

BUTLER COUNTY BOARD OF COMMISSIONERS
Monday, June 22, 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 Woydziak motioned to approve the minutes of the Butler County Commission Meetings of Monday June 15, 2009 and Tuesday, June 16, 2009 as written. Commissioner Waldorf seconded the motion. Motion carried 4-0 with 1 abstention, as Commissioner Masterson was absent at these meetings.

ITEM #1 – PRESENT SCOTT STUEVEN AND MATT HOGAN, EMS, WITH THE SPOTLIGHT AWARD AND GIFT CERTIFICATE

Will Johnson, County Administrator, came before the Board to present Scott Stueven and Matt Hogan, EMS, with the Spotlight Award and \$20.00 gift certificate to a local merchant. Grant Helderich, EMS Director, nominated them for this award for their quick, accurate and kind care they provided to an individual in March. This individual also sent a check in the amount of \$1,000 as a donation to the EMS Department.

ITEM #2 – CONSIDER A RECOMMENDATION FROM STAFF FOR THE ADOPTION OF A HOLD HARMLESS AGREEMENT AND TRAFFIC CONTROL PLAN BETWEEN BUTLER COUNTY AND STEPHEN J. CRAIG

David Alfaro, BCED Director, came before the Board to consider a recommendation from Staff for the adoption of a Hold Harmless Agreement and Traffic Control Plan between Butler County and Stephen J. Craig. The Board approved a resolution in December 2008, which allowed a CUP to be issued to SJC IV LLC aka Stephen J. Craig, for the construction of a Hangar to perform aircraft maintenance and repair in Beaumont. The CUP was approved based upon the adoption of a Hold Harmless Agreement and Traffic Control Plan.

Commissioner Wheeler motioned to approve the recommendation of Staff and direct the Chair to sign the Hold Harmless Agreement and Traffic Control Plan between the County and Mr. Stephen J. Craig. Commissioner Harris seconded the motion. Motion carried 5-0.

ADDITIONAL AGENDA ITEM: PUBLIC COMMENT

Commissioner Masterson invited Mr. Jim Dallas; 671 SW Tawakoni Road, Benton Township, to come before the Board to express his concerns. Mr. Dallas informed the Board of an ongoing problem with a low water bridge located 1.7 miles north of Hwy 254 on Tawakoni Road. He stated that this area is turning into party central. Commissioner Wheeler inquired as to what kind of activities were taking place. Mr. Davis stated that there is smoking, drinking, and fishing off the low water bridge. This is creating a problem with trash and broken bottles in the river. His biggest concern, however; is with the blocking of the road. Last year, a Benton Fire Truck who was trying to pass over the bridge, sat and blasted his horn for 3 minutes before someone moved a vehicle so he could pass. Property owners in the area have posted no trespassing signs in the past

only to have them torn down or ignored. Mr. Davis suggested the solution of having the Township post No Parking signs from 100 yards either direction from the bridge to help with emergency vehicles being able to pass. Commissioner Masterson noted that this is a law enforcement issue, and should be handled by the Sheriff's Department. The Board asked Mr. Davis to initiate contact with Benton Township to inquire about signage. The Board also asked Administrator Johnson to convey to the Sheriff's Department to increase patrol of this area. This should be handled easily (amended on June 29, 2009 to remove the word "easily") as the recent contract with the City of Towanda has been started and this will place an officer within 3.5 miles of this bridge location. Mr. Davis thanked the Board.

ITEM #3 – CONSIDER APPROVAL OF 2009 CEREAL MALT BEVERAGE LICENSE FOR BUTLER COUNTY SADDLE CLUB

Administrator Johnson came before the Board for approval of the 2009 Cereal Malt Beverage license for the Butler County Saddle Club.

Commissioner Wheeler motioned to approve the 2009 Cereal Malt Beverage License for the Butler County Saddle Club. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF THE BID FROM ENSERV FOR BIO MEDICAL WASTE PICK UP AND DISPOSAL

Grant Helferich, EMS Director, came before the Board for approval of the bid from ENSERV for Bio Medical waste pick up and disposal. The EMS Department currently has a contract with Stericycle. The estimated cost for the every two-week service from ENSERV would be \$646.50 monthly, and the estimated cost from Stericycle for once a month service would be \$750.00 per month.

Commissioner Wheeler motioned to approve the bid from ENSERV to provide Bio Medical waste disposal for the EMS Department. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER APPROVAL OF VALUE FINDING APPRAISALS AND RIGHT-OF-WAY DEDICATIONS FOR ROAD RIGHT-OF-WAY RELATED TO THE WHITEWATER CREEK BRIDGE PROJECT ON SW BUTLER ROAD

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of purchase and acceptance of right-of-way dedications related to the Whitewater Creek bridge reconstruction project on SW Butler Road.

Commissioner Waldorf motioned to approve the value finding appraisals and accept the right-of-way dedications for tracts of permanent right-of-way from the Fox Family Trust, from the Pustkas and from John Meyersick as presented for KDOT Project No. 8 C-4558-01, the Whitewater Creek bridge reconstruction project on SW Butler Rd. at SW 10th St. and authorize the Chair to sign the associated documents. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL OF THE DEDICATION OF A DRAINAGE EASEMENT RELATED TO THE SW PRAIRIE CREEK ROAD BENEFIT DISTRICT PAVING PROJECT

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the dedication of a drainage easement related to the SW Prairie Creek Road benefit district paving project near Benton.

Commissioner Masterson motioned to move to accept the drainage easement dedication from the Boling family as presented for Project No. BC 845(21)08, the SW Prairie Creek Rd. paving project serving Double K Estates and Stearman Estates near Benton, and authorize the Chair to sign the associated document. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #7 – CONSIDER APPROVAL OF A CHANGE ORDER FOR THE SW 210TH STREET/WALNUT RIVER BRIDGE DECK REPAIR AND OVERLAY PROJECT TO PERFORM BRIDGE BEARING DEVICE REPAIRS

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a change order for the SW 210th Street/Walnut River Bridge deck repair and overlay project to perform bridge bearing device repairs.

Commissioner Woydziak motioned to approve a change order for Project No. BR 19N6-29-4(08) under contract with Dondlinger and Sons Construction Company in the amount of \$15,400 for bridge bearing device repair work. Commissioner Waldorf seconded the motion. Motion carried 5-0.

Mr. Lutz asked the Board to indulge him to discuss further business. He requested a meeting to discuss negotiations with an individual to buy the right-of-way for one of the current bridge projects. Mr. Lutz then explained to the Board that two documents to purchase right-of-way from Pamela Bailey that the Board had approved and signed, for some reason disappeared before being filed in Register of Deeds. Mr. Lutz stated that it was an embarrassing situation, but asked if the Chair would please sign the new set of documents and that he would personally carry them through. Commissioner Masterson stated that it would not be a problem. Mr. Lutz thanked the Board.

Commissioner Wheeler motioned to recess the Board to Executive Session at 9:35 a.m. for 5 minutes, with the public session resuming at 9:40 a.m., for preliminary discussions relating to the acquisition of real property; to protect the interests of the County. Commissioner Masterson seconded the motion. Motion carried 5-0. Those in attendance were Commissioners Harris, Masterson, Waldorf, Wheeler, Woydziak, Administrator Will Johnson, and Public Works Director Darryl Lutz.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:48 a.m. with no action taken as a result of Executive Session.

ITEM #8 – WORK SESSION – 2010 BUTLER COUNTY BUDGET

Marsha McCoy, Register of Deeds, presented the proposed 2010 Budget for Register of Deeds. It was the consensus of the Board to take the proposed Register of Deeds Budget for 2010 under consideration.

Scott Stoskopf, Computer Services Director, presented the proposed 2010 Budget for Computer Services Department. It was the consensus of the Board to take the proposed Computer Services Department Budget for 2010 under consideration.

Riley Walters, Noxious Weeds Department Director, presented the proposed 2010 Budget for Noxious Weeds Department. It was the consensus of the Board to take the proposed Noxious Weeds Department Budget for 2010 under consideration.

Commissioner Waldorf requested of Administrator Johnson to have his input noted and marked on the budgets for the Board's information in future budget hearings. Administrator Johnson noted his request. The Board concurred that Administrator Johnson's interjections during the discussions would be helpful.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for June 22, 2009 in the amount of \$144,245.13. Commissioner Harris seconded the motion. Motion carried 5-0.

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

Commissioner Masterson informed the Board that this Thursday, June 25th, he would need to attend the REAP Chief Elected Officials Meeting at noon in Wichita.

Commissioner Woydziak inquired about any resolution or change to the American Legion's valuation. Mr. Woydziak asked Administrator Johnson if the Board could have any input in this matter. Mr. Johnson stated that the Board did not have any input at this point due to the fact that the next step was for the Legion to take their valuation appeal to COTA.

Commissioner Woydziak noted that Kathy Rainey is now the new City Administrator for the City of Rose Hill.

Administrator Johnson reported that the Sales Validation Ratio from PVD had come in. The Residential is at 97.1 and the Commercial is at 88.7.

Administrator Johnson brought the Legislative Research Report to the Board's attention. Butler County is ranked 89th out of the 105 counties in the state to have the lowest mill levy. The 16 counties that have a lower mill levy also have a county-wide sales tax.

Administrator Johnson informed the Board that the County Attorney's Office has applied for a BYRNE Grant.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 10:44 a.m. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioners will be attending a luncheon at the Augusta Senior Center at 11:45 a.m.