

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 8, 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 Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Monday, August 31, 2009 and Tuesday, September 1, 2009 as written. Commissioner Harris seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – CONSIDER APPROVAL AND PUBLISH THE VOLUNTEER PROCLAMATION IN THE EL DORADO TIMES AND THE AUGUSTA GAZETTE AS A MEANS OF THANKING ALL COUNTY VOLUNTEERS WHO PARTICIPATED IN THE SUMMER INITIATIVE – UNITED WE SERVE CAMPAIGN

Melody Gault, Butler County RSVP, came before the Board for approval to publish a Volunteer Proclamation in the El Dorado Times and the Augusta Gazette as a means of thanking all County volunteers who participated in the Summer Initiative – United We Serve Campaign.

Commissioner Waldorf motioned to adopt the Butler County Volunteer Proclamation and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL OF TRANSFER OF PROPERTY AGREEMENT BETWEEN BUTLER COUNTY AND THE SOUTH CENTRAL REGIONAL HOMELAND SECURITY COUNCIL AND AUTHORIZE SIGNATURE BY THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS AND THE DIRECTOR OF EMERGENCY MANAGEMENT

Jim Schmidt, Emergency Management, came before the Board to review the background of the DHS (Department of Homeland Security) regional equipment grant process and approve the DHS Agreement. This agreement will cover a Personnel Accountability card/badge system, which is being deployed in each DHS region of the state.

Commissioner Wheeler motioned to recommend approval of the Transfer of Property Agreement between Butler County and the South Central Regional Homeland Security Council and authorize signature by the Chair of the Board of County Commissioners and the Director of Emergency Management. Commissioner Harris seconded the motion. Motion carried 5-0.

Commissioner Woydziak and Mr. Schmidt discussed road closings due to flooding and noted Augusta had 4 inches of rain in 2 hours with more expected.

Commissioner Wheeler asked Mr. Schmidt about funding for a siren in Prospect Township.

Mr. Schmidt said he is waiting for the state's decision on funding. Commissioner Waldorf stated that after viewing the map, a county wide siren system is not realistic.

ITEM #4 – CONSIDER APPROVAL OF A PROPOSAL FOR MATERIALS TESTING SERVICES FOR THE SW 210TH STREET PROJECT

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving a proposal to KDOT for construction engineering services for the SW 210th Street Project west of Douglass. The proposal will allow Butler County to be reimbursed 80% of its cost for providing construction-engineering services. For construction inspection and materials testing work our cost is \$438,095.95.

Upon acceptance of the proposal by KDOT, a construction engineering agreement between KDOT and Butler County will be prepared for approval and signature by Butler County. At that time, a separate agreement will be executed between Allied Labs and Butler County for the materials testing services.

Commissioner Woydziak motioned to approve the construction-engineering proposal to KDOT for Butler County to provide construction-engineering services related to Project No. 8 C-3687-01, the SW 210th Street road project west of Douglass, and authorize the Chair to sign. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL MOVING FORWARD WITH BRIDGE DESIGN CONSULTING SERVICES USING THE QUALIFICATIONS BASED SELECTION PROCESS

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for authorization to solicit engineering services for the proposed reconstruction of three bridges planned for replacement in Butler County. Mr. Lutz requested the Board's approval to use KDOT's Qualification Based Selection (QBS) process with a negotiated fee as allowed by the County's procurement policy. This process allows consultants to be selected based upon known performance and upon the size, experience, and capability of firm relative to the type or size of project to be performed. Once a firm is selected, a fee is negotiated based upon proposed hours of work, direct expenses and overhead factors. County Staff has a great understanding of a reasonable fee based upon experience. Commissioner Waldorf expressed concern about losing the competitive nature of the process.

Commissioner Woydziak motioned to recommend that the Board of County Commissioners authorize the Director of Public Works solicit for engineering services using KDOT's Qualification Based Selection process for design and plan preparation work for proposed bridge replacement projects including the Bird Creek bridge on SE Bluestem Rd., the West Branch Whitewater River bridge on NW 50th St., and the Fourmile Creek bridge on SW Butler Road. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Waldorf voted no.

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.

Commissioner Waldorf discussed a culvert issue in Spring Township with Mr. Lutz.

ITEM #5 – CONSIDER APPROVAL OF RESOLUTION 09-39 APPOINTING AN APPRAISER FOR BUTLER COUNTY

Will Johnson, County Administrator, came before the Board to consider approval of Resolution No. 09-39 appointing Marion Johnson as the Butler County Appraiser. Currently the position of County Appraiser is open due to the Commission not appointing the former County Appraiser. KSA 19-430 requires Counties to adopt a resolution appointing a County Appraiser for a term of four years or until a successor may be appointed. Passing this resolution will allow the County to fulfill the requirements set forth by statute and the term will expire on July 1, 2013. Mr. Johnson has agreed to work with the County developing County Staff and assisting in recruiting an individual to fulfill the term. Mr. Johnson will be paid a salary of \$5,450 monthly.

Commissioner Woydziak motioned to approve Resolution No. 09-39 appointing Marion Johnson as Butler County Appraiser. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL OF THE PURCHASE OF A 1994 BUS FROM KANSAS TRUCK IN THE AMOUNT OF \$5,000

William Johnson, County Administrator, came before the Board to consider approval of the purchase of a used school bus from Kansas Truck in the amount of \$5,000. The proposed vehicle is a 1994 Bluebird with less than 100,000 miles and is in excellent mechanical condition. This bus will replace the existing bus at the County Jail upon completion of the agreement with the Department of Corrections, Department of Wildlife & Parks, City of El Dorado, and the American Legion for the transportation of inmates from the Winfield Correctional Facility who are being utilized in maintenance activities at the various agencies.

Commissioner Woydziak asked about the number of inmates being provided for the Wildlife and Parks Department. Administrator Johnson noted that the Warden indicated there would be a full crew today.

Commissioner Harris motioned to purchase a used school bus from Kansas Truck in the amount of \$5,000. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #7 – CONSIDER APPROVAL OF RESOLUTION 09-40 AUTHORIZING AND PROVIDING FOR THE CALLING OF A SPECIAL QUESTION ELECTION IN BUTLER COUNTY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF THE COUNTY THE QUESTION OF AUTHORIZING THE IMPOSITION OF A .25% COUNTYWIDE RETAILERS' SALES TAX FOR THE PURPOSE OF FINANCING PUBLIC SAFETY CAPITAL PROJECTS WITHIN THE COUNTY

William H. Johnson, Jr., Butler County Administrator, came before the Board to consider a resolution authorizing and providing for the calling of a special question election in Butler County for the purpose of submitting to the electors of the County the Question of authorizing the imposition of a .25% Countywide Retailers' Sales Tax for the purpose of financing Public Safety Capital Projects within the County. This special election would be held on November 24, 2009. Staff is proposing that the election be a mail ballot election with ballots sent only to active qualified voters. Ballots would be sent out on November 10, 2009, and have to be returned no later than noon on November 24, 2009. The election would be canvassed on November 30, 2009.

The sales tax is projected to generate \$15,705,371 over ten years with total financing costs of the project totaling \$15,030,171 over ten years.

Commissioner Waldorf motioned to approve Resolution No. 09-40 authorizing and providing for the calling of a special question election in Butler County, Kansas, for the purpose of submitting to the electors of the County the Question of authorizing the imposition of a .25% Countywide Retailers' Sales Tax for the purpose of financing Public Safety Capital Projects within the County. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #8 – WORK SESSION – COMMUNICATIONS PLAN

Administrator Johnson asked the Board for approval of a resolution at the request of Gilmore & Bell to determine the advisability of financing the acquisition, construction and installation of an emergency radio communications system. Administrator Johnson said this would give us the 30 day protest period so certificates of participation can be completed.

Jim Neese, Communications Plan Administrator, came before the Board to present information to the commissioners regarding talking points about the communications plan. It was explained that it is similar to the conversion of television to digital technology, and now the public safety equipment needs to be converted to digital.

Commissioner Waldorf motioned to approve Resolution No. 09-41, a resolution determining the advisability of financing the acquisition, construction and installation of an emergency radio communications system by execution and delivery of a lease purchase agreement. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Administrator Johnson noted the El Dorado City Commission would like to meet in a joint work session on Wednesday, September 23 to discuss the MOU. Administrator Johnson, Jim Neese, and Commissioners Harris and Wheeler will attend.

Administrator Johnson said a goal for this week is setting dates for meetings to be held in communities to discuss the communications plan and sales tax issue. Commissioner Wheeler commented that putting information on the website should be a priority.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for September 8, 2009 in the amount of \$762,216.52. Commissioner Harris seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2404 dated September 8, 2009; Adds in the amount of \$405.16 and Abates in the amount of \$125.60. Commissioner Woydziak seconded the motion. Motion carried 5-0.

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

Commissioner Wheeler noted he had complaints regarding the rotation of towing services and issues regarding the bill. Chris Davis, 911 Director, received the information.

Commissioner Harris asked if there was an update on the recycling application for a conditional use permit. Administrator Johnson said the Director of Planning and Zoning has been in contact with them.

Administrator Johnson said an individual has requested to salvage tin and equipment out of a house the County bought on Andover Rd. at Fourmile Creek. Commissioner Woydziak said we would have to bid it. The Board asked Administrator Johnson to determine a plan of action.

Administrator Johnson stated Brandon Kauffman will start on Monday, September 14 as the Finance Officer.

Administrator Johnson received a request for purchase of an easement over the right of way from Keystone Pipeline in the amount of \$900.00. Administrator Johnson stated he would like them to come before the Board to make this request.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:22 a.m.

Commissioner Waldorf seconded the motion. Motion carried 5-0.