

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, August 18, 2009

CALL TO ORDER

Commission Chairman Jeff Masterson called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Bruce Harris, Commissioner Randy Waldorf, Commissioner Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges.

PUBLIC COMMENTS

Pete Ferrell, Beaumont Community Association, came before the Board to talk about the events involved with the Association and to discuss the procedure for applying for Wind Farm funds.

ITEM #8 – RECESS TO EXECUTIVE SESSION TO CONSULT WITH COUNTY LEGAL COUNSEL FOR THE COUNTY COMMISSION, WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP, TO PROTECT THE INTERESTS OF THE COUNTY

Commissioner Wheeler motioned to recess the Board to Executive Session at 9:20 a.m. for 10 minutes, with the public session resuming at 9:30 a.m., for consultation with an attorney for the body or agency, which would be deemed privileged in the attorney-client relationship to protect the interests of the County. Commissioner Harris seconded the motion. Motion carried 5-0. Those in attendance were Commissioners Harris, Masterson, Waldorf, Wheeler, Woydziak, Administrator Johnson, County Counsel Norm Manley, and Director of Planning and Zoning Rod Compton.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:30 a.m.

ITEM #9 – CONSIDER REQUEST BY ZZZ AQUA LLC FOR A CONDITIONAL USE PERMIT TO ESTABLISH A COMMERCIAL NON-HAZARDOUS WASTE DISPOSAL WELL SITE ON PROPERTY IN THE AG-80 ZONING DISTRICT

Commissioner Harris motioned to affirm the Planning Commission recommendation to deny the request by Zzz Aqua LLC for a Conditional Use Permit to establish a commercial Class I Non Hazardous Waste Disposal Well site based upon (1) excessive truck traffic, (2) heavy industrial use within a predominately Ag district is incompatible, and (3) the potential of ground water contamination in an area without rural water. Commissioner Wheeler seconded the motion. Motion carried 3-2. Commissioners Woydziak and Masterson voted no.

Administrator Johnson explained that the Judge asked the County Commission to reconfirm and explain their decision. He said the Board made the exact same decision to uphold the Planning Commission's denial of the CUP by the same vote and articulated the reasons for the record so District Court would have that information for the pending lawsuit.

RECESS

Commissioner Masterson recessed the Board meeting at 9:35 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:40 a.m.

ITEM #1 – PUBLIC HEARING ON THE 2010 BUTLER COUNTY BUDGET

Commissioner Masterson opened the public hearing for the 2010 Butler County Budget.

Will Johnson, County Administrator, came before the Board to discuss the 2010 Butler County Budget. Administrator Johnson said the mill levy over the last five years has dropped slightly from 35.9 mills in 2002 to 35.7 mills where it remained for three years before dropping to 35.4 mills in 2008. Because of highly volatile commodity pricing in 2009 the mill levy was raised about a mill to 36.434 and the 2010 levy is proposed to drop slightly to 36.385. The 2010 budget encompasses net expenditures of \$36,444,856 up from an estimated \$36,194,527 in 2009 for an increase of 0.6%. Taxes levied for the 2010 budget are \$21,405,500 up from the 2009 amount of \$21,230,979. The 2010 budget does not include a COLA or merit for the personnel pay plan, but does include continued funding for the health insurance program as well as funding for an extra pay period in 2010.

Commissioner Masterson closed the public hearing for the 2010 Butler County Budget.

ITEM #2 – CONSIDER APPROVAL OF THE 2010 BUTLER COUNTY BUDGET

Commissioner Waldorf motioned to approve the adoption of the 2010 Butler County Operating Budget as published. Commissioner Harris seconded the motion. Motion carried 4-1. Commissioner Masterson voted no because he favored a budget that further reduced the mill levy.

ITEM #3 – PUBLIC HEARING ON THE 2009 AMENDMENT TO THE BUDGET FOR FIRE DISTRICT #3 AND FIRE DISTRICT #9

Commissioner Masterson opened a public hearing for the 2009 Amendments to the Budget for Fire District #3 and Fire District #9.

Administrator Johnson came before the Board to review the 2009 Amendments for Fire District #3 and Fire District #9. The Fire District #3 Budget will be amended to include some cash carryovers. The 2009 Budget for Fire District #9 is being amended because in 2008, reports were not turned in to the Finance Officer and funds were withheld which caused a large cash carryover. Those reports have been received and the budgets are being amended.

Commissioner Masterson closed the public hearing for the 2009 Amendment to the Budget for Fire District #3 and Fire District #9.

ITEM #4 – CONSIDER APPROVAL OF THE 2009 AMENDMENT TO THE BUDGET FOR FIRE DISTRICT #3 AND FIRE DISTRICT #9

Commissioner Woydziak motioned to approve the 2009 Amendments to the Budget for Fire District #3 and Fire District #9. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #5 – PUBLIC HEARING ON THE 2010 BUTLER COUNTY FIRE DISTRICT BUDGETS #1 THROUGH #9

Commissioner Masterson opened a public hearing for the 2010 Butler County Fire District Budgets #1 through #9.

Administrator Johnson noted the 2010 total estimated expenditures for Fire Districts 1 through 9 is \$1,365,000, which is down from an estimated \$1,480,000 in 2009. The actual tax rate total for the fire districts will increase from 56.1 mills to 57.576 mills, for a slight increase in Fire District #4 in Cassoday, Fire District #5 in Rosalia, and Fire District #6 in Latham.

Commissioner Masterson closed the public hearing for the 2010 Butler County Fire District Budgets #1 through #9.

ITEM #6 – CONSIDER APPROVAL OF THE 2010 BUTLER COUNTY FIRE DISTRICT BUDGETS #1 THROUGH #9

Commissioner Woydziak motioned to approve the 2010 Butler County Fire District Budgets #1 through #9. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #7 – CONSIDER APPROVAL OF A RESOLUTION EXPRESSING THE PROPERTY TAXATION POLICY OF THE BOARD OF COUNTY COMMISSIONERS FOR FIRE DISTRICT #8 WITH RESPECT TO FINANCING THE 2010 ANNUAL BUDGET FOR FIRE DISTRICT #8

Administrator Johnson came before the Board for approval of a resolution expressing the property taxation policy of the Board of County Commissioners for Fire District #8 with respect to financing the 2010 annual budget for Fire District #8.

Commissioner Woydziak motioned to approve Resolution No. 09-37, a resolution expressing the property taxation policy of the Board of County Commissioners for Fire District #8 with respect to financing the 2010 annual Budget for Fire District #8. Commissioner Harris seconded the motion. Motion carried 5-0.

Fire Chief Jim Woydziak, Fire District #3, came before the Board to note the reason for the 2009 Amendment and plans for the money. Chief Woydziak stated they are planning to buy a pickup truck chassis to replace a 1980 chassis.

ITEM #10 – RECEIVE AND OPEN RFP'S FOR A WEB BASED PATIENT CARE REPORTING SYSTEM

Grant Helferich, Director of EMS, came before the Board to receive and open RFP's for a web based patient care reporting system. The EMS Department sent out 9 requests for RFP's to various vendors. RFP's were received from Medusa, Image Trend, emsCharts, Sansio, and Med Media, Inc.

Commissioner Waldorf motioned to receive the bids for the web based patient care reporting system and allow the EMS Department to review and return with a recommendation. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #11 – REVIEW AND CONSIDER APPROVAL TO ADOPT BY RESOLUTION THE 2009 HAZARD MITIGATION PLAN AS PRESENTED BY THE DEPARTMENT OF EMERGENCY MANAGEMENT

Jim Schmidt, Emergency Management Director, came before the Board to review the Hazard Mitigation Plan process with EMA and adopt the 2009-2014 Plan by resolution. This plan will be the road map for mitigation projects throughout the county through 2014 and by adoption will open the door for potential funding from the federal government.

Commissioner Woydziak motioned to adopt Resolution No. 09-38 the 2009 Hazard Mitigation Plan as presented by the Department of Emergency Management. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #12 – RECEIVE AND OPEN SEALED BIDS FOR ASPHALT ROAD SURFACE RECYCLE WORK IN BUTLER COUNTY – 10:00 A.M.

Darryl Lutz, P.E., Director of Public Works, came before the Board to receive and open sealed bids for asphalt road surface recycle work in Butler County. The 2 projects planned for construction this year are Project # BC 604(10-15) 09 SW 20th St. from Towanda to Haverhill Rd. and Project # BC 620(11-17) 09 SW 100th St. from US 400 at Augusta to Pickerell Corner. One bid for each project was received from Dustrol, Inc.; Project No. BC 604(10-15) 09 in the amount of \$334,742.67; and Project No. BC 620(11-17) 09 in the amount of \$335,721.92. Mr. Lutz stated these amounts are well below the engineering estimate. He asked the Commissioners, subject to the bids being in order, to approve an award of contract which will allow them to start preparing contract documents.

Commissioner Harris motioned to approve an award of contract to Dustrol in the amount of \$334,742.67 for Project No. BC-604(10-15)09 and \$335,721.92 for Project No. BC-620(11-17)09, subject to the bids being in order for surface recycle projects on SW 100th St. and on SW 20th St. Commissioner Waldorf seconded the motion. Motion carried 5-0.

Commissioner Woydziak asked about the signage on Haverhill Rd. Mr. Lutz noted the Sheriff Department is notifying the truck companies and stopping drivers to issue warnings.

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2401 dated August 18, 2009; Adds in the amount of \$88.76 and Abates in the amount of \$5,142.24. Commissioner Woydziak seconded the motion. Motion carried 5-0.

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

Commissioner Wheeler discussed the proposal from DeWaay Financial regarding the marketing plan for the sales tax election. Administrator Johnson will research the issue and return with recommendations.

Commissioner Waldorf mentioned Parks Motors had asked him about county vehicles being purchased from Wichita dealers. Commissioner Waldorf assured them that Butler County wasn't buying vehicles from Sedgwick County.

Commissioner Wheeler asked about Pro Kleen. Commissioner Waldorf said they are in the decision-making process and are not being very forthcoming with information. David Alfaro, Butler County Economic Development Director, has spoken to Pro Kleen and asked them to be more open with communication.

Commissioner Woydziak asked about NIAR. Administrator Johnson said he spoke with Ty Masterson who indicated NIAR has submitted three redesigns and they are still ready to move forward with the project.

Administrator Johnson said the API study indicated the rail line on the West Corridor of Augusta was identified as a potential utility easement. He noted the Mayors of Andover and Augusta met and are very interested in acquiring the railroad right of way between the two cities from the County. Administrator Johnson stated one issue is a bridge that will require repair or removal. There was discussion about obtaining FEMA money and splitting the balance with the two cities.

Administrator Johnson noted the Finance Director interviews will be today and tomorrow.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 10:53 a.m.

Commissioner Woydziak seconded the motion. Motion carried 5-0.