

BUTLER COUNTY BOARD OF COMMISSIONERS
Monday, October 5, 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 Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Monday, September 28, 2009, and Tuesday, September 29, 2009, as written. Commissioner Woydziak seconded the motion. Motion carried 4-0 with 1 abstention for Monday, September 28th, as Commissioner Waldorf was absent. Motion carried 5-0 for Tuesday, September 29th.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – RECEIVE TOUR BUTLER TO PRESENT WIND FARM PROJECT AND REQUESTING FUNDING

Lou Clennan, Tour Butler County, came before the Board to present a request for funds to erect a permanent masonry sign at the entry to Butler County on the Southeast corner of Hwy 254 and 159th Street West. The project cost is \$3,700 and Tour Butler is requesting \$1,850. The Board agreed to take the request under consideration. Awards will be made in November of 2009. Mrs. Clennan took the opportunity to invite the Board to the Tour Butler Meeting on Thursday, October 15, @ 6:30 p.m. at the Prairie Rose Chuckwagon. She invited Will Johnson, County Administrator, to be the speaker that evening. Mr. Johnson accepted the invitation.

ITEM #2 – CONSIDER APPROVAL OF THE CONTRACT BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND THE BUTLER COUNTY HEALTH PREPAREDNESS RESPONSE AND ALLOW THE CHAIR TO SIGN

Carol A Borger, R.N./Administrator, Butler County Health Department, came before the Board for review and approval of the contract between the Kansas Department of Health and Environment and the Butler County Health Department Public Health Preparedness Response in the amount of Phase I \$92,666.00 and Phase II \$1,000.00. These grants are to be considered one-time funds and there is no match for this grant. The County Counselor has reviewed and approved the contract.

Commissioner Woydziak motioned to approve the Contract between the Kansas Department of Health and Environment and Butler County Health Department Public Health Preparedness Response Phase I in the amount of \$92,666.00 and Phase II in the amount of \$1,000.00 and allow the Chair to sign. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #10 – WORK SESSION – SEWER DISTRICT CONNECTION FEES IN THE PROSPECT AREA

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to discuss sewer district connection fees in the Prospect area. A developer, Mr. Richard Griffin, is proposing to build an

RV park on the site of the former Retreat Convenience Store. The area is within the sewer district boundaries, thus, allowing an RV park to be connected to the sewer system. The connection fees initially have been calculated based upon an assumed factor of 50% of an equivalent residence for each of the 22 proposed parking slots. The proposed total connection fee is not considered feasible to the developer. Mr. Lutz reported that after investigation of this issue, he felt a factor of 25% would be feasible. This would reduce the connection fee from \$23,750 to approximately \$11,950. Mr. Griffin stated that he would review this information and determine if it is a feasible figure for him.

Mr. Lutz also reported to the Board that because of this investigation, it has come to his attention that Deer Grove should be reviewed in relationship to their number of approved slots and usage and how many actual slots are in place. The Board requested Mr. Lutz to do further investigation before pursuing this matter.

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 #3 – CONSIDER APPROVAL OF RESOLUTION THAT FORMALLY SIGNIFIES OUR COMPLIANCE WITH KAR 56-2-2 ADDRESSING THE REQUIREMENTS FOR STAFFING, OPERATIONS, AND SUPPORT OF THE BUTLER COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT

Jim Schmidt, Emergency Management Director, came before the Board for approval of Resolution No. 09-43 signifying compliance with KAR 56-2-2 which addresses the requirements for staffing, operations, and support of the Butler County Department of Emergency Management. The Kansas Division of Emergency Management, responding to stricter FEMA and DHS control over grant awards, is now requiring each county to provide by resolution proof of intent to comply with KAR 56-2-2. The requirements have been in place for several years and were not formally adopted by Butler County as they have always been met or exceeded and it was not necessary for previous grant submissions. This resolution is simply an acknowledgement that we will maintain compliance.

Commissioner Wheeler motioned to approve Resolution No. 09-43 that formally signifies our compliance with KAR 56-2-2 addressing the requirements for staffing, operations, and support of the Butler County Department of Emergency Management. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL TO AWARD HEALTHEMS BY SANSIO THE BID TO BECOME THE EPCR VENDOR FOR THE EMS DEPARTMENT AND AUTHORIZE THE EMS DEPARTMENT ALONG WITH THE COUNTY COUNSELOR TO BEGIN AGREEMENT NEGOTIATIONS WITH SANSIO

Grant Helferich, Butler County EMS Director, and Darrel Kohls, Training Captain, came before the Board to request that the Board conditionally accept the ePCR bid submitted by Sansio and direct the EMS Department to enter into final contract negotiations with Sansio for 3-year contractual provision of ePCR services. A complete evaluation focused on the needs of the EMS Department with consideration to data collection, employee productivity, product cost, and potential to enhance department revenue, was conducted. It was concluded that the Sansio product

best meets the needs of the Department. Mr. Norman Manley, County Counselor, has completed a preliminary review of the subscription agreement provided by Sansio in the RFP. Mr. Manley's concerns will be addressed during the contract negotiation process.

Commissioner Waldorf motioned to award HealthEMS by Sansio the bid to become the ePCR vendor for the EMS Department and authorize the EMS Department, along with the County Counselor, to begin agreement negotiations with Sansio. This Agreement will not exceed \$8,845.00 per year and \$8,913.00 in implementation and training fees. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER APPROVAL OF DOCUFORCE AS THE 2009-2010 MULTIFUNCTION COPIER SUPPLIER AND ALLOW COMPUTER SERVICES TO ORDER REPLACEMENT COLOR COPIER AND LARGE COPIER FOR THE COUNTY ATTORNEY'S OFFICE

Scott Stoskopf, Computer Services Director, came before the Board for approval of DocuForce as the 2009-2010 multifunction copier supplier and allow Computer Services to order a replacement Color Copier and Large Copier for the County Attorney's Office. These copiers will be purchased from the County Attorney's Budget. Quotes were obtained from DocuForce of Wichita and Galaxie Business Equipment, Inc. of Winfield. DocuForce had the lowest cost per copy and included consumable that Galaxie charged extra for.

Commissioner Woydziak motioned to award DocuForce as the 2009-2010 Copier Supplier and allow Computer Services to order replacement copiers for the County Attorney. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL OF A CONTRACT AMENDMENT FOR THE ROUND 16 E-WASTE OPERATIONS CONTRACT WITH THE KDHE TO INCREASE THE REIMBURSEMENT RATE

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of a contract amendment for the Round 16 E-waste operations grant contract with the KDHE to increase the reimbursement rate. The present contract is a 2-year contract. The proposed agreement increases the reimbursement rate from \$0.05 per pound to \$0.10 per pound for the 2nd year of the contract. The additional allowance will help offset unfunded operations cost for the e-waste program. This increase should provide an additional \$15,000 - \$20,000 in revenues to Butler County.

Commissioner Harris motioned to approve the amendment to the service contract with the KDHE for the Round 16 grant for an e-waste pilot program to increase the reimbursement rate from \$0.05 per pound to \$0.10 per pound and to authorize the Chairman to sign the contract amendment. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #7 – CONSIDER APPROVAL OF THE AUTHORITY TO AWARD CONTRACT/COMMITMENT OF COUNTY FUNDS FOR THE SW 210TH STREET PROJECT WEST OF DOUGLASS

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for the approval of the authority to award a contract/commitment of county funds for the SW 210th Street project west of Douglass. KDOT is requesting Butler County's approval to award the contract to the lowest bidder, Dondlinger & Sons Construction Company, and to commit the County's share of funds. The Board's approval will authorize the Secretary of Transportation to award the contract and to

execute the contract. The County's share of the construction cost is \$822,000. This amount does not include construction engineering fees. The project is planned for and funded with a combination of Federal Aid Funds, KDOT Revolving Loan Funds, and Butler County Special Highway Funds.

Commissioner Woydziak motioned to approve the Authority to Award Contract/Commitment of County Funds for Project Nol. 8 C-3687-01, the SW 210th Street reconstruction project between SW Santa Fe Lake Road and SW Butler Road and authorize the Chair to sign. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #8 – CONSIDER APPROVAL OF UTILITY AGREEMENTS RELATED TO THE WHITEWATER CREEK BRIDGE REPLACEMENT PROJECT ON SW BUTLER ROAD

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of utility agreements related to the Whitewater Creek bridge replacement project on SW Butler Road northwest of Benton. Agreements with Westar Energy, AT&T, and Butler County Rural Water District No. 5, Jayhawk Pipeline, and SemCrude have been signed and returned to Butler County for approval and signature. These utility companies occupy, cross or are adjacent to Butler County's road right-of-way. Westar, AT&T, and Butler County RWD No. 5 have some lines that will need to be relocated to accommodate the bridge project. Costs for relocating utilities are the responsibility of the Company for portions of their lines on County right-of-way. Any relocation costs for utilities that are on private easement will be the responsibility of the County. The County will have some cost related to relocating portions of the rural water district line. The cost is not known yet. The project is planned and budgeted for through the Road & Bridge Fund and Special Highway Fund.

Commissioner Masterson motioned to approve the utility agreements with Westar Energy, Butler County Rural Water District No. 5, AT&T, Jayhawk Pipeline, and SemCrude related to KDOT Project No. 8 C-4558-01, the Whitewater Creek bridge replacement project on SW Butler Road and authorize the Chair to sign the agreements. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #9 – CONSIDER APPROVAL OF A CERTIFICATION RELATED TO RIGHT-OF-WAY ACQUISITION AND UTILITY CLEARANCE FOR THE WHITEWATER CREEK BRIDGE REPLACEMENT PROJECT ON SW BUTLER ROAD, NORTHWEST OF BENTON

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of certification related to right-of-way acquisition and utility clearance for the Whitewater Creek bridge replacement project on SW Butler Road northwest of Benton. Butler County is required to certify to KDOT that the County followed right-of-way acquisition procedures, has made arrangements for utility relocation and must also give authority to KDOT to advance the project to letting.

Commissioner Waldorf motioned to approve the Certification by the Local Agency to the Kansas Department of Transportation of Real Property Acquisition Procedures and Utility Arrangements for KDOT Project No. 8 C-4558-01, the Whitewater Creek bridge replacement project on SW Butler Road northwest of Benton and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Additional Agenda Items –

Mr. Lutz brought before the Board an agreement with KDOT for Butler County to provide construction engineering services for the SW 210th Street construction project west of Douglass.

Commissioner Woydziak motioned to approve the agreement with KDOT for Butler County to provide construction engineering services at the estimated cost of \$438,095.95 for Project No. 8 C-3687-01, the SW 210th Street construction project west of Douglass and authorize the Chair to sign. Commissioner Harris seconded the motion. Motion carried 5-0.

Mr. Lutz discussed with the Board the driveway situation brought to the Board's attention by Bob Cook, Bob Cook Homes, at last week's meeting. After review and discussion, the consensus of the Board and Mr. Lutz was to allow the driveways to remain where placed. Mr. Lutz will follow-up with the necessary paperwork to cover the legalities of this situation.

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

Administrator Johnson informed the Board that the County had been contacted by a small, out-of-county community to contract with Butler for trash service. Mr. Johnson asked the Board to begin thinking on this matter of capturing out-of-county trash.

RECESS

Commissioner Masterson recessed the Board meeting at 11:23 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 11:28 a.m.

APPROVAL OF VOUCHERS

Commissioner Harris motioned to approve the vouchers for October 5, 2009, in the amount of \$760,933.17. Commissioner Woydziak seconded the motion. Motion carried 5-0.

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

Commissioner Wheeler stated he felt the sales tax meeting with the City of El Dorado went well. He wanted to publicly commend Administrator Johnson for the fine of job he did of handling the meeting. Commissioner Wheeler noted that the meeting at Rosalia with the School Board also went well.

Commissioner Wheeler noted that he is on the NACO Environment Energy & Land Use Steering Committee.

Commissioner Masterson requested a review of the Government Day activities for October 6th.

Administrator Johnson reported that the letter to Pro-Kleen is still in progress.

Administrator Johnson stated the Sheriff's Office notified him that the engine and transmission had gone out of the SWAT vehicle. A quote for repairs has been received from Farmer's Repair in Whitewater for \$6,000. The vehicle is used 3 to 4 times per month.

Commissioner Woydziak motioned to authorize up to \$6,000 for replacement of motor and transmission in the SWAT vehicle. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:43 a.m. Commissioner Harris seconded the motion. Motion carried 5-0.