

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, January 6, 2009**

**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 Randy Waldorf, Commissioner Mike Wheeler, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges.

**APPROVAL OF MINUTES**

*Commissioner Waldorf motioned to approve the Minutes of the Butler County Commission Meeting of Tuesday, December 30, 2008 as written. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #1 – PRESENT APPRAISER DEPARTMENT EMPLOYEES, CINDY BOONE AND MARK POE, WITH THE SPOTLIGHT AWARD AND GIFT CERTIFICATE**

Will Johnson, County Administrator, came before the Board to present Appraiser Department employees, Cindy Boone and Mark Poe, with Spotlight Awards and gift certificates for coming to the aid of a diabetic citizen who was driving and needed help. Commissioner Woydziak presented the awards and certificates and expressed appreciation for their help.

**ITEM #2 – CONSIDER APPROVAL TO ALLOW THE DEPARTMENT ON AGING TO ACCEPT BID FOR NEW OFFICE FURNITURE FROM GALAXIE BUSINESS EQUIPMENT NOT TO EXCEED \$8,734.38**

Crystal Noles, Department on Aging Director, came before the Board to recommend that the Board of County Commissioners allow the Department on Aging to accept the bid for new office furniture for the Butler County Department on Aging from Galaxie Business Equipment, not to exceed \$8,734.38. Ms. Noles recommended that the furniture be installed by Buildings & Grounds Staff to create a savings of \$1,659.50. This has been discussed with Buildings & Grounds.

*Commissioner Wheeler motioned to recommend allowing the Department on Aging to accept the bid for office furniture from Galaxie Business Equipment not to exceed \$8,734.38. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF A RESOLUTION RECONFIRMING THE COUNTY'S ECONOMIC DEVELOPMENT DEPARTMENT/ORGANIZATION**

David A. Alfaro, Director, BCED, came before the Board to review and approve a Resolution reconfirming the County's Economic Development Department/Organization. As part of the process in renewing the Enterprise Zone Designation for Butler County, the Commissioners are required to approve the above-mentioned Resolution which basically states that the Board of County Commissioners did in fact create the Economic Development Department by passing Resolution #03-06 and that it meets the requirements of K.S.A. 74-5011 C (1).

*Commissioner Masterson motioned to approve Resolution No. 09-01 reconfirming the County's Economic Development Department/Organization. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

**ITEM #4 – CONSIDER APPROVAL OF THE FFY 2009 LOCAL EMERGENCY PLANNING COMMITTEE GRANTS**

Charlene Miller, Assistant Director, Emergency Management, came before the Board to recommend the Chairman sign two grant agreements from Kansas Division of Emergency Management – Tech Hazards Section. The first grant will enable emergency responders, special needs providers and hospitals to test the “lessons learned” from an exercise held in June 2008. This grant is in the amount of \$3,500 with a 20% match. The second grant will ensure enhanced hazardous material training to responders with the El Dorado Hazardous Material Team as well as responders from surrounding counties. This grant is in the amount of \$20,000 with a 20% match. The matches can be a *soft* match comprised of man-hours, equipment costs, etc. It is not anticipated that any monetary contribution on the part of Butler County will be necessary to make up the 20% match.

*Commissioner Waldorf motioned the Board of County Commissioners authorize the Chairman of the Board to sign the FFY 2009 HMEP Grants with the Kansas Division of Emergency Management – Technological Hazards in the amounts of \$3,500 and \$20,000 respectively. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

**ITEM #5 – CONSIDER APPROVAL TO ALLOW THE PUBLISHING OF THE RFP FOR AN INTEGRATED VOICE OVER INTERNET PROTOCOL PHONE SYSTEM, SECURED NETWORK INFRASTRUCTURE AND MESSAGING SYSTEM**

Scott Stoskopf, Computer CIO and Technology Committee, came before the Board to allow for the publishing of the RFP for an Integrated Voice over Internet Protocol Phone System, Secured Network Infrastructure and Messaging System. The current Toshiba phone system was installed in 1997. It has been upgraded and expanded to the point of being maxed out. The system is not manufactured any more; therefore repair parts are coming from old inventory and refurbished equipment. The system was purchased with a 7- year expected usefulness and that has been pushed to 11 and almost 12 years by the time the replacement process can be completed. The Technology Committee has unanimously determined that Integrated Voice over Internet Protocol Phone System, Secured Network Infrastructure & Messaging System is the best solution for Butler County’s future direction. The phone system replacement has been estimated at \$350,000 for a Cisco type VoIP solution. It will be required of all RFP participants to sign a Non-Disclosure Agreement to protect our network security information. The Chair will need to sign the Agreement on behalf of Butler County.

*Commissioner Masterson motioned to allow the Technology Committee to publish the Integrated Voice over Internet Protocol Phone System, Secured Network Infrastructure and Messaging System RFP and the Chair to sign the Non-Disclosure Agreement. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

Mr. Stoskopf noted that there would be a mandatory pre-bid meeting on February 4 with a deadline of February 23 to return the proposals, at which time the committee will review.

**ITEM #6 – RECEIVE AND OPEN PROPOSALS FOR REPLACING A DAMAGED CONCRETE BOX CULVERT STRUCTURE NORTH OF DOUGLASS**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to receive and open proposals for replacing a damaged concrete box culvert structure north of Douglass. This structure was damaged during the June 2008 flooding event. FEMA is providing 75% of the

funding for the replacement work. The balance will be paid for with Bridge Building funds. Proposals were received from: Turnkey, Inc., in the amount of \$29,642.00 and LMK Concrete Construction in the amount of \$30,067.50.

***Commissioner Wheeler motioned to accept the bids received and opened and to authorize the Department of Public Works to review the bids and to return with a recommendation for action. Commissioner Waldorf seconded the motion. Motion carried 5-0.***

Commissioner Woydziak asked about additional publicity regarding the e-waste facility at the landfill. Mr. Lutz stated that the public is showing a fairly positive response. Commissioner Waldorf suggested preparing a press release for the media letting them know about our e-waste facility. Mr. Lutz said there is information on our website and the cities have been given information for their websites.

Commissioner Waldorf stated that he attended the Spring Township meeting and told the Township Board that they could call Mr. Lutz regarding road issues.

Mr. Lutz informed the Board that construction has started on the Vogelman Bridge.

**ITEM #7 – CONSIDER A LETTER OF INTENT WITH ARTDG LLC AND NIAR FOR ECONOMIC INCENTIVES RELATED TO CONSTRUCTION OF A LIGHTNING STRIKE FACILITY IN BUTLER COUNTY**

Administrator Johnson requested that the Board recess to Executive Session.

***Commissioner Wheeler motioned to recess the Board to Executive Session at 9:45 a.m. for 10 minutes, with the public session resuming at 9:55 a.m., to discuss confidential data relating to financial affairs of trade secrets of corporations, partnerships, trusts, and individual proprietorships to protect data confidential in nature to a business. Commissioner Carpenter seconded the motion. Motion carried 5-0. Those in attendance were Commissioners Carpenter, Masterson, Waldorf, Wheeler, Woydziak, Administrator Will Johnson, Economic Development Director David Alfaro, and Commissioner-elect Bruce Harris.***

**RECONVENE**

Commissioner Woydziak reconvened the Board meeting at 9:55 a.m.

Will Johnson, Administrator, came before the Board for approval of a letter of intent with ARTDG LLC and NIAR stipulating certain economic incentives related to the construction of a lightning strike facility in Butler County. The County has been working on recruitment of a lightning strike facility in the Andover Industrial Park for the National Institute of Aviation Research (NIAR) for the last six months. Advanced Research & Technology Development Group (ARTDG) LLC, headed by Ty Masterson and Anthony Speer, has been retained by NIAR as the developer for the project and has requested from the County and City of Andover certain economic incentives for NIAR to facilitate award of grant to assist with the construction and equipping of the facility. The County & City contributed \$15,000 each as an economic incentive for the development of preliminary architectural renderings & pricing as part of an initial feasibility study for NIAR.

Ty Masterson, ARTDG, came before the Board to discuss the economic development grant and letter of intent. There was discussion regarding a lump sum payment or a monthly amount.

Administrator Johnson stated that the funds would be in a separate fund. The Board felt that it should be designated as debt service or lease payments.

***Commissioner Masterson motioned to approve the letter of intent with ARTDG LLC and NIAR stipulating certain economic incentives related to the construction of a lightning strike facility in Butler County and allow the Chairman to sign. Commissioner Waldorf seconded the motion.***

Administrator Johnson stated that Commissioner Masterson would need to abstain from the vote and it would be safer if he didn't make the motion. Commissioner Masterson retracted his motion.

***Commissioner Woydziak motioned to approve the letter of intent with ARTDG LLC and NIAR stipulating certain economic incentives related to the construction of a lightning strike facility in Butler County and allow the Chairman to sign. Commissioner Waldorf seconded the motion. Motion carried 3-1. Commissioner Masterson abstained and Commissioner Wheeler voted no.***

#### **RECESS**

Commissioner Woydziak recessed the Board meeting at 10:30 a.m. for 10 minutes.

#### **RECONVENE**

Commissioner Woydziak reconvened the Board meeting at 10:40 a.m.

#### **ITEM #8 – WORK SESSION – COMMUNICATIONS PLAN BILLING UPDATE**

Will Johnson, Administrator, came before the Board to present the communications plan billing update. No action was taken.

#### **APPROVAL OF VOUCHERS**

***Commissioner Masterson motioned to approve the vouchers for January 6, 2009 in the amount of \$304,729.84. Commissioner Waldorf seconded the motion. Motion carried 5-0.***

#### **COMMISSION ADS & ABATES**

***Commissioner Waldorf motioned to approve Adds & Abates #2376 dated January 6, 2009; Adds in the amount of \$1,476.40 and Abates in the amount of \$12,025.24. Commissioner Masterson seconded the motion. Motion carried 5-0.***

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

Commissioner Waldorf noted that a city council member inquired about Marion County and asked if they were pulling out their recyclables or bringing everything to the landfill. Mr. Lutz said they are bringing everything.

Commissioner Waldorf and the Board discussed the cost of flu shots.

***Commissioner Waldorf motioned to accept the resignation of Bud Carel, Spring Township Treasurer. Commissioner Masterson seconded the motion. Motion carried 5-0.***

***Commissioner Waldorf motioned to appoint Rex McKinney as Spring Township Treasurer to be effective January 12, 2009. Commissioner Masterson seconded the motion. Motion carried 5-0.***

Commissioner Wheeler announced that the dedication of the Life Enrichment Center is January 8, 2009, and there is a legislative reception for REAP members on January 8, 2009 at the Marcus Welcome Center.

Commissioner Woydziak stated that the SEC has run out of money regarding the coupons for digital TV.

Commissioner Woydziak said there is a going away reception at 11:30 on January 7, 2009 for Tom Winters.

***Commissioner Woydziak motioned to appoint Debbie Logsdon to the Planning Commission. Commissioner Waldorf seconded the motion. Motion carried 5-0.***

Administrator Johnson discussed a resolution prohibiting the commercial unauthorized dumping of waste and litter in Butler County. Commissioner Carpenter suggested offering a reward for turning people in who are dumping waste in the county. The resolution will be presented for approval next week.

Administrator Johnson shared a report on the Elk River Wind Farm escrow agreement. He said as of September 1, 2008, the aggregate value in the escrow account was suppose to be \$554,331. As of October 1, 2008, there was \$560,835.60 in the escrow account.

Administrator Johnson discussed the lease with Mr. Snodgrass for the railroad property in Andover and that he had made changes to the lease.

***Commissioner Woydziak motioned to send Mr. Snodgrass a letter stating he had 30 days to vacate the property. Commissioner Carpenter seconded the motion. Motion carried 5-0.***

Administrator Johnson discussed quit claiming property back to the prison.

## **ADJOURNMENT**

***Commissioner Masterson motioned to adjourn the meeting of the Board at 11:12 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.***