

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 23, 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, Assistant Administrator/Finance Director Mark Detter, and Clerk Recorder Tammy Bridges. Administrator Will Johnson was absent.

**ITEM #1 – CONSIDER APPROVAL OF THE CONTRACT BETWEEN THE SECRETARY OF HEALTH AND ENVIRONMENT OF KANSAS AND THE BUTLER COUNTY HEALTH DEPARTMENT FOR SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANT, AND CHILDREN (WIC), FOOD AND NUTRITION SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE FOR \$114,164 PLUS ANY REALLOCATED FEDERAL FUNDS THAT MAY BECOME AVAILABLE DATED OCTOBER 1, 2008-SEPTEMBER 30, 2009 AND ALLOW THE CHAIR TO SIGN**

Carol Borger, Health Department Administrator, came before the Board for approval of a contract between the Secretary of Health and Environment and the Butler County Health Department for WIC services.

*Commissioner Wheeler motioned to approve the contract between the Secretary of Health and Environment of Kansas and the Butler County Health Department Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Food and Nutrition Service, United States Department of Agriculture in the amount of \$114,164.00, plus any reallocated federal funds that may become available dated October 1, 2008-September 30, 2009 and allow the Chair to sign. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

**ITEM #2 – CONSIDER APPROVAL OF THE REQUEST BY KENDALL MCCUNE ON BEHALF OF JERENE E. MCCUNE REVOCABLE TRUST, TO REZONE APPROXIMATELY 11.92 ACRES FROM AN AG-40 TO RR RURAL RESIDENTIAL**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Kendall McCune on behalf of Jerene McCune Revocable Trust to rezone approximately 11.92 acres from AG-40 to RR Rural Residential. This request is being made in order to separate the parcel from the rest of the property to obtain a building permit for a residence. The Butler County Planning Commission, Andover City Planning Commission, and staff recommend approval.

*Commissioner Masterson motioned to approve the request by Kendall McCune to rezone approximately 11.92 acres described as: Beginning at the Northeast Corner of the Southeast Quarter of Section 6, Township 28 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence South 405.6 feet; thence West 1,322.95 feet; thence North 379.39 feet; thence East 1,323.07 feet to the beginning from an AG-40 classification to an RR Rural Residential classification and hereby authorize the Chair to sign Resolution No. 08-25 granting such change. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE REQUEST BY CLARENCE AND EDNA BAYES FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 5.67 ACRES FROM THE REMAINDER OF A 160-ACRE PARCEL**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Clarence and Edna Bayes for a Homestead Lot Split with APO in order to separate an existing homestead and 5.67 acres from the remainder of a 160-acre parcel. The Butler County Planning Commission approved the request and staff feels that the use of the APO provision on this property is appropriate.

*Commissioner Carpenter motioned to approve the APO Lot Split described as follows: Beginning at a point 661.93 feet South of the Northwest Corner of the Northeast Quarter of Section 22, Township 23 South, Range 4 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence South to the Southwest Corner of said Northeast Quarter; thence East along the South line of said Northeast Quarter a distance of 2,222 feet more or less; thence North on a line parallel to the West line of said Northeast Quarter a distance of 1,337 feet, more or less; thence West on a line parallel to the North line of said Northeast Quarter a distance of 1,808 feet, more or less, thence North a distance of 656 feet, more or less; thence West 414.4 feet to the point of beginning, and authorize the Chair to sign the Easement for Right of Way and the Agricultural Protection Overlay Agreement subject to the recording of the Agricultural Protection Overlay agreement and survey of the residential site with the Register of Deeds. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #4 – CONSIDER APPROVAL OF THE REQUEST BY CONOCOPHILLIPS TO ALLOW THE PLACEMENT OF A MONITORING WELL ON COUNTY OWNED PROPERTY AND ALLOW THE CHAIR TO SIGN**

Rod Compton, Planning & Zoning Director, came before the Board for approval of an agreement allowing the placement of a monitoring well on County owned property located on the east side of School St. south of the Jump Start Convenience Store. KDHE has required ConocoPhillips to do an environment assessment of any potential environmental issues. The drilling location is on the old abandoned railroad right-of-way that is now owned by the County.

*Commissioner Waldorf motioned to approve the request by ConocoPhillips for permission to place a monitoring well on County owned property on the east side of School Street south of 7<sup>th</sup> St. in Augusta (County Parcel #2982701002003000), and authorize the Chair to sign the License Agreement for property access. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #10 – CONSIDER APPROVAL OF THE 2008 STRATEGIC PLAN**

David Alfaro, Director BCED, came before the Board to review and adopt the 2008 Strategic Plan.

*Commissioner Waldorf motioned to adopt the 2008 Strategic Plan as presented and sign Resolution No. 08-28. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Mr. Alfaro stated that he would be attending the National Business Aviation Association (NBAA) meeting in Florida on October 6-9.

**ITEM #5 – CONSIDER APPROVING A MAINTENANCE AGREEMENT WITH BENTON TOWNSHIP TO MAINTAIN A PORTION OF SW PRAIRIE CREEK ROAD UPON BEING PAVED**

Darryl Lutz, P. E., Director of Public Works, came before the Board for approval of a maintenance agreement for maintaining a portion of SW Prairie Creek Rd. South of SW 30<sup>th</sup> St. in Benton Township upon being paved. The agreement has been approved by the township and provides for the county to provide asphalt surface maintenance only. The annual maintenance cost is estimated to be \$1,738 per year. The costs are based upon 0.6 miles of street with a 6” asphalt paved surface.

*Commissioner Masterson motioned to approve the maintenance agreement between Butler County and Benton Township for the County to provide maintenance for the 0.6 miles of SW Prairie Creek Rd. south of SW 30<sup>th</sup> St. and authorize the Chair to sign. Commissioner Waldorf 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 #6 – WORK SESSION – RECEIVE A REPORT REGARDING OUT-OF-COUNTY TRASH**

Darryl Lutz, P. E., Director of Public Works, came before the Board to present a report on out-of-county trash. Mr. Lutz stated that Marion County was very interested in bringing their trash to Butler County and needs to know by September 30 in order to notify their current landfill. Cowley County has 7 years left on their current contract with Waste Connections and Greenwood County has a C&D Landfill and a roll off box that Waste Connections services. Chase County and Elk County are not interested at this time.

Assistant Administrator Detter and the Board discussed charging a little more for out of county trash. Mr. Lutz will provide more information next week. No action was taken.

**ITEM #7 – WORK SESSION – DISCUSS RELEASING PROPERTY ACQUIRED FOR CHANNEL IMPROVEMENTS BACK TO THE ADJACENT PROPERTY OWNER**

Darryl Lutz, P. E., Director of Public Works, came before the Board to discuss releasing property acquired for channel improvements back to the adjacent property owners. This property is east of Augusta on Hwy. 54. Mr. Lutz will visit with the property owners about splitting survey costs and if so, will have legal descriptions drawn up and return to the county commission for consideration. No action was taken.

**ITEM #8 – WORK SESSION – DISCUSS THE PROPOSED ROAD VACATION OF THE OLD K-196 HIGHWAY RIGHT-OF-WAY BETWEEN NW 30<sup>TH</sup> STREET AND NW 40<sup>TH</sup> STREET**

Darryl Lutz, P. E., Director of Public Works, came before the Board to discuss the proposed road vacation of the old K-196 Highway right-of-way between NW 30<sup>th</sup> St. and NW 40<sup>th</sup> St. Three commissioners viewed the site in March of this year. Mr. Lutz said it didn't move forward because the City of Potwin's water line runs along the road. Mr. Lutz has been in contact with the

city's attorney. The commissioners thought this had already been taken care of and asked Mr. Lutz to follow-up with the City of Potwin to proceed with closing the road. No action was taken.

**ITEM #9 – WORK SESSION – DISCUSS PROPOSED TRANSPORTATION PROJECTS TO SUBMIT TO KDOT FOR INCLUSION IN A NEW COMPREHENSIVE TRANSPORTATION PROGRAM**

Darryl Lutz, P. E., Director of Public Works, came before the Board to present proposed transportation projects to submit to KDOT for inclusion in a new comprehensive transportation program. Those areas discussed were SW Butler Rd. Corridor Project, US 400 Corridor Preservation, K-254 Interchanges at major county roads, KDOT Economic Development funding, and Direct Sharing of Transportation Funding to counties and cities for safety, capacity, modernization, and economic development. Mr. Lutz will draft a resolution and return at a later date. No action was taken.

**ITEM #11 – CONSIDER APPROVAL OF A LEASE WITH THE CITY OF AUGUSTA FOR RIGHT-OF-WAY NEXT TO THE SOUTH CENTRAL MENTAL HEALTH BUILDING IN AUGUSTA**

Mark Detter, Assistant Administrator/Finance Director, came before the Board for approval of a lease with the City of Augusta for right-of-way next to the South Central Mental Health Center (SCMHC) in Augusta. A portion of the parking lot at the SCMHC was built on property owned by the City of Augusta.

*Commissioner Waldorf motioned to approve the lease between the City of Augusta and South Central Mental Health and Butler County for the purpose of the Counseling Center utilizing the City of Augusta right-of-way for a parking lot at the South Central Mental Health Counseling Center in Augusta. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #12 – CONSIDER APPROVAL TO AUTHORIZE STAFF TO RESEND THE REQUEST FOR PROPOSALS (RFP) FOR MERCHANT CARD SERVICES**

Mark Detter, Assistant Administrator/Finance Director, came before the Board for approval to authorize staff to resend the RFP for Merchant Card Services. The County sent out RFPs for card services last year, but did not follow up on selecting a merchant for such card services. The County would like to accept credit cards and debit cards at various locations including the landfill, health department, planning and zoning, and the County Clerk's office. There was discussion about the fees that are charged for this service.

*Commissioner Waldorf motioned to authorize staff to solicit proposals for merchant card services for Butler County. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**APPROVAL OF ADDS AND ABATES**

*Commissioner Waldorf motioned to approve Adds & Abates #2364 dated September 23, 2008. Adds in the amount of \$0.00 and Abates in the amount of \$7,987.52. Commissioner Masterson seconded the motion. Motion carried 5-0.*

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

Commissioner Waldorf stated that he would not be at the commission meeting next Monday, the 29th.

Commissioner Wheeler noted that he would be gone on October 13 and 14.

Commissioner Wheeler noticed the jail count of 221 and asked for a financial report for the jail.

***Commissioner Woydziak motioned to appoint Joann Lillibridge to the Butler County Council on Aging. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

Commissioner Woydziak stated that he would be attending a health summit with KAC and the Health Department tomorrow and Thursday.

Commissioner Woydziak asked Mr. Lutz about water backing up on 70<sup>th</sup> Street.

Commissioner Waldorf asked Mr. Lutz to check a culvert off of Rosalia Rd. on NE 40th St.

Commissioner Woydziak commented that yesterday's luncheon at the Cassoday Senior Center went well.

Assistant Administrator Detter asked if the commissioners had reviewed the appraisal regarding the purchase of property in Benton for Fire District #7.

***Commissioner Waldorf motioned to approve the purchase of 120 and 130 N. Ohio, Benton, KS in the amount of \$82,500. Commissioner Carpenter seconded the motion. Motion carried 5-0.***

Assistant Administrator Detter noted that he would ask the Sheriff to prepare a presentation on the expenditures and revenues at the jail.

Darryl Lutz came before the Board regarding the trailer bids from yesterday's meeting. The only bid received was from Trailer & Hitches of Augusta, KS for \$8,950. Following the bid opening, Public Works staff contacted Trailers & Hitches to determine pricing for existing trailers on the lot that meet the requested specifications. They have two new 2008 model trailers in stock that are black/gray in color and do not have a spare tire as specified. They offered to sell both of these trailers for \$3,850 each, which was Mr. Lutz's recommendation.

***Commissioner Waldorf motioned to purchase two trailers from Trailers & Hitches, Augusta in the amount of \$3,850 for a total delivered price of \$7,700. Commissioner Masterson seconded the motion. Motion carried 5-0.***

Darryl Lutz came before the Board regarding the proposals for 2009 Biennial Bridge Inspections from yesterday's meeting and recommended the bid from Finney & Turnipseed of Topeka, KS in the amount of \$38,500.

***Commissioner Carpenter motioned to approve the bid from Finney & Turnipseed for the 2009 Biennial Bridge Inspections in an amount not to exceed \$38,500. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

Mr. Lutz spoke about the SW Butler Rd. Project. He would like to proceed and close out the report so it is ready to send to the state in order to meet the financing deadline. The next step is the public presentation of the concept of the plan to be held on October 16 at Rose Hill High School.

Mr. Lutz reported the timeframe for work on bridges on SW 210<sup>th</sup> St. The contractor is proposing 100 calendar days for the Walnut River Bridge and 50 calendar days for the Polecat Bridge.

#### **ADJOURNMENT**

***Commissioner Masterson motioned to adjourn the meeting of the Board at 11:20 a.m. Commissioner Waldorf seconded the motion. Motion carried 5-0.***