

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 17, 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 Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Waldorf was absent.

ITEM #1 – CONSIDER APPROVAL OF THE GRANT APPLICATION FROM THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT TO THE BUTLER COUNTY HEALTH DEPARTMENT FOR ONGOING CATEGORICAL GRANTS AND ALLOW THE CHAIR TO SIGN

Carol Borger, Health Department Administrator, came before the Board for approval of the Grant Application from Kansas Department of Health and Environment to the Butler County Health Department for ongoing categorical grants. These grants include the State Formula grant, the Chronic Disease Risk Reduction grant, the AIDS Counseling and Testing grant, AIDS HERR (Health Education Risk Reduction) grant, the Maternal and Child Health Grant, the Family Planning Grant and the Child Care Licensing and Registration Grant. This year we are asking for \$247,294.00.

Commissioner Wheeler motioned to approve the Grant Application from Kansas Department of Health and Environment to the Butler County Health Department for ongoing categorical grants in the amount of \$247,294.00 and allow the Chair to sign. Commissioner Harris seconded the motion. Motion carried 4-0.

ITEM #2 – CONSIDER APPROVAL OF AGREEMENT BETWEEN THE SOCIAL SECURITY ADMINISTRATION AND THE BUTLER COUNTY JAIL

Dennis Phillips, Sheriff Department, came before the Board for approval of an agreement between the Social Security Administration and the Butler County Jail. The contract was signed in January 2009 between Justice Benefits and Butler County to assist Butler County to continue to receive funds under a federal program called State Criminal Alien Assistance program (SCAAP) and a new program called Supplemental Security Income (SSI). This agreement will ensure that Butler County will receive assistance from Justice Benefits for the SSI program.

Commissioner Woydziak motioned to approve the Butler County Sheriff to sign the agreement between the Social Security Administration and the Butler County Jail. Commissioner Harris seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER APPROVAL TO ALLOW THE PLACEMENT OF GATES ACROSS NW 20TH STREET BETWEEN NW BUTLER ROAD AND NW PRAIRIE CREEK ROAD IN MURDOCK TOWNSHIP

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval to place gates across NW 20th St. between NW Butler Rd. and NW Prairie Creek Rd. in Murdock Township. Mr. Lutz presented a letter from Murdock Township Board requesting that this road be gated and locked.

Commissioner Harris motioned to approve Resolution No. 09-12, the order to allow gates to be placed across a portion of NW 20th St. between NW Butler Rd. and NW Prairie Creek Rd. in Murdock Township and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #4 – RECEIVE THE COMPLETE DRAFT OF THE UPDATED COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN AND CONSIDER SETTING A DATE FOR PUBLIC HEARING

Darryl Lutz, P.E., Director of Public Works, came before the Board to receive the completed draft of the Updated Comprehensive Solid Waste Management Plan and consider setting a date for a public hearing. It is proposed that a public hearing be set for 10:00 a.m., Tuesday, March 31, 2009.

Commissioner Woydziak motioned to receive the comprehensive solid waste management plan and to set a date of Tuesday, March 31, 2009 at 10:00 a.m. for a public hearing. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER APPROVAL TO ALLOW THE EMS DEPARTMENT TO GO TO BID FOR MEDICAL BIO HAZARD WASTE PICKUP AND DISPOSAL

Brandon Russell, EMS, came before the Board for approval to go to bid for Medical Bio Hazard waste pickup and disposal.

Commissioner Wheeler motioned to approve the EMS department to receive bids for medical bio hazard waste and disposal. Bids are to be received by April 20, 2009 and opened during the regular commission meeting on April 21, 2009. Commissioner Harris seconded the motion. Motion carried 4-0.

Mr. Lutz came before the Board to recommend accepting the bid from Remediation Services in Independence, KS for the Leachate Recirculation System Expansion at the Landfill.

Commissioner Masterson motioned to award the bid for Leachate Recirculation System Expansion to Remediation Services of Independence, KS in the amount of \$352,995.42 with the addendum #1 and #2 and authorize the County Engineer to sign the Notice of Award. Commissioner Harris seconded the motion. Motion carried 4-0.

Mr. Lutz provided the Commissioners with an agenda for the Annual Township meeting to be held on March 24, 2009 at the Civic Center in El Dorado.

Mr. Lutz informed the Board of the South Central Kansas Association of Commissioners and Engineers (SCKACE) Annual Spring Meeting in Hutchinson on April 2, 2009.

Mr. Lutz presented a Solid Waste Planning Committee Roster to the Board. This year the re-appointments are Cecil Gross, Steve Pershall, Jo Jennings, Bill Highbarger, Darryl Lutz, Larry Crouse, and one new appointment Chris Steward.

Commissioner Woydziak motioned to approve the recommendation of the appointees for the Solid Waste Planning Committee. Commissioner Wheeler seconded the motion. Motion carried 4-0.

RECESS

Commissioner Masterson recessed the Board meeting at 9:40 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:45 a.m.

ITEM #7 – CONSIDER APPROVAL OF AN INTERLOCAL LAW ENFORCEMENT AGREEMENT WITH THE CITY OF TOWANDA FOR LAW ENFORCEMENT SERVICES IN THE CITY OF TOWANDA THROUGH THE SHERIFF’S DEPARTMENT

Craig Murphy, Sheriff, came before the Board for approval of an Interlocal Law Enforcement Agreement with the City of Towanda. The County currently provides the exact same service through a contract with the City of Douglass and a similar smaller combined contract with the cities of Whitewater and Potwin. Discussion followed regarding the need for four officers in the City of Towanda. Sheriff Murphy stated that he believes four officers are needed in Towanda. Paul Erickson, City Administrator, discussed the current officer coverage and the cash and in-kind services the City would provide. Commissioner Woydziak asked for a report showing the number of cases the police officers work within the City of Douglass and outside the city.

Commissioner Harris stated that he is concerned with holding down expenses and staying within budget.

Commissioner Masterson asked if adequate coverage could be provided with 2 additional officers specific to Towanda. Sheriff Murphy stated that if we are less than 4 officers in Towanda, we are being reactive instead of proactive. Sheriff Murphy added that if the agreement is approved, it would be approximately 60 days before officers could be in place.

There was discussion about benefit costs and how the mill levy might be affected.

Commissioner Wheeler said he agrees that we need to look these contracts over, but is not convinced that Towanda needs 24/7 coverage. Mr. Erickson asked if El Dorado needed 24/7 coverage, and added that the citizens in the county, cities, and the state need and deserve 24 hour police coverage. He stated that most of what happens in Towanda happens between midnight and 6:00 a.m., and just because it is a small town doesn't mean they don't need police protection.

Commissioner Woydziak and Commissioner Masterson agreed with Mr. Erickson that Towanda deserves 24 hour coverage.

Commissioner Woydziak motioned to approve the Interlocal Law Enforcement Agreement contract with the City of Towanda with an \$11,000 per month fee beginning June 1, 2009 through December 31, 2009. Commissioner Harris seconded the motion. Motion carried 3-1. Commissioner Wheeler voted no.

ITEM #5 – CONDUCT A PUBLIC HEARING REGARDING THE PROPOSED VACATION OF A PORTION OF SW 90TH STREET WEST OF SW PURITY SPRINGS ROAD IN SPRING TOWNSHIP – 10:00 A.M.

Darryl Lutz, P.E., Director of Public Works, came before the Board for a public hearing regarding the proposed vacation of a portion of SW 90th St. west of SW Purity Springs Rd. in Spring Township at the request of Bill and Sue Hoefgen.

Commissioner Masterson opened a public hearing at 10:44 a.m. There was no public comment. Commissioner Masterson closed the public hearing at 10:44 a.m.

Commissioner Woydziak motioned to approve the order vacating road for a portion of SW 90th St. beginning at SW Purity Springs Rd. and terminating 1/2 mile west and authorize the Chair to sign said order. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Mr. Allen Potter addressed the Commissioners regarding the Retreat east of town and thanked the Sheriff and his Department for policing the area. Mr. Potter expressed concern about the growing number of vehicles in the parking lot. He said the morality of our county is being affected, and if this immoral activity is allowed to continue, then other nude dancing facilities will appear in our county. Mr. Potter appealed to the Commissioners to make this a priority. Commissioner Woydziak noted that this is very much a priority. Sheriff Murphy stated that we are waiting on legal action. Administrator Johnson said there is a zoning violation and the County Attorney's office will be prosecuting. Mr. Potter asked the commission if there was anything the county residents could do in the meantime. Administrator Johnson told Allen to stay engaged with the process, and should the owners apply and try to meet the regulations, attend the Public Hearing before the Planning and Zoning Board to voice their opinion. In the event of a Public Hearing, notification would be sent to the landowners within 1,000 feet of the facility. Commissioner Wheeler encouraged Mr. Potter to contact the property owner also.

COMMISSION ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2385 dated March 17, 2009; Adds in the amount of \$10,973.20 and Abates in the amount of \$80,373.82. Commissioner Harris seconded the motion. Motion carried 4-0.

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

Commissioner Woydziak noted that he, Jim Neese, and possibly Bob Sage, Chairman of the 9-1-1 Committee, would be attending a conference sponsored by NACo on April 30-May 1 in Kansas City regarding interoperability and the radio system.

Commissioner Wheeler reminded the Board and said he has contacted city officials that Jason Moses from the Adjutant General's Office in Topeka would be here on Tuesday, March 24.

Administrator Johnson stated that Byron McNary and Paul Christner, MICT/EMS, attended the commission meeting to fulfill training requirements.

Administrator Johnson said he would be discussing the NRP with the City of El Dorado.

Administrator Johnson said he and Dennis Phillips would be contacting the Small Business Administration regarding a CCR Registration Number in order to apply for stimulus funds available to public safety agencies.

Commissioner Woydziak asked if there was any grant money available for Sheriff officers. Mr. Phillips said they were looking into that.

Commissioner Woydziak commended Senator Ty Masterson for his stance on the death penalty in voting against doing away with it. Commissioner Wheeler noted that he sent an e-mail to Senator Masterson congratulating him.

ADJOURNMENT

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:12 a.m.
Commissioner Harris seconded the motion. Motion carried 4-0.*