

BUTLER COUNTY BOARD OF COMMISSIONERS
Monday, June 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 Randy Waldorf, Commissioner Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Paula Stoskopf.

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, May 26, 2009 as written. Commissioner Harris seconded the motion. Motion carried 5-0.

ADDITIONAL AGENDA ITEM – Appraisal Report on South Shop

Will Johnson, County Administrator, provided to the Board the Appraisal Report on the South Shop. Commissioner Wheeler stated that he was adamantly opposed to the County moving from this location. He stated that he felt it was the responsibility of Pro Kleen to build their own building and move their painting and sandblasting inside. Commissioner Masterson agreed with Commissioner Wheeler on this point unless it was an opportunity for the County to move and update the South Shop. Darryl Lutz, County Engineer, commented that it would solve all of the County's problems with the overspray and dust by moving. However, he expressed concern about the same problems and issues with the next business that would move in along side this business and what kind of responsibility the County would hold in that situation. After much discussion, it was the consensus of the Board to have Staff gather further information and available options before making any decisions and scheduling a meeting with the attorneys.

ITEM #1 – REVIEW THE CURRENT AND PROPOSED 5-YEAR FEDERAL AID PLAN FOR ROAD AND BRIDGE CONSTRUCTION PROJECTS

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for consideration of approving the KDOT Federal Aid 5-Year Plan for county road and bridge construction projects. Butler County has 2 projects in the current approved KDOT 5-Year Plan. The No. 1 project is the proposed reconstruction of 4.5 miles of SW 210th Street west of Douglass between SW Santa Fe Lake Road and SW Butler Road. The No. 2 project is the proposed bridge replacement project on Bluestem Road over Bird Creek. Mr. Lutz proposed to the Board to add a third project, which will be an off-system bridge replacement project. The bridge is located over the West Branch Whitewater River on NW 50th Street. This bridge is one of the County's worst condition concrete bridges and is eligible for off-system bridge funding.

Commissioner Harris motioned to approve the Request for Construction Project for the proposed bridge replacement project over the West Branch Whitewater River on NW 50th Street and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Mr. Lutz asked the Butler County Commission to accept the proposed 5-Year Plan and submit to KDOT.

Commissioner Woydziak motioned to approve the projects and project priorities for the proposed 2010 – 2014 Federal Aid 5-Year Road & Bridge Plan for submission to KDOT. Commissioner Harris seconded the motion. Motion carried 5-0.

Commissioner Wheeler dismissed himself from the meeting at 9:35 a.m. to attend a funeral.

ITEM #2 – CONSIDER AUTHORIZING STAFF TO BEGIN CONTRACT NEGOTIATIONS WITH THE KELLY LAW FIRM OF TONGANOXIE, KS, FOR LEGAL ASSISTANCE WITH DELINQUENT PERSONAL PROPERTY TAX COLLECTIONS

Ruth Fechter, Butler County Treasurer, and Mark Detter, Finance Director, came before the Board for consideration of authorizing staff to begin contract negotiations with the Kelly Law Firm of Tonganoxie, Kansas, for legal assistance with delinquent personal property tax collections. In April of 2009, staff solicited proposals from law firms throughout the state for assistance with delinquent property tax collections. One firm, the Kelly Law Firm, submitted a proposal of either a fee of \$45,000 or a 30 percent take on all delinquent personal property taxes and interest & penalties collected. The County Treasurer prefers the \$45,000.00 fee. If the percentage method is used, the County could potentially pay the Kelly Law Firm in excess of \$150,000.00 based on the amount collected. Current County software does not easily divide the costs of tax collections, therefore, payments would have to be sent to the Kelly Law Firm, they would subtract 30% of the delinquent taxes and interest/penalties from the collections and then remit the remainder to the County. Taxpayers would need to be informed to send delinquent payments to the Kelly Law Firm instead of the County. The potential for mistakes is present in this situation and accounting of these mistakes would have to occur between the Kelly Law Firm and the County. Commissioner Waldorf requested the El Dorado Times Reporter to please report to the Citizens that the Board of Commissioners are planning on making this push to collect delinquent personal property taxes. The Board concurred that further clarification is needed concerning the time frame and details of this contract.

Commissioner Waldorf motioned to table this Item until Tuesday, June 16, 2009. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #3 – WORK SESSION – COMMUNICATIONS FUNDING

Will Johnson, County Administrator, and Mark Detter, Finance Officer, came before the Board to discuss the different options available for Communications Funding.

APPROVAL OF VOUCHERS

Commissioner Harris motioned to approve the vouchers for June 1, 2009 in the amount of \$868,807.08. Commissioner Woydziak seconded the motion. Motion carried 4-0.

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

Commissioner Harris inquired as to the decision on the request from Friends of the Lake for fireworks money. The Board agreed that if they began donating to individual community events such as this, the requests could become extensive. Therefore, it was the consensus of the Board to decline from donating. Administrator Johnson stated that he would respond back with the Board's consensus.

Administrator Johnson updated the Board regarding the North Unit closure. He has been attending meetings arranged by John Grange concerning the prisoner workforce utilized in both the El Dorado Community and the County. Representatives from El Dorado City, Wildlife and Parks, and Butler County have attended these meetings. Mr. Johnson stated that he has drafted a Memorandum of Understanding to the Department of Corrections requesting a minimum of 4 inmates for the City, 20 inmates for Wildlife & Parks, 4 inmates for the County, and 6 inmates for Jerry Clark's crew. The inmates will be transported from Winfield on a bus purchased by the County & the City or leased from the School District, and driven by a driver hired by Wildlife & Parks. Norm Wilks, USD 490, has located a school bus for this summer for approximately \$5,000 to \$6,000.00. The City and the County would also share the cost of fuel, maintenance, & insurance. To be cost efficient, the driver would live in Winfield and drive up here 4 days a week for a 10-hour day. He would also work maintenance and supervise a crew. The Department of Corrections is providing the equipment and transportation for Jerry Clark's crew within Butler County. The DOC is also making the North Unit available to his crew. Mr. Johnson stated that he volunteered the County to do the bookkeeping for this endeavor. Administrator Johnson noted that it would cost the County \$30,000.00 to hire help to replace the inmates who work at the Landfill. He also stated that Buildings & Grounds would just have to do without the extra help with mowing and maintenance, as there is no extra money in the general fund to hire replacements for the inmates who help in this department. There will be a meeting at 2:00 p.m. today, June 1st, to further discuss this solution. Mr. Johnson stated that this all hinges on whether or not Wildlife & Parks are on board with this plan. If they are not, then the County would not as well, due to the fact that it would become cost prohibitive without their assistance. Administrator Johnson will report back to the Board on Tuesday, June 2nd with the results of today's meeting.

ADJOURNMENT

Commissioner Harris motioned to adjourn the meeting of the Board at 10:41 a.m.

Commissioner Waldorf seconded the motion. Motion carried 4-0.