

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 26, 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 Tammy Bridges.

APPROVAL OF MINUTES

Commissioner Harris motioned to approve the minutes of the Butler County Commission Meetings of Monday, May 18, 2009 and Tuesday, May 19, 2009 as written. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #1 – PRESENT A SPOTLIGHT AWARD TO BRANDON LEWIS AND LES STALNAKER FROM THE NOXIOUS WEED DEPARTMENT

Will Johnson, Administrator, came before the Board to present a Spotlight Award to Brandon Lewis and Les Stalnakar from the Noxious Weed Department. Administrator Johnson nominated them for saving the County over \$18,000 by purchasing an older Army truck and retrofitting it with equipment instead of purchasing a \$25,000 truck for spraying. Commissioner Masterson presented them with their certificates and gifts of \$500. No action was taken.

ITEM #2 – RECEIVE AND OPEN BIDS FOR MEDICAL BIO HAZARD WASTE DISPOSAL AND ALLOW STAFF TO EVALUATE AND MAKE A RECOMMENDATION

Grant Helferich, Director of EMS, came before the Board and stated no bids were received for Medical Bio Hazard Waste Disposal. Mr. Helferich asked for approval to solicit quotes over the phone and report back to the Board.

Commissioner Woydziak motioned to direct staff to solicit written proposals for Medical Bio Hazard Waste Disposal and return to the Board with a recommendation. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER REQUEST BY EDWARD AND LAURINDA WADE TO REZONE APPROXIMATELY 12.5 ACRES FROM AN AG-40 TO AN RR RURAL RESIDENTIAL ZONING CLASSIFICATION

Rod Compton, Planning & Zoning Director, came before the Board for a request from Edward and Laurinda Wade to rezone approximately 12.5 acres from AG-40 to RR in order to separate the existing residence and 5 acres and to build a residence on the remaining 7.5 acres. The County Planning Commission recommended approval by a unanimous vote of those present, and Staff is recommending approval.

Commissioner Masterson motioned to approve the request by Edward and Laurinda Wade to rezone approximately 12.5 acres described as: Beginning at the Southeast Corner of the East Half of the Southwest Quarter of Section 33, Township 26 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence West 673 feet to the Center line of Dry Creek; thence Northeasterly along the center line of Dry Creek to the east line of Southwest Quarter; thence South 1,830 feet to the point of beginning, from AG-40 to RR Rural Residential and authorize

the Chair to sign Resolution No. 09-22 granting such change. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF ACCEPTANCE OF DEDICATIONS OF ROAD RIGHT-OF-WAY FOR THE LIGHTNING CREEK SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 28 SOUTH, RANGE 3 EAST OF THE 6TH P.M., BUTLER COUNTY, KANSAS

Rod Compton, Planning & Zoning Director, came before the Board for acceptance of dedications of road right-of-way for the Lightning Creek Subdivision, which is a replat of Reschke Mills Subdivision. The County Planning Commission recommended approval by a unanimous vote of those present.

Commissioner Woydziak motioned to accept the dedication of rights of way for SW 140th St. and SW Meadowlark Rd. as shown on the plat for Lightning Creek Subdivision located in the Southeast Quarter of the Southeast Quarter of Section 9, Township 28 South, Range 3 East of the 6th P.M., Butler County, Kansas, and authorize the Chair to sign the plat accepting said dedications. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER AMENDMENTS TO ARTICLE 18 OF THE ZONING AND SUBDIVISION REGULATIONS (FP FLOODPLAIN DISTRICT)

Rod Compton, Planning & Zoning Director, came before the Board for approval of amendments to Article 18 of the zoning and subdivision regulations (FP Floodplain District). The County has received the new floodplain maps from FEMA and is required to amend the floodplain regulations to reflect the adoption of the new maps.

Commissioner Waldorf motioned to approve the proposed changes to Article 18 of the Zoning and Subdivision Regulations (FP Floodplain District) and authorize the Chair to sign Resolution No. 09-23 authorizing the amendments. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Mr. Compton indicated Mr. Trotter, from the Retreat, would be meeting with him today. Mr. Compton said only the owner of the property could apply for a Conditional Use Permit and noted that Mr. Trotter is not the owner of record.

Mr. Compton informed the Board of a possible legal action against the County about a Planning Commission decision.

ITEM #6 – CONSIDER APPROVING THE PURCHASE OF AN ELEVATING SCRAPER FOR THE LANDFILL BASED UPON BIDS RECEIVED

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the purchase of an elevating scraper for the landfill. The bids were opened on Monday, May 18. The best bid received was from Equipment Link, Hutchinson, KS for a low hour (1,721 hours) used 2006 Cat 615 C-II scraper for a cost of \$190,389.

Commissioner Woydziak motioned to approve the purchase of a 2006 Caterpillar 615C-II elevating scraper with approximately 1,721 hours at a delivered price of \$190,389 from

Equipment Link, Inc., Hutchinson, KS. Commissioner Wheeler seconded the motion. Motion carried 5-0.

RECESS

Commissioner Masterson recessed the Board meeting at 9:50 a.m. for 5 minutes

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:55 a.m.

ITEM #7 – CONSIDER APPROVING A NOTICE TO CONTRACTORS FOR BIDS TO BE RECEIVED FOR THE CONSTRUCTION OF AREA 2B AT THE BUTLER COUNTY LANDFILL

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a Notice to Contractors for bids to be received for construction of Area 2B at the Butler County Landfill. Bids for this project are to be received and opened at 10:00 a.m. on Monday, June 22.

Commissioner Harris motioned to approve the Notice to Contractors for the construction of Area 2B of the Butler County Landfill with bids to be received and opened at 10:00 a.m., Monday, June 22, 2009 and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #8 – CONSIDER APPROVING THE PURCHASE OF 5 ROLL-OFF BOXES FOR THE COUNTY’S TRAILER RECYCLING PROGRAM

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the purchase of 5 roll-off boxes for the County’s trailer recycling program. The County requested price quotations to be submitted to the Department of Public Works. Bids were received from Roll Offs USA, Durant, OK in the amount of \$16,519; Downing Sales & Service, Inc., Phillipsburg, MO, in the amount of \$17,035; and Pro-Tainer, Alexandria, MN, in the amount of \$19,375.

Commissioner Woydziak motioned to approve the purchase of 5 roll-off boxes from Roll Offs USA, Durant, OK for a total delivered price of \$16,519. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #9 – RECEIVE AND OPEN SEALED BIDS FOR CULVERT LETTING NO. 64 – 10:00 A.M.

Darryl Lutz, P.E., Director of Public Works, came before the Board to receive and open sealed bids for Culvert Letting No. 64. Bids were received from:

<u>Bid Item</u>	<u>Turnkey, Inc.</u>	<u>J & J Contractors</u>	<u>LMK</u>
RCB No. 1 – 33N6-27-3	\$ 21,381.50	\$ 21,464.50	\$ 20,974.50
RFB No. 2 – 32N9-29-5	\$ 75,435.08	\$ 84,426.00	\$ 67,901.50
RFB No. 3 – 24N9-28-4	\$ 57,034.70	\$ 62,480.50	\$ 56,449.00
RCB No. 4 – 29C0-29-4	\$ 29,894.00	\$ 32,252.00	\$ 24,919.00
RCB No. 5 – 14N3-29-7	\$ 21,820.00	\$ 20,853.60	\$ 16,206.00
RCB No. 6 – 14N2-25-7	\$ 17,530.05	\$ 16,233.50	\$ 14,828.50
RCB No. 7 – 11E8-26-6	\$ 45,767.50	\$ 48,860.50	\$ 40,253.50
RFB No. 8 – 24C1-24-5	\$ 25,170.50	\$ 26,286.00	\$ 21,944.50
RCB No. 9 – 21E5-25-4	\$ 25,817.50	\$ 27,477.50	\$ 23,232.50
Total	\$319,850.83	\$340,334.10	\$286,709.00

Commissioner Masterson motioned to receive the bids for Culvert Letting No. 64 as read and to direct the County Engineer to tabulate and evaluate the bids and to return at a later date with a recommendation for award of bids. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #10 – CONSIDER APPROVAL OF PURCHASE AND ACCEPTANCE OF RIGHT-OF-WAY DEDICATIONS RELATED TO THE SW 210TH STREET RECONSTRUCTION PROJECT WEST OF DOUGLASS

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 SW 210th St. reconstruction project west of Douglass for Pamela Bailey, Alpha Mahlandt Trust & Family, and Sandra Williamson.

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 210th St. road reconstruction project west of Douglass and authorize the Chair to sign the associated documents. Commissioner Waldorf seconded the motion. Motion carried 5-0.

Commissioner Woydziak asked about limiting bicycle traffic on Santa Fe Lake Rd. during the SW 210th St. reconstruction project.

ITEM #12 – WORK SESSION – COMMUNICATIONS UPDATE

Jim, Neese, Radio Systems Administrator, came before the Board for an update on the Communications Plan. Discussion followed and the Board asked to look at options for the Andover tower site. No action was taken.

ITEM #11 – CONSIDER CONVENING IN EXECUTIVE SESSION TO DISCUSS MATTERS RELATED TO LAND ACQUISITION

Commissioner Wheeler motioned to recess the Board to Executive Session at 10:55 a.m. for 5 minutes, with the public session resuming at 11:00 a.m., to discuss 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 County Engineer Darryl Lutz.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 11:00 a.m.

Commissioner Masterson motioned to approve a Real Estate Purchase Agreement with Nahid Holmes, a property owner, for a property adjacent to the Bridlewood Addition, in the amount of \$90,000 related to property acquisition for a planned future bridge replacement project over Fourmile Creek on SW Butler Rd. and authorize the Chair to sign the agreement. Commissioner Harris seconded the motion. Motion carried 5-0.

Mr. Lutz informed the Board that Ergon Asphalt, Jackson, MS, has purchased SEM Materials in Kansas and will be operating the El Dorado terminal.

Mr. Lutz commented that a homeowner has requested a petition in Prairie Meadow containing 9 developed lots in Bruno Township. Mr. Lutz said he would be sending copies of the petition and instructions to all nine property owners.

Commissioner Masterson said he and Mr. Lutz met with Bruno Township and Wagon Wheel residents about helping them with some aggregates.

COMMISSION ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2394 dated May 26, 2009; Adds in the amount of \$125.02 and Abates in the amount of \$8,365.94. Commissioner Waldorf seconded the motion. Motion carried 5-0.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for May 26, 2009 in the amount of \$361,463.61. Commissioner Harris seconded the motion. Motion carried 5-0.

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

Commissioner Wheeler asked about vouchers involving credit card purchases.

Commissioner Wheeler asked for an update on the Retreat. Administrator Johnson noted the owner has turned states witness for the prosecution on zoning and has filed an eviction notice on Mr. Trotter that was served through the Sheriff Department last week. Administrator Johnson said we are not pressing the adult entertainment licensing violations at this time pending the court case and will pursue the Interlocal Agreement with the City of El Dorado at a later date.

Commissioner Harris commented about the Atomic Veteran's Highway dedication and said it was very well attended. Administrator Johnson said it was very well covered by the media as well.

Administrator Johnson said he would be speaking at the Water Conference on Thursday, May 28.

Administrator Johnson noted he would be meeting with Mr. Joe Baker's counsel regarding a drainage issue.

Administrator Johnson noted that he would be out of the office on Friday, May 29.

Commissioner Harris informed the Board that next Monday, June 1, the City of El Dorado will be having a luncheon at 11:30 a.m. at McDonald Baseball Stadium to thank the cleanup crews of the May 8 storm.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 11:30 a.m. Commissioner Woydziak seconded the motion. Motion carried 5-0.