

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, October 28, 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 Ziemann.

**APPROVAL OF MINUTES**

*Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Tuesday, October 21, 2008 as written. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

**ITEM #1 – CONSIDER APPROVAL OF REQUEST BY RICK GASH TO REZONE APPROXIMATELY 43 ACRES FROM AN AG-40 TO RR RURAL RESIDENTIAL (CASE NO. RZ-08-07)**

Rod Compton, Planning & Zoning Director, came before the board for approval of request by Rick Gash to rezone approximately 43 acres from an AG-40 to RR Rural Residential. The applicant is requesting the rezoning in order to subdivide that portion of his property into three parcels to convey to his children. He is also building a new home on the West part of this lot. Staff noted this particular request involved the rezoning of the property only. The subdivision of the property would have to be done through the County's platting process and would have to comply with the County's Subdivision regulations. The Commission recommended to Staff to contact the applicant and inform him the Commission would require the building of a road with cul-de-sac to service the four lots once there is application for building on one of the three proposed lots.

The Butler County Planning Commission considered this request at its meeting on October 7, 2008. At that time the Planning Commission then recommended by an 8 to 0 vote to recommend approval.

*Commissioner Woydziak motioned to approve the request by Rick Gash to rezone approximately 43 acres described as: Beginning at the Southeast Corner of the Northeast Quarter of Section 23, Township 28 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence West along the South line of said Northeast Quarter a distance of 1,886 feet, more or less; thence North 404 feet, more or less; thence Northeasterly 418 feet, more or less, thence Northwesterly 638 feet, more or less to the South railroad right of way line; thence Northeasterly along said south railroad right of way line a distance of 1,370 feet, ore or less; thence South 881.44 feet; thence East 857.01 feet to a point of the East line of said Northeast Quarter; thence South 586.55 feet, more or less. To the point of beginning from an AG-40 classification to an RR Rural Residential classification and hereby authorize the Chairman to sign Resolution 08-31 granting such change. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

**ITEM #2 – CONSIDER APPROVAL OF THE COMMUNICATIONS INFRASTRUCTURE RADIO SHARED-USER FOR TALKGROUPS AGREEMENT WITH THE KANSAS DEPARTMENT OF TRANSPORTATION.**

Grant Helferich, EMS Director, came before the board for approval of the Communications Infrastructure radio shared-user for talkgroups agreement with the Kansas Department of Transportation. Butler County EMS has representation on the Region III EMS Major Emergency Response Group (MERGe) that responds to local disasters within Region III (south central Kansas) and other areas within Kansas as a mutual aid request. The group received a grant to purchase 800 MHz radios from team members that would work on the State of Kansas 800 MHz radio system that is managed by the Kansas Department of Transportation. The MERGe group is also obtaining a talkgroup on the 800 MHz system for the MERGe team members to operate on. Since Butler County will be receiving this equipment for Butler County EMS's use and we will be operating on the talkgroup established for the MERGe groups this agreement is needed. The agreement does not conflict with anything Butler County may or will be doing with the State of Kansas and the use of the 800 MHz system operated by the state. This is an open-ended agreement which also includes language for termination for each party.

*Commissioner Carpenter motioned to approve the Communications Infrastructure Radio Shared-User for Talkgroups Agreement with the Kansas Department of Transportation. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL TO AUTHORIZE FLINT HILLS SERVICES TO SOLICIT BIDS FOR THE CONSTRUCTION OF A NEW DAY CENTER AND WORKSHOP IN EL DORADO.**

Dana Korkki, Flint Hills Services Director, came before the board for approval to authorize Flint Hills Services to solicit bids for the construction of a new Life Enrichment Center and day center in El Dorado. Flint Hills Services has received a \$400,000 grant, \$350,000 in tax credits, and an addition \$1.7 million in a low interest loan from rural development to construct a new building. Butler County will be accepting bids on this project as part of their grant sponsorship.

The Life Enrichment Center would be approximately 20,000 square feet. Mike West, SCKEED, will be overseeing this project.

Mark Detter, Assistant County Administrator/Finance Officer, stated the \$1.7 million low interest loan is a rural development loan guaranteed through Intrust Bank. This will be a 20 year debt service loan with debt service payments to be approximately \$125,000 to \$150,000 per year. The County will have no financial obligation with this request, only administering this project.

Dana Korkki stated Flint Hills Services is serving 65 clients at this time and hope to expand to 100 clients by providing rehabilitation services as well as community education services. He explained Flint Hills Services needs to be more competitive locally.

*Commissioner Masterson motioned to authorize Flint Hills Services to solicit bids for their building project in El Dorado. Commissioner Woydziak seconded the motion. Motion carried 4-0-1. Commissioner Carpenter abstained.*

Administrator Johnson recognized Mr. Dave Stewart from PKHLS Architects. Mr. Stewart informed the Commission the parking lot on the Southwest Corner of Star and Pine will be completed by the end of December. First Baptist Church has hired Conco Construction for this project. The project will be funded by three entities: First Baptist Church, Butler County, Carlson and Kirby-Morris Funeral homes. The parking lot will have 58 spaces. The existing entrance (alley way) off of Pine Street will be utilized as well as a new entrance off of Star.

**ITEM #4 – CONSIDER AN AMENDED AGREEMENT BETWEEN BUTLER COUNTY AND THE CITY OF ANDOVER WITH ANTHONY SPEERS AND ASSOCIATES (ASA), INC. FOR THE DEVELOPMENT OF PRELIMINARY DESIGNS AND ESTIMATES ASSOCIATED WITH A LIGHTNING STRIKE CENTER IN ANDOVER.**

Administration Johnson came before the board for approval of an amended agreement between Butler County and the City of Andover with ASA, Inc. for the development of preliminary designs and estimates associated with a lightning strike center in Andover. The County recently entered into an agreement with the City of Andover and Roger Powers for the preparation of preliminary design and cost estimates related to a Lightning Strike Center to be located in Andover. The facility would be located within the Andover Industrial Park with the main tenant of the facility being the National Institute of Avionics Research (NIAR). The facility would be utilized primarily for the testing of composite component material related to aircraft against lightning strikes. The facility would be the only one in Kansas and one of the largest in the world.

Butler County was recently approached by the developer and NIAR concerning modifications of the principal partner in the project and their desire to change partners. The new principle lead on the project is Anthony Speers and Associates (ASA), Inc., who is a commercial developer out of Wichita.

Administrator Johnson stated the first order of business on this amendment would be a motion for a separation agreement with Flint Hills Technology.

*Commissioner Masterson motioned to approve a Separation Agreement with Flint Hills Technology and the City of Andover. Commissioner Waldorf seconded the motion. The motion carried 5-0.*

*Commissioner Masterson motioned to approve an amended agreement between Butler County and the City of Andover with Anthony Speers and Associates (ASA), Inc. for the development of preliminary designs and estimates associated with a lightning strike center in Andover. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

**ITEM #5 – WORK SESSION – REVERSE 911**

Chris Davis, Emergency Communications Director, came before the board to discuss the Reverse 911 System. The Reverse 911 System is a computer program which plays a recorded message to a selected area of phone numbers. The database for the phone numbers is provided by a third party at this time. The system uses 12 lines (3 which are dedicated lines in the Emergency Communications Department and 9 lines which are fax lines used in the Historic Courthouse).

For example, if there was a need to contact 100 phone numbers it would take approximately 7 minutes to accomplish this task. The recorded message is approximately 30 to 40 seconds in length. The Reverse 911 has been used 12 times this year, (three for missing children; one

Alzheimer patient who was missing; three foot chases; one train derailment with hazmat possibilities; two standoffs; one boil water order; and one evacuation notice due to flooding.

The perception of the Reverse 911 system is the information should be able to be relayed quickly. In actuality, there are variables which will contribute to how fast the system can relay the information. These include: the amount of phone numbers which need to be contacted and the length of the message. If there was a need to send out a message to all of Butler County, approximately 18,000 phone numbers, this would take 12 ½ hours.

Mr. Davis has been researching other options. One option is Mass Call. This is a cyberspace call center that has the ability to send out a mass call. There is a \$6,000 set-up fee (one-time fee) and 20 cents per call minute. Mr. Davis stated he would come back to the Commission with more information regarding Mass Call. He indicated Kansas Department of Correction has expressed an interest in helping with the cost of Mass Call. Mr. Davis proposed paying for Mass Call with the Wireless and Traditional 911 Tax monies.

#### **ITEM #6 – WORK SESSION – UPDATE ON ILLEGAL TRASH DUMPING**

Administrator Johnson stated he had a meeting with Sheriff Craig Murphy, County Attorney Jan Satterfield and County Engineer Darryl Lutz regarding illegal trash dumping. These individuals proposed an illegal commercial dumping resolution. County Attorney Jan Satterfield will be preparing a resolution to be considered by the Commission. There is a state statute that allows for fines to be imposed to individuals who are caught and prosecuted. Fines for the first offense can be \$250 - \$1000, second offense can be \$1,000 to \$2,000, third offense can be up to \$4,000. It is recommended that fines be established for commercial dumping at \$5,000 to \$25,000. A press release will be distributed regarding the imposing of fines on illegal trash dumping and signage distributed to townships.

Discussion ensued regarding offering rewards for the successful prosecution of individuals. An amount of \$500 was discussed. Administrator Johnson will look into options.

#### **RECESS**

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

#### **RECONVENE**

Commissioner Woydziak reconvened the Board meeting at 10:15 a.m.

#### **APPROVAL OF VOUCHERS**

*Commissioner Wheeler motioned to approve the vouchers for October 27, 2008 in the amount of \$547,545.97. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

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

Commissioner Wheeler requested Mark Detter, Assistant County Administrator/Finance Officer, to present a Financial Report to the Commission next week. Commissioner Wheeler would like to know how the problems with Wall Street could affect Butler County.

Commissioner Wheeler inquired about the Coroner's request. Administrator Johnson stated he met with Dr. Varner last Thursday. He is requesting \$3,000 per month only with no mileage stipend.

Commissioner Carpenter stated he needed to appoint Bruce Miller as the Clerk to El Dorado Township.

***Commissioner Carpenter motioned to appoint Bruce Miller as Clerk to the El Dorado Township to replace Darrell Erickson who has passed away. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

Commissioner Masterson stated he has been contacted by the Andover Historical Society requesting help with storage of items due to their current building leaking. The approximate cost is \$200 per month, which the City of Andover will pay half. The Andover Historical Society is requesting \$1200, \$100 per month for 12 months from Butler County.

***Commissioner Carpenter motioned to approve the request of the Andover Historical Society for \$1200 for one year and one time only. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

Commissioner Waldorf will not be able to canvass votes on November 10<sup>th</sup> and would like to appoint Mark Detter to canvass.

***Commissioner Waldorf motioned to appoint Mark Detter, Assistant County Administrator/Finance Officer to canvass votes on November 10<sup>th</sup> in Commissioner Waldorf's absence. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

Commissioner Waldorf reminded the Commission about the Extension Council Annual Meeting and 4-H Achievement Night.

Commissioner Waldorf inquired if the other Commissioners had received a letter from the Beaumont Hotel.

Ron Roberts, County Clerk informed the Commission he has already sent out 5,000 advanced ballots. There are approximately 40,000 registered voters in Butler County. There have been approximately 1,000 walk-ins. These advanced ballots must be entered into the State Election site which has recently been slowed due to Sedgwick County opening their advanced voting sites.

Butler County did have an Advanced Voting site in Andover which was located at the Andover Senior Center from 8 a.m. to 1 p.m. There were 126 individuals who voted. The voting machines located in the Historic Courthouse will close at noon on November 3<sup>rd</sup>.

Commissioner Woydziak asked Administrator Johnson to pass on appreciation to the Public Works department for work being done on SW 170<sup>th</sup> and SW 210<sup>th</sup>.

Administrator Johnson informed the Commission the Detention Facility is ready to send out an RFP for Food Service.

***Commissioner Waldorf motioned to allow the Sheriff/Detention Facility to send out Request for Proposals for Food Service at the Detention Facility. Commissioner Masterson seconded the motion. Motion carried 5-0.***

Administrator Johnson stated there is a small issue with the Tour Butler Funding request. The request is for \$37,000. The Windfarm Funding will only allow 50% of the request. Tour Butler will need to have alternate funding for this project. Tour Butler will need to submit a letter identifying how they will fund the remainder of their request.

Administrator Johnson stated he would also send follow up letters to the individuals who were awarded Windfarm Funds with certain conditions.

Administrator Johnson asked the Commission to make a simple motion to allow the County Administrator to sign certain legal documents (auto titles, closing documents). Kansas Secured Title has requested a simple motion to allow the County Administrator to close on property being purchased by Fire District #7.

***Commissioner Masterson motioned to authorize Administrator William H. Johnson, Jr. to sign closing documents for the purchase of real property located at 130 N. Main in Benton, Kansas for Fire District #7. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

Administrator Johnson received a letter from Dr. Kuhns terminating his contract from the Detention Center.

Administrator Johnson reminded the Commission about the Candidates Forum tonight at the Community Building (4-H Building). There is a reception at 6:30 p.m. with the forum starting at 7:00 p.m.

## **ADJOURNMENT**

***Commissioner Masterson motioned to adjourn the meeting of the Board at 11:00 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.***