

BUTLER COUNTY BOARD OF COMMISSIONERS
Monday, September 8, 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 Jeff Masterson, Commissioner Randy Waldorf, Commissioner Mike Wheeler, Administrator Will Johnson, and Clerk Recorder Tammy Bridges. Commissioner Will Carpenter was absent.

APPROVAL OF MINUTES

Commissioner Masterson motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, September 2, 2008 as written. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #1 – PUBLIC HEARING – STEARMAN ESTATES, PRAIRIE CREEK RD, DOUBLE K ESTATES PAVING PROJECTS

Mark Detter, Finance Director, came before the Board regarding two petitions for the paving of Prairie Creek Rd. located just outside the Benton area between SW 30th and just past SW 35th St. This road would front Double K Estates and go all the way to a new subdivision called Stearman Estates. One petition is for the paving of cul-de-sacs within the Double K Estates subdivision. The total cost of that project would be \$220,000 and the total cost for the Prairie Creek Rd. project would be \$320,000. Mr. Detter noted that the financial advisor is estimating the 15-year special for the Double K Estates cul-de-sac portion to be approximately \$1,700 per year per lot and the Prairie Creek Rd. project would be approximately \$600 per year for 15 years. For those in Double K Estates it would be \$2,300 per year. Mr. Detter noted that this can be increased one percent per month until final costs are done, and is estimating that would be within a seven or eight month period.

Mr. Detter read statements into the public record regarding the population of the City of Benton and potential for business and industry growth. He stated that letters have been sent to those in the proposed improvement districts. There is a large tract of land across from the Stearman Estates and their assessment would be \$600 per year for 15 years, or \$6,400 all paid at once. He stated that these are potential costs. He said the Double K Estates cul-de-sac project would be over \$18,000 to pay off at this time.

Mr. Detter introduced Kim Bell, Gilmore & Bell, and Chuck Bouilly, George K. Baum.

Commissioner Woydziak opened the Public Hearing for the Prairie Creek Road and Double K Estates paving projects at 9:10 a.m.

Rex Corbin, Dave Major, and John Peterson, representing themselves and their wives, indicated that they were in favor of the Prairie Creek project but were totally against the cul-de-sac project since the cost for the project was almost 3 times more than they thought it would be. They requested that their names be removed from the petition for the cul-de-sac project.

Mr. Peterson asked about the width of the road, the diameter of the cul-de-sac, and the cost. Mr. Lutz explained the estimated cost and the construction standards.

Wayne Heorman stated that he has been against the paving of Prairie Creek Rd. from the beginning. He asked questions about the width of the roadway and drainage and asked if Butler County was handling the contract. Mr. Detter noted that the county would be bidding the project.

Mark Bohaty stated that he and his wife have been against the paving of Prairie Creek and the cul-de-sacs from the start. He asked why the county would want to increase taxes when there has been negative growth in the town. Administrator Johnson clarified that the County is not initiating any taxes or this project, it is the developer. Mr. Bohaty stated that he was misled in believing that this was a survey only and thinks the project was misrepresented.

Florence Morris commented that she is concerned about the \$2,300 per year. She said she isn't objecting to the Prairie Creek paving but does not want the cul-de-sacs.

Duane O'Hara, Benton Township Clerk, discussed maintaining the cul-de-sacs. He said the county chose to give them \$15,000 less in their road budget this year and yet the county wants to put a burden on them for maintenance. Mr. O'Hara asked about the \$200 administrative fee in the maintenance agreement and thinks it is outlandish. Mr. Lutz addressed his concerns and said one of the requirements for paving subdivision roads in the county, and in this case a section line road to get to the paved subdivision is guaranteeing that maintenance will be taken care of. In doing that, the county enters into an agreement with the township and the township pays the county a flat amount of \$200 per year. Mr. Lutz then responded to Mr. O'Hara's comment about the county reducing their township budget and stated that the county has no control over township budgets. Commissioner Woydziak stated that the townships are self taxing entities and set their mill levy.

Sherry Hagemeister suggested the commission view a housing area that is half paved and half dirt to see the pros and cons of that situation.

Mr. Detter said three people, Mr. Corbin, Mr. Major, and Mr. Peterson, have requested their names be removed from the Double K cul-de-sac petition. He informed the commission that it would not have been a valid petition if those three names had not been included. Some of those who signed the petition stated that they weren't aware of the cost.

There was discussion among the commissioners regarding the paving projects.

Commissioner Waldorf invited the developer to address the concerns in Double K as to how the petition was circulated.

Greg Largen, one of the developers of Stearman Estates, felt that the estimates given to them were pretty high and stated that it was confusing. As a homeowner in Double K Estates, Mr. Largen suggested working individually with the cul-de-sac owners if the commission didn't approve them as a whole today. Mr. Detter stated the he preferred to start the process over again if the cul-de-sac's weren't approved today.

Administrator Johnson added that, not due to the fault of the developer or the property owners, but in the future when petitions are requested petitions and signature pages will be sent to all the people in the benefit district. In the past we've seen that a person circulating a petition doesn't have to go to all the people once they obtain 51% of the signatures. Administrator Johnson stated

that this is a difficult process to understand and will try to make it easier. Mr. Detter said he thinks staff and the county has gone above and beyond in this instance.

Kim Bell, Gilmore & Bell, came before the Board to address the petition and resolution.

Commissioner Woydziak closed the public hearing at 9:50 a.m.

ITEM #2 – CONSIDER APPROVAL OF RESOLUTION AUTHORIZING PAVING OF CUL-DE-SACS IN DOUBLE K ESTATES AND PRAIRIE CREEK ROAD, BOTH OUTSIDE THE CITY OF BENTON

Commissioner Masterson motioned to approve Resolution No. 08-24 determining the advisability and providing for making certain internal improvements in Butler County including Prairie Creek Road paving, excluding the improvement of the project for the cul-de-sacs in Double K Estates, and authorizing execution of an Interlocal Cooperation Agreement with the City of Benton, Kansas. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Mr. Detter stated that when this is all finished, probably next spring; the county will send out notices telling those involved exactly what their assessment will be. At that time they will have a certain time frame to pay the specials off completely, or they will know what their special assessment will be for the next 15 years.

RECESS

Commissioner Woydziak recessed the Board meeting at 9:55 a.m. for 5 minutes.

RECONVENE

Commissioner Woydziak reconvened the Board meeting at 10:00 a.m.

ITEM #3 – WORK SESSION – TOUR BUTLER SIGNAGE

Marce Brewer, Tour Butler, came before the Board to discuss signage at eight points of entrance into Butler County. She stated that along with Commissioner Carpenter, she and Lou Clennan have met with a KDOT representative, Mike Longshaw, to discuss the details for the signage. Lou Clennan presented an example of how the signs would look. The signs were modeled after the Flinthills signs on the Turnpike. The proposed sign would be 12 ft. across by 9 ft. high and 10 inches thick and would be made of concrete with a marble-looking overlay. The estimated cost is \$31,500. Administrator Johnson discussed the funding and suggested that it could be the main project for the wind farm money this year. Dan Hill came before the Board to discuss the material that would be used for the signs. Administrator Johnson suggested illuminating the signs by solar lighting at some point in time.

Ms. Brewer presented a draft of what the ad in the Kansas Getaway Guide will look like.

ITEM #4 – CONSIDER APPROVAL OF THE FY2009 ADULT COMMUNITY CORRECTIONS LINE ITEM & NARRATIVE BUDGETS

Chuck McGuire, Community Corrections, came before the Board for approval of the FY2009 Adult Community Corrections Line Item & Narrative Budgets. This process is performed annually to procure funding from the KDOC for the supervision of adult felony offenders assigned by the District Court each fiscal year. The allotted amount from KDOC for FY2009 is

\$361,578.47. Additional Butler County funding is not required because funding obtained from KDOC pays all adult community correction expenses.

Commissioner Waldorf motioned that the Board approve the 13th District Community Corrections FY2009 Line Item & Narrative Budgets and authorize Chairperson Woydziak to sign the approval page to be submitted to KDOC. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #5 – CONSIDER APPROVAL OF THE FY2009 KDOC REIMBURSED CARRYOVER LINE ITEM & NARRATIVE BUDGETS

Chuck McGuire, Community Corrections, came before the Board for approval of the FY2009 KDOC Reimbursed Carryover Line Item & Narrative Budgets. This fund is from fee's collected but not expended in FY2008. These funds will be used in FY2009 to defray employee training costs, which will be more significant in 2009 due to the SB14 Risk Reduction Initiative, as well as routine offender drug testing and indigent offender treatment costs. It will also be utilized for any unforeseen expenses such as vehicle repair and employee benefit increases during the year. The carryover reimbursed fund amount from FY2008 to FY2009 is \$8,344.97.

Commissioner Waldorf motioned that the Board approve the 13th District Community Corrections FY2009 KDOC Reimbursed Carryover Budgets and authorize Chairperson Woydziak to sign the approval page to be submitted to KDOC. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER AUTHORIZING THE PURCHASE OF A COLOR COPIER/PRINTER FOR THE EAST ANNEX BUILDING

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for authorization to purchase a color copier/printer for the East Annex Building. The Computer Services Department obtained a price quotation for the same model of copier/printer recently purchased for the Mapping Department. This quote is from the same vendor that has provided and is presently servicing all of the County's copiers. Docuforce has agreed to honor the service contract pricing already in place for this new machine. The price quoted, including delivery and installation, is \$7,795. This machine would be added onto the existing maintenance program. Scott Stoskopf, Computer Services, came before the Board to discuss the copiers.

Commissioner Waldorf motioned to authorize the purchase of a Sharp MX2700 color copier/network printer from Docuforce in the total amount of \$7,795 for use in the East Annex Building. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #8 – CONSIDER APPROVAL OF THE NUVOX CHANGE ORDER WHICH ALLOWS THE CONSOLIDATING OF THREE COURTHOUSE ACCOUNTS

Scott Stoskopf, Computer Services Director, came before the Board for approval to merge the three NuVox accounts located at the Courthouse into one single account. Due to removing some numbers that are no longer needed and reorganizing the remaining numbers, it has been possible to eliminate one T1 circuit. This will create a savings of \$8,100, which will be realized in the General Fund, Administration Budget. This order is a one-year agreement.

Commissioner Wheeler motioned to allow the Chair to sign the work order to consolidate the Courthouse accounts. Commissioner Waldorf seconded the motion. Motion carried 4-0.

ITEM #7 – RECEIVE THE ANNUAL REVIEW FOR THE SOLID WASTE MANAGEMENT PLAN

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to present the annual review of the Solid Waste Management Plan. Commissioner Wheeler asked about out of county trash. Mr. Lutz said responses have been received from Marion County and Cowley County and we are still waiting to hear from Elk, Greenwood, and Chase Counties.

Commissioner Wheeler motioned to receive the report for the annual review of the Solid Waste Management Plan. Commissioner Masterson seconded the motion. Motion carried 4-0.

Mr. Lutz commented that the e-waste building is moving forward.

ITEM #9 – WORK SESSION – RECYCLE PLAN

Administrator Johnson, Mr. Lutz and the Board discussed meeting with the cities and presenting the recycle plan.

RECESS

Commissioner Woydziak recessed the Board meeting at 11:04 a.m. for 5 minutes.

RECONVENE

Commissioner Woydziak reconvened the Board meeting at 11:09 a.m.

Mr. Lutz updated the Board on the new quarry access road, SW 167th St. Mr. Lutz said the first viewing of this road was in October 2003, and without the help of Commissioner Woydziak, this never would have been completed.

ITEM #10 – WORK SESSION – NEIGHBORHOOD REVITALIZATION ISSUES – EL DORADO

Mark Detter, Assistant County Administrator, came before the Board to discuss Staff's upcoming meeting with the City of El Dorado on the Neighborhood Revitalization Program (NRP). Mr. Detter went over the following issues that are likely to be discussed at the meeting on September 19, 2008. 1) Capping of values on NRP property improvements; 2) Letting properties back into the program after paying taxes late; 3) Minimum value of property in program; 4) Splitting of administration fee; 5) Areas included in NRP program; and 6) Possibility of county-wide program. There was discussion regarding these issues. County Clerk Ron Roberts stated that the county can make suggestions, but the NRP program is the city's plan and the county can't really dictate to them. Commissioner Masterson said we could strive for uniformity to make the program easier for the county to administer. Herb Llewellyn, El Dorado City Manager, reiterated that it is the city's program.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for September 8, 2008 in the amount of \$352,540.61. Commissioner Waldorf seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Masterson motioned to approve Adds & Abates #2363 dated September 8, 2008. Adds in the amount of \$0.00 and Abates in the amount of \$175.66. Commissioner Waldorf seconded the motion. Motion carried 4-0.

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

Commissioner Wheeler inquired about the jail profit and loss information.

Commissioner Wheeler asked about changing the commission meetings to one day per week. Administrator Johnson said a motion would need to be made regarding a charter resolution. Commissioner Wheeler decided to wait until all the commissioners were present.

Rod Compton, Planning & Zoning Director, came before the Board to consider and make a recommendation to the City of Augusta regarding rezoning property at 4520 SW 70th St. from AG-I to R-6C. This property is located within the Extra-Territorial area of the City of Augusta. Staff feels it conforms to the comprehensive plan.

Commissioner Waldorf motioned to find that the above referenced rezoning would be in conformance with the Butler County Comprehensive Plan and authorize staff to forward a letter to the Augusta City Planning Commission stating this finding. Commissioner Masterson seconded the motion. Motion carried 4-0.

Administrator Johnson informed the Board of vacation plans and meetings coming up.

Commissioner Woydziak commented that the Business Journal reported on Joel Pyle, Rose Hill City Administrator, and the new Industrial Park in Rose Hill.

Commissioner Waldorf reported that the City of Augusta has a break in the main water line and that a boil order has been issued.

Administrator Johnson noted that he has a few more meetings with the departments regarding the county health plan and the wellness program.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 12:00 noon. Commissioner Masterson seconded the motion. Motion carried 4-0.