

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, March 3, 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.

Additional Agenda Item – The Board received Daren Bannon, Partner, & Ronda Lempke, Office Manager, from SW Butler Quarry, LLC. Rod Compton explained to the Board that after much effort, the Quarry has not been able to obtain a \$75,000.00 Reclamation Bond; which is a condition of their CUP. Mr. Compton stated that it is virtually impossible to obtain one unless you have a track record of holding one in the past. The Quarry is requesting to post a \$40,000.00 CD with the County held in the name of Daren Bannon and Butler County. A schedule will then be established to add \$2,500.00 per year plus interest until the CD is a total of \$75,000.00. This will be accomplished in approximately 8 to 10 years. The consensus of the Board was to allow, as there is a life span of approximately 20 years left on the Quarry. Administrator Johnson will establish the schedule and present to Mr. Compton and the Board.

**ITEM #1 – CONSIDER APPROVAL OF ACCEPTANCE OF DEDICATIONS OF ROAD RIGHT-OF-WAY FOR THE SILL’S ACRES SUBDIVISION**

Rod Compton, Director of Planning & Zoning, came before the Board for acceptance of dedications of road right-of-way for the Sill’s Acres Subdivision located in the West Half of the Southwest Quarter of Section 29, Township 27 South, Range 4 East of the 6<sup>th</sup> P.M., Butler County, Kansas. The rezoning and platting of the property was carried out in compliance with the zoning & subdivision regulations of the City of Augusta. Staff recommended the dedications be accepted.

*Commissioner Waldorf motioned to accept the dedication of the rights of way for SW 110<sup>th</sup> Street and SW Diamond Road as shown on the plat for Sill’s Acres Subdivision located in the West Half of the Southwest Quarter of Section 29, Township 27 South, Range 4 East of the 6<sup>th</sup> P.M., Butler County, Kansas, and authorize the Chairman to sign the plat accepting said dedications. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #2 – CONSIDER APPROVAL OF CONTRACT WITH CONCO CONSTRUCTION TO BUILD NEW WORKSHOP AND DAY FACILITY FOR FLINT HILLS SERVICE IN THE EL DORADO OFFICE PARK**

Dana Korkki, Flint Hills Services Executive Director & Mark Detter, Finance Director, came before the Board to approve a contract with Conco Construction to build a new workshop and day facility for Flint Hills Services in the El Dorado Office Park. Flint Hills Services received a \$400,000.00 CDBG Grant for this project. The County will not have to contribute any funds towards this project.

*Commissioner Wheeler motioned to approve the contract with Conco Construction for the construction of a new day facility and workshop for Flint Hill Services for an amount not to exceed \$2,109,000.00. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

Mark Detter asked the Board to sign a letter to the Department of Commerce requesting permission to use all CDBG Funds prior to utilizing rural development loan money for this project.

*Commissioner Woydziak motioned to approve signing a letter to the Department of Commerce requesting permission to utilize all CDBG Funds prior to rural development loan money to reduce interest expense on the project and authorize the Chair to sign. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE CONTRACT BETWEEN CBM FOOD SERVICE AND BUTLER COUNTY FOR FOOD SERVICE AT THE BUTLER COUNTY DETENTION CENTER**

Dennis Phillips, Butler County Sheriff's Department, came before the Board for approval of the contract between CBM Food Service and Butler County for food service at the Butler County Detention Center. This contract will be in place for the next year at a cost of \$1.58 per meal. The cost per meal is slightly higher in this contract due to Staff's decision to not use inmate labor for meal preparation. This decision has been made to avoid issues that can arise when inmates are in contact with the Detention Center Staff and have access to the food eaten by other inmates.

*Commissioner Woydziak motioned that the Butler County Board of Commissioners approve the contract between the Board of County Commissioners of Butler County and CBM Food Services. Commissioner Harris seconded the motion. Motion carried 5-0.*

Craig Murphy, Butler County Sheriff, was requested by the Board to give an update on the Retreat situation. The Sheriff took the opportunity to commend Dennis Phillips for the inmate count increase and for working out a good relationship with Sedgwick County. The Sheriff also reported on the Staff changes at the Detention Center. Under Sheriff Roy Raney's office is now located at the Detention Center and it is his primary responsibility. Mr. Phillips and Sheriff Murphy both agreed that Mr. Raney has played a major role in the positive changes occurring at the Detention Center. The Board expressed their appreciation of the changes being made and thanked both Dennis Phillips and Under Sheriff Roy Raney for their efforts.

**ITEM #4 – CONSIDER APPROVAL TO ALLOW THE EMS DEPARTMENT TO GO TO BID FOR STRYKER POWER PRO POWERED AMBULANCE COT**

Grant Helferich, Director of EMS, came before the Board for permission to go to bid for a Stryker Power Pro powered ambulance cot. The Stryker Power Pro has a hydraulic lift system that lowers and raises the cot and reduces the strain on the employees back and shoulder. The EMS Department has been in the process of replacing the manual lift cots and there is one ambulance left that does not have a powered cot. The list cost of the Stryker Pro Cot is approximately \$13,200.00. CPI funds for 2009 are available to make this purchase.

*Commissioner Woydziak motioned to approve the EMS Department to receive bids for a Stryker Power Pro powered ambulance cot. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

Grant Helferich introduced Kathy Miller to the Board. She has been with EMS since 1983 and she will temporarily be filling the position as Logistics Officer for EMS. Mr. Helferich stated that she has a tough task ahead of her, but he felt she was up to the challenge and EMS would help her meet that challenge.

#### **RECESS**

Commissioner Masterson recessed the Board meeting at 9:49 a.m. for 5 minutes.

#### **RECONVENE**

Commissioner Masterson reconvened the Board meeting at 9:54 a.m.

#### **ITEM #5 – CONSIDER APPROVING THE AWARD OF PURCHASE OF UNIFORM LOGO SHIRTS FOR THE PUBLIC WORKS DEPARTMENT**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving the award of purchase of uniform logo shirts for the Public Works Department. Two vendors submitted bids – Because You Said Sew, Wichita, KS, for \$8,341.00 and Wells Designs, El Dorado, KS, for \$5,903.35.

*Commissioner Harris motioned to approve the purchase of uniform logo shirts for Public Works field employees from Wells Design, El Dorado, KS, the lowest bidder, for a total price of \$5,903.35. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

#### **ITEM #6 – CONSIDER APPROVING THE PURCHASE OF RIGHT-OF-WAY FOR THE SW 210<sup>TH</sup> STREET PROJECT**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approval of purchase and acceptance of right-of-way dedications related to the SW 210<sup>th</sup> Street reconstruction project west of Douglass. The right-of-way cost is based upon \$4,000 per acre for tracts off of parcels larger than 20 acres in size and \$6,000 per acre for tracts off of parcels 20 acres or less in size. Additional consideration is offered for replacing existing fences or paying cash for in-kind value of a replacement fence.

*Commissioner Woydziak motioned to approve the purchase and acceptance of right-of-way dedications for tracts of permanent right-of-way as presented for KDOT Project No. 8 C-3687-01, the SW 210<sup>th</sup> Street road reconstruction project west of Douglass and authorize the Chair to sign the associated documents. Commissioner Waldorf seconded the motion. Motion carried 5-0.*

#### **ITEM #7 – CONSIDER APPROVING ESTIMATED COSTS FOR RELOCATING ELECTRIC LINES AND POLES OWNED BY BUTLER REC**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving a utility agreement with Butler Rural Electric Cooperative Association, Inc., related to the SW 210<sup>th</sup> Street reconstruction project. Counties are required to enter into agreements with utility and pipeline companies with structures or easements affected by federal aid construction projects. Staff has negotiated with Butler Rural Electric Cooperative to pay 50% of the cost of relocation of a transmission/distribution pole line along the north side of the construction project. The estimated cost is approximately \$300,000.00 of which Butler County will be responsible for \$150,000.00.

*Commissioner Woydziak motioned to approve the utility agreement with Butler Rural Electric Cooperative Association, Inc., and to approve an estimated electric line relocation expense not to exceed \$150,000.00 related to KDOT Project No. 8 C-3687-01, the SW 210<sup>th</sup> Street road reconstruction project west of Douglass and authorize the Chair to sign. Commissioner Waldorf seconded the motion. Motion carried 4-1. Commissioner Harris was opposed.*

**ITEM #8 - CONSIDER APPROVING PROJECT APPLICATIONS RELATED TO THE 2009 FEDERAL STIMULUS PROGRAM**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to recommend re-prioritizing the project suggestions made at yesterday's meeting. Due to the cost of materials, Mr. Lutz suggested prioritizing the projects again to help insure the opportunity of their being accepted in this program. He also suggested offering a 20% match to help up the chance of the projects being chosen. The Board, after discussion, concurred to recommend a 25% match and to add the one-lane bridge on Butler Road as one of the projects. Mr. Lutz will research to see if this bridge project can be offered as one of the projects. The projects were prioritized in the following order:

- 1) One-lane bridge (1) mile north of 254 on Butler Road
- 2) SW 20<sup>th</sup> Street
- 3) SW 210<sup>th</sup> Street
- 4) Whitewater City
- 5) SW Butler Road

*Commissioner Harris motioned to adopt priorities as stated and give the Chair authority to sign applications. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Darryl C. Lutz, P.E., Director of Public Works, requested to bring an additional item before the Board if time permitted. Mr. Lutz presented the Board with the tabulation of the vehicle bids opened in yesterday's meeting. Administrator Johnson informed the Board that John K. Fisher did submit a bid on time, however; Mr. Lutz was not aware of their bid. It was submitted to the Administration Office rather than to Mr. Lutz. This bid did not change the results of the bidding. Staff recommended purchasing the Expedition for \$26,364.00 and the Ford F-150 for \$15,623.00 from Steven Ford-Mercury of Augusta without the extended warranties.

*Commissioner Waldorf motioned to allow the purchase of the Expedition for a cost of \$26,364.00 and the Ford F-150 for a cost of \$15,623.00 without the extended warranties from Steven Ford-Mercury of Augusta, Kansas. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**COMMISSION ADDS & ABATES**

*Commissioner Waldorf motioned to approve Adds & Abates #2384 dated March 3, 2009; Adds in the amount of \$175.02 and Abates in the amount of \$3,349.82. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

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

Commissioner Harris reported on the meeting with El Dorado City held this morning. A possible Interlocal Agreement was discussed. The City will be working on this and get back with the County.

Commissioner Waldorf reported that he did contact Clint Headley. He is the mortician who has been involved in the handling of the indigent individual. Mr. Headley was concerned about his conversation held with Ron Roberts and the handling of this individual. After much discussion, Commissioner Harris recommended paying the entire bill to Mr. Headley in full, and then getting policy in place for how to handle an indigent individual in the future. The Board concurred.

Commissioner Waldorf stated that he would be attending Canvassing this Friday due to the fact that the election was in his District. Administrator Johnson will not have to serve on the Canvassing Board due to this change.

Commissioner Woydziak initiated a conversation with the Board, Administrator Johnson, and Mr. Lutz regarding calls and concerns from constituents regarding the township roads.

Commissioner Masterson commented on the tour of the Andover YMCA. He stated the facility is very impressive and that it is located in an excellent location for several communities. The Board concurred. The opening has been pushed back to May 4<sup>th</sup>.

Administrator Johnson announced Severe Weather Awareness Week to be held March 9-13, 2009.

***Commissioner Waldorf motioned to declare the week of March 9 – 13, 2009, as Severe Weather Awareness Week. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

Administrator Johnson answered questions the Board had regarding vouchers.

Administrator Johnson announced to the Board that he would not be attending the National Conference this year for City Managers. It is being held in Montreal. Due to the current economy and location of the meeting, Mr. Johnson felt that he could not justifying going.

Administrator Johnson noted that there would be no meetings next week due to meetings in Washington, D.C. next week.

Commissioner Waldorf stated that he and Mark Detter would be attending the Augusta City Council Work Session on Monday for their NRP.

Mr. Darryl Lutz presented the Board with information on the Solid Waste Plan for their review. He will be making a formal presentation to the Board in two weeks.

#### **ADJOURNMENT**

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