50 but is within 110% of the engineer's estimate. Thus, by statute the Board of County Commission is allowed to award the bid. This contractor did tie this project with Project No. BR 19N6-29-4(08). The combination of the 2 bids was still considered low.

***Commissioner Masterson motioned to award the bid for Project No. BR 19N7-29-3(08) for bridge deck rehabilitation on the Polecat Creek Bridge on SW 210<sup>th</sup> Street to Dondlinger & Sons Construction Company, Inc., Wichita, Kansas for a total bid amount of \$176,857.50 and authorize the Chair to sign the Notice of Award. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

Project No. BR19N6-29-4(08) Walnut River Bridge on SW 210<sup>th</sup> Street. Bids were received from 4 contracts for this project. The low bid was received from Dondlinger & Sons Construction Co., Inc., Wichita, KS for a total bid amount of \$296,032.50. The bid documents were considered responsive and Dondlinger & Sons Construction co. is qualified for this type of work. The bid

was below the engineer's estimate of \$340,717.50. This contractor did tie this project with Project No. BR 19N7-29-3(08). The combination of the 2 bids was still considered low.

***Commissioner Masterson motioned to award the bid for Project No. BR 19N6-29-4(08) for bridge deck rehabilitation on the Walnut River Bridge on SW 210<sup>th</sup> Street to Dondlinger & Sons Construction Company, Inc., Wichita, Kansas for a total bid amount of \$296,032.50 and authorize the Chair to sign the Notice of Award. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

#### **COMMISSION ADDS & ABATES**

***Commissioner Waldorf motioned to approve Adds & Abates #2368 dated November 4, 2008. Adds in the amount of \$0.00 and Abates in the amount of \$226.08. Commissioner Masterson seconded the motion. Motion carried 5-0.***

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

Commissioner Woydziak stated he attended the City of Rose Hill Council meeting last night. Butler County presented the Recycling Program to the City Council.

Administrator Johnson informed the Board Butler County will be submitting two Economic Development Assistance Program projects to SCKEED for consideration. The projects include Butler Road and Haverhill Road.

Administrator Johnson stated we have received 4 or 5 Windfarm Funding requests. These requests will be reviewed in December.

Administrator Johnson stated there is an issue in Rosalia with the Community Building. The land the Community Building sits on is deed to Butler County. However, the building extends over onto property owned by Fire District #5. He will be working with the Fire District to clean-up the deed and title to this property.

Discussion followed on the Conditional Use Permit Application for ZzzAqua, LLC.

#### **ADJOURNMENT**

***Commissioner Waldorf motioned to adjourn the meeting of the Board at 10:20 a.m. Commissioner Carpenter seconded the motion. Motion carried 5-0.***