

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 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 Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Paula Stoskopf. Commissioner Mike Wheeler was absent.

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #1 – CONSIDER APPROVAL OF RECOMMENDATION FROM STAFF TO ALLOW FOR THE ISSUANCE OF A PERPETUAL PERMANENT EASEMENT AND RIGHT-OF-WAY FOR THE PURPOSES OF THE PLACEMENT OF A PIPELINE FOR THE TRANSPORTATION OF OIL, NATURAL GAS, HYDROCARBON, PETROLEUM PRODUCTS AND ALL BY-PRODUCTS THEREOF**

David A. Alfaro, BCED Director, and Kim Boston and Tyler Keck, TransCanada/Keystone RW Agents, came before the Board to recommend Staff be allowed to issue a perpetual permanent easement and right-of-way for the purposes of the placement of a pipeline for the transportation of oil, natural gas, hydrocarbon, petroleum products and all by-products thereof. TRANSCANADA Keystone Pipeline, LP is constructing a crude oil pipeline from Canada stretching into Oklahoma with a final destination of Cushing, OK. The pipeline cuts through numerous personal properties across Butler County, but it is determined that it will not create any problems associated with the future use of the rail line, i.e. trail or path. The actual placement of the pipeline will be just east of SW Diamond Road and south of US Highway 54/400. The County will receive total compensation in the amount of \$900; which includes \$600 for the Easement and ROW plus an additional \$300 for the temporary construction workspace.

*Commissioner Woydziak motioned to approve the recommendation of Staff to allow the recording of the Permanent Easement and Right-of-Way across County-Owned Rail Road Property for the TRANSCANADA Keystone Pipeline, LP for the placement of a pipeline for the transportation of oil, natural gas, hydrocarbon, petroleum products and all by-products thereof and direct the Chairman to sign the Easement and Right-of-Way Agreement as presented. Commissioner Harris seconded the motion. Motion carried 4-0.*

**ITEM #2 – CONSIDER APPROVAL OF THE PURCHASE OF SIGN MATERIALS FOR THE HIGHWAY DEPARTMENT**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving the purchase of sign materials for the Public Works Department. The highway division of the Public Works Department purchases sign materials and posts as-needed on a regular basis throughout the year. Staff recently solicited price quotations for specific sign materials. The lowest price quote for the entire order was received from National Sign, Ottawa, KS.

*Commissioner Waldorf motioned to approve the purchase of highway sign materials for the Public Works Department from National Sign Co., Ottawa, KS, for a delivered price of \$5,044.75. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

**ITEM #3 – CONSIDER APPROVAL OF AN AGREEMENT FOR MATERIALS TESTING SERVICES FOR THE SW 210<sup>TH</sup> STREET PROJECT**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving an agreement for materials testing services for the SW 210<sup>th</sup> Street project west of Douglass. Mr. Lutz presented the Board with the agreement with Professional Engineering Consultants to perform materials testing services for the SW 210<sup>th</sup> Street project. The estimated cost is a not to exceed amount and has been incorporated into the County's proposal to KDOT. The County will be billed for actual time and materials plus overhead plus a net fee proportioned to the amount of work completed.

*Commissioner Woydziak motioned to approve the agreement with Professional Engineering Consultants, P.A., Wichita, KS, to provide materials testing services to Butler County in the not to exceed amount of \$157,248.10 for Project No. 8 C-3687-01, the SW 210<sup>th</sup> Street Road project west of Douglass, and authorize the Chair to sign. Commissioner Waldorf seconded the motion. Motion carried 4-0.*

**ITEM #4 – WORK SESSION – BUTLER COUNTY RECYCLE PLAN**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider setting a date for adoption of the proposed Butler County Recycle Plan.

*Commissioner Woydziak motioned to hold a Public Hearing regarding the Butler County Recycle Plan, on Tuesday, October 13, 2009, at 9:00 a.m. on the 4<sup>th</sup> Floor of the Butler County Courthouse during the regularly scheduled Butler County Commissioner Meeting. Commissioner Waldorf seconded the motion. Motion carried 4-0.*

**RECESS**

Commissioner Masterson recessed the Board meeting at 10:00 a.m. for 5 minutes.

**RECONVENE**

Commissioner Masterson reconvened the Board meeting at 10:05 a.m.

**ADDITIONAL AGENDA ITEMS:**

Administrator Johnson invited David Alfaro, BCED Director, to come before the Board to discuss the letter received from ProKleen regarding 5 proposed requests to consider towards resolving their issue.

Administrator Johnson will draft a response and present it to the Board next Tuesday.

Administrator Johnson presented the Board with the schedule for the Sales Tax Meetings.

It was noted that a date needed to be added for the Douglass Senior Center.

Administrator Johnson played the news article on Channel 12 regarding the sales tax proposal for the Board.

Commissioner Masterson asked Jim Neese, Strategic Communications Director, to come before the Board to report on the possibility of purchasing up to 30 additional radio units at cost of \$1,900 each; plus shipping. This will save approximately \$72,000 on the Project.

*Commissioner Harris motioned to approve the purchase of up to 30 additional radio units in the not to exceed amount of \$60,000. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

#### **COMMISSION ADDS & ABATES**

*Commissioner Waldorf motioned to approve Adds & Abates #2406 dated September 22, 2009; Adds in the amount of \$2,009.52 and Abates in the amount of \$42,205.42. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

#### **APPROVAL OF VOUCHERS**

*Commissioner Harris motioned to approve the vouchers for September 22, 2009, in the amount of \$176,094.90. Commissioner Masterson seconded the motion. Motion carried 4-0.*

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

Commissioner Harris reported that Tim Murphy, Dustrol Inc., contacted him to see if the Board would like to come out today to view their process. The Board agreed to schedule this visit for either Wednesday or Thursday of this week. Commissioner Harris will contact Mr. Murphy to set up a time.

Commissioner Woydziak asked Mr. Lutz if EMC was the only option available for the Townships to apply for insurance from. Mr. Lutz explained that there are other options available. Administrator Johnson will provide Commissioner Woydziak with a list of potential agencies.

#### **ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:02 a.m. Commissioner Harris seconded the motion. Motion carried 4-0.*