

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, June 2, 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 TABLED INTERLOCAL AGREEMENT WITH THE CITY OF EL DORADO FOR EXTRATERRITORIAL ZONING AUTHORITY

Will Johnson, County Administrator, came before the Board with the tabled Item of the Interlocal Agreement between Butler County and the City of El Dorado providing for the regulation of the use of land within territory designated as the growth area of the City of El Dorado. Mr. Johnson recommended tabling this Item again until pending legal action has been dealt with concerning this agreement.

Commissioner Harris motioned to table this Item until pending legal action is resolved on the zoning case within this jurisdiction. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL OF THE SUPPORT RENEWAL WITH REVERSE 911 AND AUTHORIZE THE DIRECTOR TO PAY

Chris Davis, 9-1-1 Director, came before the Board for consideration of the Support Renewal with Reverse911 and authorize the Director to pay. This agreement provides for Reverse911 technical support staff to remotely log in to our system to assist us during times of crisis or maintenance. Technical support does log in on a monthly basis to perform routine maintenance. As of May 27th, the system has been used for 14 incidents in the calendar year of 2009. Funds are available to cover the \$5,592.00 from the 9-1-1 operating budget Funds 65 and 66.

Commissioner Woydziak motioned to approve Support Renewal with Reverse911 for the July 1, 2009 through June 30, 2010 term and authorize the Director to expend an amount of \$5,592.00 from the 9-1-1 operating budget. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF THE AWARD OF CONTRACT TO LMK CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF CULVERT LETTING NO. 64

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider authorizing the award of contract to Malm Construction Company for the construction of Culvert Letting No. 64. Bids were received and opened from 3 contractors for Culvert Letting No. 64. The low bid was received from Malm Construction Company (f/LMK Construction Company). The low bid was responsive and was below the engineer's estimate. All work has been budgeted for in the 2009 Bridge Building Budget.

Commissioner Wheeler motioned to approve the Notice of Award for Culvert Letting No. 64; the construction of 9 reinforced box culverts throughout Butler County, to Malm Construction

Company, Inc. in the total amount of \$286,650.50 and authorize the Chair to sign. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVING AN AGREEMENT FOR PROCESSING OF CRT’S RECEIVED AT THE BUTLER COUNTY E-WASTE FACILITY

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider authorizing an agreement for processing CRT’s received at the Butler County E-waste Facility. Butler County presently has a Memorandum of Understanding with Unicor (Federal Prison Industries) to receive and process e-waste from Butler County. Unicor is presently unable to accept e-waste due to their inability to move recycled materials on downstream. Butler County has sought permission from KDHE to contract with another business enterprise, at least on a temporary basis, to take CRT monitors and televisions that have been collected by the County. KDHE has authorized Butler County to utilize Asset Life Cycle to dispose of collected CRT’s at \$0.50 per pound. The total estimated cost of \$23,476.00 is to be reimbursed to Butler County through an e-waste facility operations grant.

Commissioner Waldorf motioned to approve the agreement with Asset Life Cycle, Topeka, KS, to process approximately 47,000 pounds of CRT monitors and televisions at a cost of \$0.50 per pound and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER APPROVAL TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE DOCUMENTS NECESSARY TO CLOSE ON A PIECE OF PROPERTY BEING ACQUIRED BY BUTLER COUNTY

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider granting authority to the County Administrator to execute closing documents related to a property acquisition. The Board of County Commissioners approved a purchase offer to purchase a property along SW Butler Rd. at Fourmile Creek needed to allow the proposed future construction of the Fourmile Creek Bridge. Closing for the purchase is scheduled for the week of June 1st. As certain documents will need to be executed by Butler County in order to close, it is necessary for the Board to authorize a representative for Butler County to sign these documents. Staff recommended the County Commission to appoint the County Administrator. The owner will be paying the prorated taxes in the amount of \$479.40 and the County will be paying all other closing costs in the amount of \$388.00.

Commissioner Woydziak motioned to authorize Will Johnson, County Administrator, to execute required documents to close on the purchase of the Holmes property adjacent to the Fourmile Creek Bridge on SW Butler Road. Commissioner Masterson seconded the motion. Motion carried 5-0.

RECESS

Commissioner Masterson recessed the Board meeting at 9:25 a.m. for 5 minutes

RECONVENE

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

ITEM #6 – ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS OF NON-ELECTED PERSONNEL, TO PROTECT THE PRIVACY OF AN INDIVIDUAL/EMPLOYEE WHO IS NON-ELECTED

Commissioner Wheeler motioned to recess the Board to Executive Session at 9:30 a.m. for 15 minutes, with the public session resuming at 9:45 a.m., for personnel matters of non-elected personnel to protect the privacy of an employee who is non-elected. Commissioner Waldorf seconded the motion. Motion carried 5-0. Those in attendance were Commissioners Harris, Masterson, Waldorf, Wheeler, Woydziak, and Administrator Johnson.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:53 a.m.

Commissioner Wheeler motioned to not reappoint the County Appraiser for the contract period beginning July 1, 2009 and instruct the County Administrator to begin the search process for a new County Appraiser. Commissioner Harris seconded the motion. Motion carried 5-0

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2395 dated June 2, 2009; Adds in the amount of \$0.00 and Abates in the amount of \$31,300.58. Commissioner Woydziak seconded the motion. Motion carried 5-0.

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

Commissioner Waldorf stated that he had received a phone call from Pete Ferrell requesting a meeting with him on Wednesday regarding Beaumont.

Administrator Johnson informed the Board that the Corporate Quick Claim Deed done for the property located at the El Dorado Correctional Facility last February needed to be done as a Corporate Warranty Deed.

Commissioner Wheeler motioned to issue a Corporate Warranty Deed for the property located at the El Dorado Correctional Facility. Commissioner Waldorf seconded the motion. Motion carried 5-0.

Administrator Johnson reported to the Board the details from yesterday's meeting regarding the continued use of inmates. The Memorandum of Understanding is with Wildlife & Parks, City of El Dorado, Butler County, Kansas Department of Corrections, and the American Legion. Mr. Johnson stated that it was not known earlier that the American Legion was utilizing 2 inmates, so they were added into the Memorandum. The American Legion will go out to the State Park Office to pick up their inmates when needed. Norm Wilks, USD 490, has located a diesel bus in Ulysses with 78,000 miles on it for approximately \$5,000 to \$6,000. Wildlife & Parks are on board with this agreement; however, this contract will only be valid until September 10, 2009, as Wildlife & Parks would like to see how things go. Norm Manley, County Counsel, has reviewed and approved the contract. Mr. Johnson noted that we will loose our inmates this Friday, June 5th, but if the paperwork goes smoothly, things should be in place to have them back on work detail by the week of June 15th. Commissioner Masterson thanked Administrator Johnson for taking the lead in getting this agreement accomplished in such a timely manner. The Board concurred.

ADJOURNMENT

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:11 a.m.
Commissioner Wheeler seconded the motion. Motion carried 5-0.*