

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 10, 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 Paula Stoskopf.

ITEM #1 – CONSIDER APPROVAL OF THE EL DORADO NEIGHBORHOOD REVITALIZATION PLAN

Mark Detter, Finance Director, came before the Board for approval of the El Dorado Neighborhood Revitalization Program. The City of El Dorado has agreed with the County Commissions request for the reinstatement option for property owners who paid taxes late and the requested 5% administrative fee for the administration of the NRP plan. The City of El Dorado has elected to have the County issue checks from this point forward. The County will lose approximately \$70,000 in revenue yearly due to the NRP program in El Dorado. The NRP Interlocal agreement must be approved by the State Attorney General's Office.

Commissioner Waldorf motioned to approve Resolution No. 09-08 authorizing the Chairman to sign the interlocal agreement renewing the City of El Dorado Neighborhood Revitalization Program. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Woydziak voted no.

ITEM #2 – RECEIVE BILL O'CONNELL, BUTLER COUNTY HOMELESS INITIATIVE

Administrator Johnson stated that Mr. O'Connell had a conflict and could not attend. He was coming before the Board to request utilization of the Flint Hills Services building. Mr. Johnson noted that the County would need this building in the future for additional storage space and office space. In visiting with the City, he noted that this is not zoned for multi-family use, which is what is needed for a homeless shelter. The Board concurred that there are other properties that would better suit their needs. Mr. O'Connell requested to reschedule in March to come before the Board. The Board asked Mr. Johnson to convey to Mr. O'Connell that he is welcome to come before the Board to discuss this matter, but to advise him of the consensus of the Board.

ITEM #3 – CONSIDER TABLED REQUEST BY MEADOWLARK ROAD PROPERTIES, LLC (NICK BELCHER AND TODD FRANKENBERY) TO REZONE APPROXIMATELY 72.5 ACRES FROM AN AG-40 TO A C COMMERCIAL ZONING CLASSIFICATION

Rod Compton, Director of Planning & Development, came before the Board for consideration of a request by Meadowlark Road Properties LLC (Nick Belcher and Todd Frankenbery) to rezone approximately 72.5 acres from an AG-40 to a C Commercial zoning classification.

Commissioner Masterson motioned to approve the request by Meadowlark Road Properties, LLC, to rezone approximately 72.5 acres described as: The North Half of the Northwest Quarter of Section 17, Township 26 South, Range 3 East of the 6th P.M., Butler County, Kansas, from an AG-40 classification to a C Commercial classification and hereby authorize the Chairman to sign Resolution 09-04 granting such change. Commissioner Woydziak

seconded the motion. Motion failed 2-3. Commissioners Harris, Waldorf, and Wheeler voted no.

Administrator Johnson asked the Board if there was a desire to look at zoning district changes to accommodate for some signage. The Board concurred to have Mr. Johnson look into this and bring it back before the Board.

ITEM #4 – CONSIDER APPROVAL TO REQUEST CBM FOOD SERVICE, INC. TO SUBMIT A CONTRACT TO PROVIDE FOOD SERVICE FOR THE BUTLER COUNTY SHERIFF’S DEPARTMENT DETENTION CENTER

Dennis Phillips, Butler County Sheriff’s Department, came before the Board to request permission to have CBM Food Service, Inc., submit a contract to the Butler County Board of Commissioners to provide service for the Butler County Sheriff’s Department Detention Center. Of the four companies that submitted proposals, the two lowest were very close in price. Based on the history of average daily population, CBM will offer the lowest cost and best service.

Commissioner Waldorf motioned that the Butler County Board of Commissioners allow the Butler County Sheriff’s Department to request CBM to submit a contract to the Butler County Board of Commissioners for food service to the Butler County Detention Center. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #5 – RECEIVE AND OPEN BIDS FOR PURCHASE OF NEW PATROL VEHICLES FOR THE BUTLER COUNTY SHERIFF’S DEPARTMENT

Dennis Phillips, Butler County Sheriff’s Department, came before the Board to open bids received for 16 new patrol vehicles. Bids were received and opened from Parks of Augusta, Steven’s Ford & Mercury of Augusta, & John K. Fisher. Mr. Phillips also provided the Board with the contracts available from the Federal Government to the Kansas Highway Patrol and State of Kansas.

Commissioner Woydziak motioned to receive the bids and direct Staff to bring back a recommendation. Commissioner Harris seconded the motion. Motion carried 5-0.

Commissioner Wheeler requested Sheriff Murphy to give an update on the Retreat situation before leaving the meeting. Sheriff Murphy noted that there would be a meeting this afternoon @ 4:00 p.m. with himself, Administrator Johnson, Rod Compton, and Norm Manley. They will be discussing why Judge Ricke did not uphold the County Resolution, allowing the Retreat to re-open, and what steps to take from here. Administrator Johnson informed the Board that he would update them via e-mail after the meeting today regarding this issue.

RECESS

Commissioner Masterson recessed the Board meeting at 9:54 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:59 a.m.

ITEM #6 – CONSIDER APPROVAL OF PAYMENT TO EMSCHARTS IN THE AMOUNT OF \$6,658 FOR WEB BASED PATIENT CARE REPORTING

Grant Helferich, Director of EMS, came before the Board for approval of payment to emsCharts for web based patient care program for 2008. The cost of emsCharts is based on usage. In 2008,

the EMS Department generated 5,424 reports with a cost of \$6,658.00. This was a budgeted expense for the 2009 Budget.

Commissioner Wheeler motioned to approve payment to emsCharts in the amount of \$6,658.00 for web based patient care reporting. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #7 – CONSIDER APPROVAL TO PURCHASE A VEHICLE FOR COMMUNITY CORRECTIONS

William Johnson, County Administrator, came before the Board to consider the purchase of a 2007 Impala from John K. Fisher for Community Corrections. During a recent weather event, a vehicle being driven by a Community Corrections employee was hit by another vehicle. The insurance company totaled the 2007 Taurus driven by the County employee and the County received \$9,185.00. Community Corrections is in need of a replacement vehicle immediately as this leaves them with only one vehicle for transports. John K. Fisher has quoted the County \$11,900.00 for a 2007 Chevy Impala with 30,000 miles. Community Corrections has the funds to make up the difference of \$2,715.00.

Commissioner Woydziak motioned to allow the purchase of the 2007 Chevy Impala from John K. Fisher in the amount of \$11,900.00 to replace the totaled 2007 Ford Taurus in Community Corrections. Commissioner Masterson seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2381 dated February 10, 2009; Adds in the amount of \$3,114.56 and Abates in the amount of \$30,192.60. Commissioner Harris seconded the motion. Motion carried 5-0.

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

Commissioner Waldorf requested a report from the Appraiser on appeals won and lost at the state level and the net dollar difference. Mr. Waldorf stated that he would like to make sure that this activity is in the best interest of the Appraiser's time and public relations with our citizens.

Commissioner Woydziak noted that that the dinner at the Rose Hill Senior went well yesterday. They received several questions from the seniors and the food was good.

Commissioner Harris inquired about the time lapse regarding Judge Ricke's order and when the Board became aware of his decision. Administrator Johnson stated that he would inquire about that at the meeting today. Commissioner Masterson stated that he felt that any time a County Resolution was not being upheld, the Board should be notified.

Commissioner Harris asked that the information from the Appraiser also include the numbers involved at the small claims court level. Commissioner Masterson requested the report by next week if possible.

Commissioner Wheeler motioned to appoint John Bailey to the Planning and Zoning Board to replace Jack Bender. Commissioner Waldorf seconded the motion. Motion carried 5-0.

Commissioner Masterson noted that he attended REAP yesterday morning. Mr. Masterson noted that Butler County needs to pay the REAP fees. He stated that REAP is also planning on contracting with Wichita State to track the Stimulus and time was spent discussing the evils of Proposition K.

Commissioner Masterson informed the Board that at this point the Bill, which includes payment in full to Butler County to reimburse for special highway, has survived. This will provide approximately \$900,000.00 to be dispersed back out to Butler County entities. Commissioner Wheeler noted Senator Ty Masterson's part in this Bill being successful.

Administrator Johnson answered questions the Board had regarding vouchers.

Administrator Johnson invited Darryl Lutz to speak to the Board regarding the request from Jerry and Mary Bailey to not have a 1099 issued to them due to the purchase of a right-of-way from them. The auditors stated that a 1099 needs to be issued for amounts of \$600.00 or larger. The purchase was made for \$600.00. The options put before the Board were to redo the transaction for an amount less than \$600.00, issue additional money to help off set a tax burden created by the \$600.00, or maintain the original decision of issuing a 1099 along with the \$600.00. After much discussion, the Board chose to maintain their original decision. Mr. Lutz stated that he would send a letter to the Bailey's informing them of the Board's decision.

Administrator Johnson stated that he had contacted the Fire Chiefs about the Board's concern to issue a burn ban. The Chiefs concurred that a burn ban was not needed at this point.

Administrator Johnson informed the Board that he would be out of the office February 12th & 13th and will be back on Monday the 16th. He will be available by e-mail and cell phone if necessary.

Administrator Johnson noted that he would be meeting with Norm Manley regarding Aqua ZZ. They have filed a lawsuit contesting the decision by the Board of County Commissioners on their zoning application. This will be discussed in executive session under attorney/client privilege.

Administrator Johnson brought to the Board's attention their copy of the County Commissioner Notebook. Commissioner Harris attended the County Commissioner orientation and received a CD containing this information. Mr. Johnson had printed copies made for each Commissioner.

Administrator Johnson informed the Board that the Leon Senior Center Luncheon has been rescheduled for March 23rd.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 11:06 a.m.

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