CALL TO ORDER
Commission Chairman Jeff Masterson called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Ed Myers, Commissioner Peggy Palmer, Commissioner Mike Wheeler, Assistant County Administrator Ryan Adkison, and Clerk Recorder Gayle Reiswig. Commissioner Dan Woydziak and County Administrator Will Johnson were absent.

INVOCATION
Assistant County Administrator Ryan Adkison presented the invocation.

APPROVAL OF MINUTES
Commissioner Wheeler motioned to approve the minutes of the Butler County Commission meeting of Tuesday, June 21, 2016 as presented. Commissioner Myers seconded the motion. Motion carried 3-0. Commissioner Palmer abstained due to her absence from last week’s meeting.

There was no audio recording of this meeting.

PUBLIC COMMENTS
Commissioner Wheeler noted a constituent request to clarify that neither the VFW nor the American Legion are sponsors of the motorcycle runs in Beaumont.

Jean Plummer, representative from El Dorado Main St., notified the Board of the upcoming Frontier Western Celebration in El Dorado, August 4 – August 7, 2016.

David Alfaro, Community Development and Zoning Director, came before the Board in regards to a cleanup related to compliance of Conditional Use Permit CU-09-47 for Integrated Plastic Solutions (IPS) located at 420 N. Industrial Rd., El Dorado, KS. Mr. Alfaro noted the progress made to this point and the areas requiring additional attention. Pictures of the facility were presented. A 30-day extension was recommended for completion.

Brian Riley, IPS Manager of Operations, approached the Board noting appreciation for time to remove items and clean the grounds surrounding the facility. He also presented photos. He added that removing materials made way for an additional 25 parking stalls, one of the issues addressed when the CUP revocation was initiated. He stated that four employees were let go to offset the $100,000 used to fund the cleanup.

A majority of the Board of Commissioners were in favor of the extension. Commissioner Wheeler stated that in 2009, the CUP was approved for plastics only. The vote did not include the variety of materials and paints currently being handled at the facility. Therefore, he did not support an extension.
Commissioner Myers motioned to allow IPS until August 2, 2016 to address remaining issues mentioned by both County Staff and IPS and to return on or before August 2, 2016 to revisit the issue. Commissioner Palmer seconded the motion. Motion carried 3-1. Commissioner Wheeler opposed.

Kate Shaffer, 16562 SE 114th Terrace, Beaumont, came before the Board stating that a walk-around was done on Sunday, June 26, 2016, during a recent event in Beaumont and that a good-faith effort was put forth by those hosting the event to reduce noise. Mr. Shaffer asked if signage could be added to the area identifying children playing and reducing speed limits. Staff will review the request.

**ITEM #1 – CONSIDER APPROVAL OF THE REQUEST FROM GARY WARTICK FOR A CHANGE IN ZONING CLASSIFICATION FROM AG-40 TO RURAL RESIDENTIAL (RR) AND DIRECT THE CHAIR TO SIGN RESOLUTION #16-13**

David Alfaro, Community Development and Zoning Director, came before the Board for approval of a request from Gary Wartick to rezone 10 acres from agricultural classification AG-40 to RR. Rezoning will allow the applicant the opportunity to gift 5 acres to his daughter and family for the construction of a single family residence. The property is located at 6262 SW Spring Rd., El Dorado, in Spring Township. Notifications were mailed to all property owners within 1,000’ with one opposed comment from Frank & Nancy Miller. The Millers opposed due to water well issues, traffic concerns, numerous lots presently in the area, and concerns about current and/or future lagoons. County staff noted rural water accessibility located across the road. The rural water district committed to installing a water meter if needed. Prior to the knowledge of rural water access, the Planning Commission approved this request 3-2.

Commissioner Wheeler motioned to approve the request from Gary Wartick for a change in zoning classification from AG-40 to RR and authorized the Chair to sign Resolution #16-13. Commissioner Myers seconded the motion. Motion carried 4-0.

**ITEM #2 – CONSIDER APPROVAL OF A REQUEST FROM EZK LLC FOR A CHANGE IN ZONING CLASSIFICATION FROM AG-80 TO AG-40 AND DIRECT THE CHAIR TO SIGN RESOLUTION #16-15**

David Alfaro, Community Development and Zoning Director, came before the Board for approval of a request from EZK LLC to rezone approximately 50 acres from a 153 acre tract reclassifying from AG-80 to AG-40. The change in zoning will allow for the construction of a single family residence. The remaining 103 acre tract will remain AG-80. The property is located at 16833 NW HWY 196, Whitewater, in Milton Township. Notifications were mailed to all property owners within 1,000’ with no response. The Planning Commission approved the request 4-0.

Commissioner Myers motioned to approve the request from EZK LLC for a change in zoning classification from AG-80 to AG-40 and authorized the Chair to sign Resolution #16-15. Commissioner Palmer seconded the motion. Motion carried 4-0.
ITEM #3 – CONSIDER APPROVAL OF THE REQUEST FOR A HOMESTEAD LOT SPLIT WITH AGRICULTURAL PRESERVATION OVERLAY (APO) ON PROPERTY OWNED BY DARRELL & VIRGINIA WYSS AND AUTHORIZE THE CHAIR TO SIGN THE HOMESTEAD LOT SPLIT/AGRICULTURAL PRESERVATION OVERLAY AGREEMENT

David Alfaro, Community Development and Zoning Director, came before the Board for approval of a request from Darrell & Virginia Wyss for a 10-acre Homestead Lot Split with APO on 73 +/- acres from a 154.8 acre parcel. The property is in the general location of 12231 NW Boyer Rd., Burns, KS in Lincoln Township. Notifications were mailed to all property owners within 1,000’ with no response. The Planning Commission approved the request 4-0.

Commissioner Myers motioned to approve the request for a Homestead Lot Split with Agricultural Preservation Overlay on property owned by Darrell & Virginia Wyss located at 12231 NW Boyer Rd., Burns, KS, and authorized the Chair to sign the Homestead Lot Split/Agricultural Preservation Overlay Agreement. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVAL OF THE TOWER LEASE AMENDMENT WITH CELLULAR NETWORK PARTNERSHIP, PENDING REVIEW FROM LEGAL COUNSEL AND AUTHORIZE THE CHAIR TO SIGN

Chris Davis, Emergency Communications/9-1-1 Director, came before the Board for approval of a tower lease amendment with Cellular Network Partnership. The County currently leases space on the tower owned by Cellular Network located approximately one and one-half miles east of Douglass on SW 215th St. The proposed amendment has been approved by Legal Counsel and adds three (3) additional five-year terms. In lieu of rent, the County maintains the electric bill. May’s electric bill was $499; a fee basically generated by climate control costs and is comparable to other tower costs. Mr. Davis noted that Legal Counselor Terry Huelskamp has approved the amendment.

Commissioner Wheeler motioned to approve a tower lease amendment with Cellular Network Partnership pending review from legal counsel, which has already occurred, and authorized the Chair to sign. Commission Chairman Masterson seconded the motion. Motion carried 4-0.

ITEM #5 – CONSIDER APPROVAL OF THE PURCHASE OF A FORD EXPLORER ON THE STATE CONTRACT FROM RUSTY ECK FORD FOR THE EMERGENCY COMMUNICATIONS DEPARTMENT

Chris Davis, Emergency Communications/9-1-1 Director, came before the Board for approval to purchase a Ford Explorer using state contract pricing in the amount of $29,399 from Rusty Eck Ford, Wichita. A total of $40,000 is budgeted in the CIP for the purchase. The current and only vehicle used by the department is a 2004 Chevy Tahoe with 125,000 miles. Within the past year, approximately $800 has been expended for maintenance of the Tahoe and a recent compression test confirmed cylinder failure which was estimated at $3,000 to repair. Commissioner Palmer questioned the need to purchase a brand new vehicle noting steep depreciation amounts on those purchases. Mr. Davis stated that the initial plan was to replace the vehicle with one from Emergency Management, but the department chose to keep it. Commissioner Wheeler agreed...
that the repair cost to the Tahoe was too great. It was added that any department equipment from the Tahoe will be transferred to the Explorer.

Commissioner Wheeler motioned to approve the purchase of a Ford Explorer with state contract pricing from Rusty Eck Ford for a total cost of $29,399.00. Commission Chairman Masterson seconded the motion. Motion carried 3-1. Commissioner Palmer opposed.

ITEM #6 – CONSIDER APPROVAL TO ALLOW THE DIRECTOR OF FACILITIES MANAGEMENT TO SOLICIT BIDS FOR THE RE-TUCKING OF THE CAST STONE BLOCKS AND POWER WASHING OF THE JUDICIAL BUILDING

Dan Ingalls, Facilities Management Director, came before the Board for approval to solicit bids for re-tucking of the cast stone blocks and for power washing of the Judicial Building. The process was originally budgeted for $26,000 in the CIP following a preliminary bid. The work scope was much larger than anticipated resulting in an actual bid amount of $76,000. Mr. Ingalls noted that the original builder of the Judicial Building had either applied the cast during the wrong temperatures or applied a bad product. The CIP was increased to $80,000 to cover this cost.

Commissioner Wheeler motioned to approve the soliciting of bids for the purpose of re-tucking on the Judicial Building. Commissioner Myers seconded the motion. Motion carried 4-0.

ITEM #7 – CONSIDER THE TABLED ITEM FOR APPROVING THE AWARD OF PURCHASE FOR FRONTEND LOADERS FOR THE PUBLIC WORKS DEPARTMENT

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of award for the purchase of two (2) frontend loaders for the Public Works Department. This purchase was tabled last week to allow staff additional time for the evaluation of equipment. Of the seven (7) machines priced to the County, a quantity of two (2) Doosan DL250-5 loaders from Sellers Equipment was the low bid at $289,786. The machines did not meet specifications as required. The second low bid was for a quantity of two (2) CAT 938M loaders from Foley Equipment priced at $327,206.98. Staff reported high resale capabilities for the CAT models and exceptional service from Foley Equipment. As a safety feature, rearview cameras have been added to wide-end machines in the Public Works Department. The County’s cost for camera installation on new machines is $2,020.33 each, making the grand total for this purchase, $331,247.64. An amount of $355,000 is planned in the County’s CIP and cash is available for this transaction. New machines will be at the north and south shop locations. Current machines at those locations will rotate to the Landfill to replace two machines intended for public internet action. The Department is foreseeing approximately $35,000 from the sale of the two oldest loaders.

Commissioner Myers motioned to approve the award of purchase for frontend loaders to Foley Equipment for two (2) CAT 938M four-wheel articulated frontend loaders with rearview camera monitor options in the best bid amount of $331,247.64. Commissioner Wheeler seconded the motion. Motion carried 4-0.
ITEM #8 – CONSIDER APPROVAL TO RESCIND A RECENTLY APPROVED NOTICE TO CONTRACTORS AND APPROVING A REVISED NOTICE TO CONTRACTORS FOR CULVERT LETTING #71 FOR THE CONSTRUCTION OF EIGHT (8) REINFORCED CONCRETE BOX STRUCTURES THROUGHOUT BUTLER COUNTY

Darryl Lutz, P.E., Director of Public Works, came before the Board to rescind a recently approved Notice to Contractors and approve a revised Notice to Contractors for Culvert Letting #71 for the construction of eight (8) reinforced concrete box structures throughout the County. At the time of setting the original letting date, staff was unaware that there would be no Commission meeting for the week of July 19, 2016. A new letting date was proposed for Monday, July 25, 2016 at 10:00 a.m. Mr. Lutz noted that all projects for Culvert Letting #71 are located on township roads.

Commissioner Wheeler motioned to rescind the Notice to Box Bridge Contractors for Culvert Letting #71 approved on June 21, 2016 which set a bid opening date of Tuesday, July 19, 2016 and to approve a revised Notice to Box Bridge Contractors for Culvert Letting #71 for the construction of eight (8) reinforced concrete box structures throughout Butler County and setting the letting date for 10:00 a.m., Monday, July 25, 2016, and authorized the Chair to sign. Commissioner Myers seconded the motion. Motion carried 4-0.

Commissioner Myers noted that an agricultural member of the community stated hopes for the Henry Creek Bridge to remain passable during harvests. At this time there is no construction schedule for this project.

Ohio St. north of SW 70th currently has a chip seal covering and will receive fog seal coating in one week. Butler Road north of SW 70th is planned next.

Mr. Lutz discussed the hazards of collisions with iron railing on bridges. Commission Wheeler and Mr. Lutz planned to visit county bridges with these types of railing. Any identified railing that is not removed will be modified to reduce collision effects.

Milling and surfacing work on SW 190th at Rose Hill will not start until the contractor receives permits for work at the railroad crossing.

Construction on Diamond Bridge at NW 110th St. will begin Monday, July 11, 2016.

A full list of County road constructions and maintenance projects are detailed on the Butler County website.

ITEM #9 – CONSIDER RESOLUTION #16-18 APPROVING AS TO FORM A PROPOSED AGREEMENT BETWEEN WORKFORCE ALLIANCE OF SOUTH CENTRAL KANSAS, INC. AND THE CHIEF ELECTED OFFICIALS BOARD (CEOB) FOR THE KANSAS LOCAL WORKFORCE INNOVATION AND OPPORTUNITY ACT AREA IV AND AUTHORIZE EXECUTION OF THE SAME BY THE COUNTY’S DESIGNATED REPRESENTATIVE TO SAID CHIEF ELECTED OFFICIALS BOARD
Ryan Adkison, Assistant County Administrator, came before the Board for approval of Resolution #16-18, approving as to form a proposed agreement between Workforce Alliance of South Central Kansas, Inc. and the CEOB for the Kansas Local Workforce Innovation and Opportunity Act Area IV and authorizing execution of the same by the County’s designated representative to said CEOB. On June 21, 2016, Keith Lawing, Workforce Alliance of South Central Kansas, approached the County Commission to discuss approval of this agreement. The Board voted at that time to have a resolution in place for the entering of an interlocal agreement.

Commissioner Wheeler motioned to appoint Commission Chairman Jeff Masterson to the Chief Elected Officials Board (CEOB) and approve Resolution #16-18 approving as to form a proposed agreement between Workforce Alliance of South Central Kansas, Inc. and the Chief Elected Officials Board (CEOB) for the Kansas Local Workforce Innovation and Opportunity Act Area IV and authorized execution of the same by the County’s designated representative to said CEOB. Commissioner Palmer seconded the motion. Motion carried 4-0.

VOUCHERS
Commissioner Myers motioned to approve vouchers for June 28, 2016, in the amount of $684,709.75. Commissioner Wheeler seconded the motion. Motion carried 4-0.

COMMISSION ADDS & ABATES
Commissioner Palmer motioned to approve Adds & Abates #2610 dated June 28, 2016; Adds in the amount of $130.10 and Abates in the amount of $10,538.38. Commissioner Wheeler seconded the motion. Motion carried 4-0.

OTHER ITEMS OF BUSINESS TO COME BEFORE THE BOARD OF COUNTY COMMISSIONERS
Commissioner Wheeler will be absent from the July 5th Commission meeting.

Commissioner Myers will be absent from the afternoon of July 13th - July 14th budget hearings.

Budget Dates
July 11th – 14th – Department budget hearings
July 25th – Setting of the maximum mill levy
August 2nd – Input and changes
August 9th – Public hearing

ADJOURNMENT
Commissioner Wheeler motioned to adjourn the meeting of the Board at 10:22 a.m. Commissioner Myers seconded the motion. Motion carried 4-0.