

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Monday, September 29, 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 Mike Wheeler, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Randy Waldorf was absent.

**APPROVAL OF MINUTES**

*Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Monday, September 22, 2008 and Tuesday, September 23, 2008 as written.*

*Commissioner Carpenter seconded the motion. Motion carried 3-0 for the minutes of September 22 with Commissioner Carpenter abstaining since he was absent on September 22, and Motion carried 4-0 for the minutes of September 23.*

**ITEM #1 – CONSIDER APPROVAL OF REQUEST BY IBERDROLA RENEWABLES FOR AN EXTENSION OF AN EXISTING CONDITIONAL USE PERMIT TO UTILIZE TEMPORARY METEOROLOGICAL TOWERS TO CONTINUE TO COLLECT WIND DATA (CASE NO. CU-08-09)**

Rod Compton, Director of Planning and Zoning, came before the Board for approval to amend a CUP to allow an extension for temporary meteorological towers to continue to collect wind data. On May 29, 2007, the Board of County Commissioners considered a request by PPM Energy and General Electric for a CUP to erect 3 “met mast” meteorological towers to conduct a study of wind speeds and direction at the Elk River Wind Farm south of Beaumont. Since then, the Wind Farm and meteorological study towers have been sold to Iberdrola Renewables. Staff is recommending approval.

Ryan Orban, Plant Manager/Iberdrola, came before the Board to discuss the 3-year time period and the wind study.

*Commissioner Masterson motioned to approve Resolution No. 08-27 to amend the Conditional Use Permit approved as Case CU-07-04 by allowing an extension of the use of the existing meteorological towers located at the Elk River Wind Farm for an additional 3 years and 3 months from this date, and authorize the Chair to sign Resolution No. 08-27 subject to the conditions listed below. The property is described as: The Southwest Quarter of the Southwest Quarter of Section 5, Township 29 South, Range 8 East, and the Northwest Quarter of the Northeast Quarter of Section 31, Township 28 South, Range 8 East of the 6<sup>th</sup> P.M., Butler County, Kansas. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

The conditions are as follows:

1. The Conditional Use Permits shall be limited in duration to 39 calendar months with the commencement of the 39 month period beginning with the date of approval of Resolution No. 08-27.
2. That all towers, foundations, and associated equipment be decommissioned and removed from the sites within 39 months of the date of approval of this resolution;

3. That a new insurance or surety bond be obtained by Iberdrola Renewables in the amount of \$100,000 to cover the costs of removal of the structures and be submitted no later than 1 month from the date of approval of this resolution.

**ITEM #2 – CONSIDER APPROVAL OF CONTRACT BETWEEN EMDEON BUSINESS SERVICES AND THE BUTLER COUNTY HEALTH DEPARTMENT TO PURCHASE A CARD-READER SYSTEM TO VERIFY MEDICAID, MEDICARE AND OTHER INSURANCE ELIGIBILITY FOR BILLING PURPOSES**

Carol Borger, Health Department Administrator, came before the Board for approval of a contract between Emdeon Business Services and the Butler County Health Department to purchase a card-reader system to verify Medicaid, Medicare and other insurance eligibility for billing purposes.

By using this system, the Health Department will be able to verify the eligibility of people presenting Medicaid, Medicare and other private insurance for payment of services provided. The initial set-up charge is \$495.00 and there is a monthly \$24.95 Subscription fee as well as a 50-cent transaction fee for transactions numbering more than 50.

*Commissioner Wheeler motioned to approve the contract between Emdeon Business Services and the Butler County Health Department for a card-reader system to verify eligibility for Medicaid, Medicare and other private insurance at an initial cost of \$495.00 with a monthly \$24.95 Subscription Fee as well as a 50-cent transaction fee for transactions numbering more than 50 and allow the Chair to sign. Commissioner Carpenter seconded the motion. Motion carried 4-0.*

Commissioner Woydziak said he and Ms. Borger spent two days last week at a conference on Accreditation for Health Departments in order to be eligible for federal funding.

**ITEM #3 – WORK SESSION – JAIL PRESENTATION**

Dennis Phillips came before the Board to present the status of income and expenses for the Butler County Jail for 2007 and the time period of January 1, 2008 through August 31, 2008. The Board discussed operations at the jail and the jail count. Commissioner Wheeler asked about the plans to evacuate the jail during the recent flooding. Captain Galen Whitaker stated that they were ready to go if the need arose, and there was discussion about transporting the inmates in that situation. No action was taken.

**ITEM #4 – CONSIDER APPROVAL OF 2008 CEREAL MALT BEVERAGE LICENSE FOR COUNTRY CORNER STORE, LLC**

Will Johnson, Administrator, came before the Board for approval of the 2008 Cereal Malt Beverage license for the Country Corner Store, LLC.

*Commissioner Wheeler motioned to approve the 2008 Cereal Malt Beverage license for the Country Corner Store. Commissioner Carpenter seconded the motion. Motion carried 4-0.*

**RECESS**

Commissioner Woydziak recessed the Board meeting at 10:05 a.m. for 8 minutes.

**RECONVENE**

Commissioner Woydziak reconvened the Board meeting at 10:13 a.m.

**ITEM #5 – CONSIDER ADOPTING A RESOLUTION PROPOSING AND SUPPORTING PROJECTS AND FUNDING FOR TRANSPORTATION IMPROVEMENTS AS PART OF THE KDOT’S T-LINK PROCESS FOR DEVELOPING A NEW STATEWIDE COMPREHENSIVE TRANSPORTATION PROGRAM**

Darryl Lutz, P.E., Director of PublicWorks, came before the Board for approval of a resolution proposing and supporting projects and funding for transportation improvements as part of KDOT’s T-Link process for developing a new state-wide Comprehensive Transportation Program.

*Commissioner Carpenter motioned to approve Resolution No. 08-29, a resolution endorsing transportation improvements for Butler County, Kansas concerning the enactment by the Kansas Legislature of a new state-wide comprehensive transportation program and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

**ITEM #6 – CONSIDER A PROPOSAL FOR ACCEPTING OUT-OF-COUNTY WASTE FROM MARION COUNTY**

Darryl Lutz, P.E., Director of PublicWorks, came before the Board for approval of a proposal for receiving solid waste from Marion County. Butler County’s waste stream has fallen to below 140 tons per day. The landfill operations and ultimate capacity are based upon a landfill operating at or above 200 tons per day. Right now Marion County pays over \$42.00 per ton. Staff suggested a fee of \$31.50 to Marion County without a commitment from the county commissioners. Butler County’s proposal of \$31.50 per ton will keep some separation between the \$30.00 fee that our local citizens are paying. The City of Salina is proposing \$30.00 per ton. Mr. Lutz stated that we are waiting to hear back from Marion County.

Commissioner Woydziak asked about the time line for striping Santa Fe Lake Rd. and when the shoulders would be completed. Mr. Lutz said the striping should be finished soon and the shoulders should be completed in a few weeks.

**ITEM #7 – WORK SESSION – TABLED NEIGHBORHOOD REVITALIZATION PROGRAM APPEAL**

Mark Detter, Assistant Administrator/Finance Director, came before the Board to discuss the City of El Dorado’s request for a homeowner who paid their taxes late to be reinstated into the NRP program. Twenty-eight people in the City of El Dorado have been removed from the program for paying their taxes late. Mr. Detter suggested that the City of El Dorado take this to their council meeting and vote as to whether they want to reinstate this property.

Elysa Lovelady stated that she spends 15% of her time working on the NRP program besides the time spent in the Clerk and Treasurer Offices. She said it is the city’s plan, but our offices do a lot of paperwork. Mark Detter will bring back a motion to tomorrow’s commission meeting.

**APPROVAL OF VOUCHERS**

*Commissioner Carpenter motioned to approve the vouchers for September 29, 2008 in the amount of \$538,395.34. Commissioner Masterson seconded the motion. Motion carried 4-0.*

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

Ann Carpenter, JJA Administrator, came before the Board to invite the Commissioners to the Flint Hills Services final open house for the group homes that have been completed. The open house is located at 540 Sunflower in El Dorado on Friday, October 3, 2008 from 4:30 p.m. to 6:30 p.m.

Administrator Johnson informed the Board of a presentation by Colonel Lee Tafari, Commander of the 69<sup>th</sup> Troop Command, Topeka, on Tuesday, October 21, 2008 from 6:30 – 8:00 p.m. at the El Dorado Civic Center. Colonel Tafari will share his experience in Iraq as a Commander of a KANG Combat Engineer Battalion.

Administrator Johnson stated that he received a request from New Life Equipping Ministry in El Dorado an old surplus computer tower. He said the policy states that the County can donate to non-profit organizations with authorization from the Board of County Commissioners.

***Commissioner Masterson motioned to donate a computer tower unit to New Life Equipping Ministry. Commissioner Carpenter seconded the motion. Motion carried 4-0.***

Administrator Johnson noted that approximately 200 people participated in the Courthouse tours on Saturday, September 27, and said the City of El Dorado is providing a cake for the Centennial Celebration on Thursday evening. Administrator Johnson commented that the Buildings & Grounds Department has gone above and beyond in getting the lawn and grounds ready for the centennial activities.

#### **ADJOURNMENT**

***Commissioner Masterson motioned to adjourn the meeting of the Board at 11:15 a.m. Commissioner Carpenter seconded the motion. Motion carried 4-0.***