

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, December 1, 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 Dan Woydziak, Commissioner Mike Wheeler, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Randy Waldorf was absent.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 –CONSIDER APPROVAL OF TABLED ITEM TO AUTHORIZE THE RADIO SYSTEMS MANAGER TO INSTRUCT HAYDEN TOWER TO BEGIN SITE PLANNING AND ENGINEERING WORK FOR THE TWO GREEN SITES FOR AN AMOUNT NOT TO EXCEED \$18,485 FOR THE PONDEROSA SITE AND AN AMOUNT NOT TO EXCEED \$20,000 FOR THE ANDOVER SITE

James Neese, Radio Systems Manager and Chris Davis, Director of Emergency Communications came before the Board for approval to authorize the Radio Systems Manager to instruct Hayden Tower to begin site planning and engineering work for the two green sites for an amount not to exceed \$18,485 for the Ponderosa Site and an amount not to exceed \$20,000 for the Andover Site.

Commissioner Masterson motioned to authorize the Radio Systems Manager to instruct Hayden Tower to begin Site Planning and Engineering work for the two green sites for an amount not to exceed \$18,485 for the Ponderosa Site and an amount not to exceed \$20,000 for the Andover Site. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #2 –CONSIDER APPROVAL TO ACCEPT DEDICATION OF ROAD RIGHT-OF-WAY FOR BOYD RAY HOMESTEAD LOT SPLIT AND AGRICULTURAL PRESERVATION OVERLAY (APO)

Rod Compton, Director of Planning & Zoning, came before the Board for approval to accept dedication of road Right-of-Way for Boyd Ray Homestead Lot Split and Agricultural Preservation Overlay (APO). This action is merely to correct an oversight by staff to get a dedication of right-of-way for SW Purity Springs Rd.

Commissioner Woydziak motioned to accept the dedication of right-of-way for SW Purity Springs Rd. described as: The West 40 feet of the South 662 feet of the West 660 feet of the North Half of the Southwest Quarter of Section 32, Township 27 South, Range 5 East of the 6th P.M. Butler County, Kansas, and authorize the Chair to sign the Easement for Right of Way Agreement subject to its recording with the Register of Deeds. Commissioner Harris seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER APPROVAL TO ACCEPT DEDICATION OF ROAD RIGHT-OF-WAY FOR LAKEVIEW RETREAT SUBDIVISION

Rod Compton, Director of Planning and Zoning, came before the Board for approval to accept dedication of Road Right-of-Way for Lakeview Retreat Subdivision. On Monday, November 9, 2009 the Butler County Planning Commission approved the plat as presented subject to the

developer meeting the County Engineer's requirement of dedicating 40 feet of road right-of-way along SW160thSt.

Commissioner Woydziak motioned to accept the dedication of rights-of-way for SW 160th St. as shown on the plat for Lakeview Retreat Subdivision located in the West Half of the Northeast Quarter of Section 27, Township 28 South, Range 3 East of the 6th P.M., Butler County, Kansas, and authorize the Chairman to sign the plat accepting said dedications. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVAL OF AN APPLICATION BY RICHARD SMITH ON BEHALF OF BRIAN RILEY AND INTEGRATED PLASTICS SOLUTIONS FOR A CONDITIONAL USE PERMIT FOR A RECYCLING/PLASTICS RECOVERY FACILITY IN THE I INDUSTRIAL ZONING DISTRICT

Rod Compton, Director of Planning and Zoning, came before the Board for approval of an application by Richard Smith on behalf of Brian Riley and Integrated Plastics Solutions for a Conditional Use Permit (CUP) for a Recycling/Plastics Recovery Facility in the I Industrial Zoning District. Commissioner Woydziak mentioned several letters of opposition.

Ray Connell, Law Firm of Connell & Connell, came before the Board representing IPS Integrated Plastics. He noted letters of opposition and the appearance of the El Dorado City Manager at the Planning Commission meeting. Mr. Connell felt that the concerns have been satisfied and felt Integrated Plastics Solutions is making a good faith effort to clean up the property. Attorney Connell reviewed the conditions of the CUP. Mr. Connell commented that this building was vacant for a long time and now an attempt is being made to put the property to good use.

Brian Riley came before the Board and stated he is an active member of the community, helps out with the wrestling club, and considers Butler County as his home. Commissioner Wheeler asked how the e-waste is disposed. Mr. Riley stated the televisions would be sent to Mexico.

Based on the findings of the Planning Commission, Commissioner Masterson motioned to approve the request by Richard Smith and Brian Riley/Integrated Plastics Solutions for a Conditional Use Permit to establish a recycling/plastics recovery facility on the following described property: Beginning at a point 734.33 feet South of the Northwest Corner of the Northeast Quarter of the Northwest Quarter of Section 5, Township 26 South, Range 5 East of the 6th P.M., Butler County, Kansas; thence East 500 feet; thence North 56.03 feet; thence East 230.94 feet; thence South 476.03 feet; thence West 423.69 feet; thence North 40 feet; thence West 272.25 feet; thence North 380 feet to the beginning. The approval is subject to the following conditions: (1) Any future outdoor storage of plastics must be screened in a manner acceptable to the County or City of El Dorado (if under its jurisdiction); (2) No outdoor storage of electronic waste is to be allowed; (3) The applicant must obtain all necessary KDHE permits and/or approvals; (4) That all material (including electronic waste) presently stored outside be removed from the property within 90 days of final approval of the facility; (5) That adequate off street parking be provided; (6) No parking or unloading in the street is to be allowed; (7) The applicant must work with the City of El Dorado and Rural Water District No. 2 to determine the feasibility of installing a fire hydrant with a minimum pumping power of 2,000 gallons per minute in front of the property. If feasible, the applicant must install the hydrant, but in no case shall his liability exceed \$1,200.00; (8) Applicant must provide MSDS sheets to El Dorado

Fire Department of materials stored on the property. Commissioner Woydziak seconded the motion. Motion carried 3-1. Commissioner Wheeler voted no.

ITEM #5 – CONSIDER APPROVAL OF AWARD OF WIND FARM GRANT APPLICATIONS

Administrator Johnson recommended five projects for Wind Farm Grant Awards. These include Beaumont Community Association (\$25,000), City of Rose Hill (\$10,000), Coutts Museum (\$10,000), Salvation Army (\$10,000), and Tour Butler (\$1,850).

Commissioner Wheeler motioned to award wind farm grant funds totaling \$56,850 to the following agencies: Beaumont Community Association (\$25,000), City of Rose Hill (\$10,000), Coutts Museum (\$10,000), Salvation Army (\$10,000), and Tour Butler (\$1,850). Commissioner Harris seconded the motion. Motion carried 4-0.

RECESS

Commissioner Masterson recessed the Board meeting at 10:00 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 10:05 a.m.

ITEM #6 –WORK SESSION-COMMUNICATIONS PLAN

Jim Neese and Chris Davis came before the Board to discuss the Mail Ballot Election results and the Communications Plan. Administrator Johnson noted receipt of a purchase contract from Motorola for equipment based on state contract pricing and has been sent to counsel for review. Commissioner Woydziak noted that since the pricing is based on state contract pricing, we don't have to go out for RFPs. (The previous sentence was amended in the minutes of Monday, December 7, 2009 to read: Commissioner Woydziak noted that since we're using a state contract, we don't need to send out an RFP.) Administrator Johnson discussed a \$650,000 incentive by signing the contract by December 24, 2009. The initial payment would be due in March 2010. Once we sign the contract, we go into design review that is to be completed in February as well as the actual order placed. Administrator Johnson said we would be working on site improvements through the state contract with Hayden Towers and will probably issue General Obligation Bond debt up to \$300,000 (statutory limit without a public vote) on the shelters themselves.

Administrator Johnson said any costs associated with the project that were incurred after the resolution was adopted on September 8, 2009 can be rolled into the Certificate of Participation. Administrator Johnson noted the final order would need to be placed by the end of February. The equipment is expected to be delivered by August 2010. Commissioner Woydziak noted the Memorandums of Understanding (MOUs) need to be in by February 1, 2010 from all entities and asked for an updated list of MOUs.

Instead of having the bond companies issue RFPs, Administrator Johnson said he would schedule DeWaay Financial Network and George K. Baum to present to the commission.

Jim Neese updated the Board on the radios for the detention center.

RECESS

Commissioner Masterson recessed the Board meeting at 10:40 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 10:45 a.m.

Commission Masterson amended the motion for Item #4, the Conditional Use Permit for Recycling/ Plastics Recovery Facility, to include approval of Resolution No. 09-47. Commissioner Woydziak seconded the motion. Motion carried 3-1. Commissioner Wheeler voted no.

AGENDA ITEM #2 FROM MONDAY, NOVEMBER 30, 2009 – RECEIVE A REPORT OF THE SELECTION/NEGOTIATION COMMITTEE FOR SELECTION OF CONSULTANT(S) TO PROVIDE ENGINEERING SERVICES FOR 3 PROPOSED BRIDGE REPLACEMENT PROJECTS

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to receive a report of the Selection/Negotiation Committee for selection of consultant(s) to provide engineering services for 3 proposed bridge replacement projects. The BOCC appointed Darryl Lutz, Brandon Kaufmann, and Commissioner Bruce Harris as the Committee. Prior to this meeting, these individuals reviewed the submittals received. Recommendations are:

Fourmile Creek Bridge Replacement on SW Butler Road located approximately 0.4 mile south of Harry St./SW 110th St. – The firm of TranSystems, Wichita, KS;

Bird Creek Bridge Replacement on SE Bluestem Road located approximately 0.7 mile north of US 54 Highway – The firm of Finney & Turnipseed, Topeka, KS;

West Branch Whitewater River Bridge Replacement on NW 50th St. located approximately 0.7 mile west of NW Butler Road – The firm of Schwab-Eaton, Manhattan/Wichita, KS.

Commissioner Woydziak motioned to approve the above selection of engineering firms for providing design services for the 3 proposed bridge projects and to direct staff to proceed with obtaining fee proposals for consideration. Commissioner Harris seconded the motion. Motion carried 4-0.

Mr. Lutz came before the Board regarding equipment up for auction that came in below the reserve amount. The first item is a 1977 1-ton flatbed pickup with a reserve of \$1,000. The highest bid received was \$980 from Richard Wilson with Lincoln Township. The second item is a Case Cruz Air excavator with a reserve of \$7,500. The high bid received was from Rosalia Township for \$6,000. Mr. Lutz recommended approving both bids.

Commissioner Wheeler motioned to approve the sale of a 1977 1-ton flatbed pickup to Richard Wilson with Lincoln Township for \$980 and a Case Cruz Air excavator to Rosalia Township for \$6,000. Commissioner Harris seconded the motion. Motion carried 4-0.

Mr. Lutz informed the Board that the hydraulic pump went out of a front end loader at the North Shop. There are two options – to rebuild the pump (which would only replace the parts that went bad) or install a new pump. Replacing the hydraulic pump would cost \$5,700 with guaranteed labor and estimated parts. Mr. Lutz said they would also like to replace the bucket skids for an estimated cost of \$1,351. Mr. Lutz requested approval to spend an estimated amount of \$7,051.

Commissioner Masterson motioned to approve an amount not to exceed \$7,500 for a new front end loader hydraulic pump and to replace the bucket skids. Commissioner Wheeler seconded the motion. Motion carried 4-0.

COMMISSION ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2415 dated December 1, 2009; Adds in the amount of \$5,067.84 and Abates in the amount of \$87,493.66. Commissioner Harris seconded the motion. Motion carried 4-0.

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

Commissioner Wheeler reminded everyone of the Chili/Soup luncheon on Friday, December 4, and Quad County meeting next Monday, December 7. Administrator Johnson noted the County Christmas Party on Thursday, December 10 and the Planning & Zoning dinner next Friday, December 11. Commissioner Wheeler noted the Frontier Refinery luncheon on Tuesday, December 8.

Administrator Johnson presented bid tabulations for the new elevator. These bids include a \$25,000 contingency for any change orders. If it is not used, it will be refunded to the County. Bids were received from:

	<u>Amount</u>	<u>Days</u>
Commerce Construction	\$303,000	240 includes lead time for the elevator order
Compton Construction	\$305,900	150 does not include lead time – delayed start
Conco Construction	\$307,400	200
Sauerwein Construction	\$393,400	210

Administrator Johnson asked the Board to receive the bids and will return next week with a recommendation. Conco Construction has two owners who live in Butler County, but none of the businesses operate out of Butler County. Commissioner Woydziak said he would like to consider Conco who has taxpayers who live in the County.

Commissioner Woydziak motioned to accept the bids and have staff return with a recommendation. Commissioner Harris seconded the motion. Motion carried 4-0.

Administrator Johnson said once the contractors remove the elevator, we will negotiate with them on Phase 2 and look at pricing. We have a matching grant of \$300,000, and Administrator Johnson noted that depending on what the tax credits can be sold for, the county would have approximately \$115,250 out of pocket.

Administrator Johnson asked Commissioner Masterson to sign a letter to Pro Kleen.

Administrator Johnson discussed a letter from John Grange regarding the tax statement showing the county's taxes levied going up \$2.6 million or 12.5%. Administrator Johnson said it should be less than \$200,000. Administrator Johnson explained that the system can not process the abate for the refinery until it occurs. He said part of the problem is that we are operating on old tax software. Administrator Johnson said he would write a press release to the newspapers and will respond to Mr. Grange.

Administrator Johnson spoke to the Board about a decline in both residential and commercial construction.

Administrator Johnson noted he would be in Salina this week for Kansas Association of City/County Manager meetings.

Mr. Neese and Mr. Davis reported back to the Board regarding the status of the MOUs.

Andover – signed, not received
Atlanta – signed & returned
Augusta – signed & returned
Benton – signed & returned
Burns – signed & returned
El Dorado – not signed

Leon – signed & returned
Potwin – signed, but not approved
Rose Hill – signed, not returned
Towanda – not received
Whitewater – not received

ADJOURNMENT

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:00 a.m.
Commissioner Harris seconded the motion. Motion carried 4-0.*