

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, April 19, 2011

CALL TO ORDER

Commission Chairman Bruce Harris called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Peggy Palmer, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, Jr., and Clerk Recorder Paula Stoskopf.

APPROVAL OF MINUTES

Commissioner Wheeler asked to amend the minutes for Tuesday, April 12th, with the following statement being added to his reasoning for not voting in favor of the loaning the Augusta Senior Center money. "Commissioner Wheeler voted no because he felt when agencies mismanage funds, the County cannot bail them out (as this type of action can set a dangerous precedent.)"

Commissioner Masterson motioned to approve the minutes of the Butler County Commission Meetings of Monday, April 11, 2011, as written; and Tuesday, April 12, 2011 as amended. Commissioner Wheeler seconded the motion. Motion carried 4-0 with 1 abstention as Commissioner Woydziak was absent during these meetings.

PUBLIC COMMENTS

Mark Lawlor, 16332 Nieman Rd., Overland Park, KS, formally of Augusta, KS, came before the Board to present Clean Line Energy Partners and the Grainbelt Express Project. Mr. Lawlor stated that it is the intent of this independent transmission company to build a privately funded merchant transmission line from western Kansas to Missouri and possibly even further east. This line will be used to transport the abundant source of wind energy in western Kansas along high voltage DC lines to potential market places outside of our state. Clean Line Energy is in the process of getting regulatory approval and evaluating a potential route that may involve Butler County. There will be a series of round table meetings in May to introduce their product and then in the coming fall, public meetings will be held. Mr. Lawlor thanked the Commission for their time and allowing him to share the possibilities of the Grainbelt Express Project.

ITEM #1 – CONSIDER APPROVAL OF THE AMENDMENT TO THE AGREEMENT FOR THE PROVISION OF INMATE HEALTH SERVICES AT THE BUTLER COUNTY DETENTION CENTER, BUTLER COUNTY, KANSAS, BETWEEN ACH AND BUTLER COUNTY AND ALLOW THE SHERIFF TO SIGN AND EXECUTE THE AGREEMENT WHEN THE QUALIFIED MENTAL HEALTH PROFESSIONAL IS HIRED

Dennis Phillips, Butler County Sheriff's Department, came before the Board for approval of the amendment to the Agreement for the Provision of Inmate Health Services at the Butler County Detention Center between Advanced Correctional Healthcare, Inc. (ACH) and the County. This request is for an amendment to have ACH provide mental health services to the Detention Center for 6 hours each week. Mr. Herzet explained that having a qualified mental health professional on staff will provide for a safer environment for both the staff and the inmates, help mitigate costs from damage caused by disturbed inmates, and lessen the chance of lawsuits from claims of deliberate indifference. The additional cost for this service will be \$14,125.68. The County Counselor has reviewed and approved this amendment. After much discussion, the Board agreed to approve this request and to review it again at the end of the one year contract.

Commissioner Wheeler motioned that the Butler County Board of Commissioners approve and sign the “AMENDMENT TO THE AGREEMENT FOR THE PROVISION OF INMATE HEALTH SERVICES AT THE BUTLER COUNTY DETENTION CENTER, BUTLER COUNTY, KANSAS,” between ACH and Butler County, and direct the Sheriff to sign and execute the agreement when the Qualified Mental Health Professional is hired. Commissioner Masterson seconded the motion. Motion carried 5-0.

Commissioner Palmer asked Mr. Phillips to contact the South Central Mental Health Clinic to see if they or other agencies are aware of and would be able to help provide or assist with this type of service. Mr. Phillips stated that he would contact them, but felt they would not be able to be of assistance.

ITEM #2 – CONSIDER APPROVAL TO ALLOW THE SHERIFF TO PAY THE INVOICE FROM C & L RANCH IN THE AMOUNT OF \$8,136.25

Kelly Herzet, Butler County Interim Sheriff, came before the Board for approval to pay an invoice from C & L Ranch for \$8,136.25 for the boarding and care of one 4 year old Sorrel Stud and one 5 year old Bay Mare which subsequently gave birth to a colt that lived only 36 hours due to a premature birth. On April 24, 2010, the Sheriff’s Office removed two horses from 12140 Purity Springs Road, Augusta, KS, because the deputy believed the horses were malnourished, in poor health, and lacked adequate care. Upon review of the evidence submitted by the deputy, the County Attorney’s Office criminally charged the owner of the horses with two counts of Cruelty to Animals – Case #10CR260. This case is an anomaly since most cases of this nature are settled or dismissed on agreement for payment of costs and transfer of the animal’s ownership. Due to continuances and failures to appear, this case is currently set for trial on April 20, 2011. If the defendant is found guilty, most likely they will be ordered to pay restitution and the County will vigorously pursue any nonpayment. Both the County Attorney and the Sheriff agree that this invoice is owed to the owners, Clint & Lisa Pierce d/b/a of C & L Ranch, and should be paid immediately. The Board requested an explanation as to why they were obligated to pay these charges. Darrin Devinney, County Attorney, explained that the horses were “property” that was required to be kept as evidence until the case was solved. This case has taken more time in court than anticipated causing the cost of care to be more than expected. Mr. Devinney also explained that the Sheriff deputy involved promised the Pierce’s that they would be reimbursed for the care of the horses. Sheriff Herzet explained that the deputy has been advised to not make such promises in the future. Considering all the circumstances involved, Mr. Devinney stated that it is a situation where it is now our duty/job to make good and retain good faith with the Pierce’s. After much discussion and reservation, the Board concurred to pay for the care of the horses.

Commissioner Harris motioned that the Butler County Board of Commissioners allow the Sheriff to pay the invoice from C & L Ranch for \$8,136.25. Commissioner Palmer seconded the motion. Motion carried 4-1. Commissioner Wheeler voted no.

RECESS

Commissioner Harris recessed the Board meeting at 10:16 a.m. for 5 minutes.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:26 a.m.

ITEM #3 – RECEIVE AND OPEN SEALED BIDS FOR THE REPAINTING OF THE COMMUNITY BUILDING

Dan Ingalls, Director of Facilities Management, came before the Board to open sealed bids for the repainting of the Community Building. Mr. Ingalls requested to tabulate and review the bids and submit his recommendation for the awarding of the best bid. Mr. Ingalls stated that 6 requests were sent out and 4 were returned. The following bids were received -

Mike’s Painting Services, Augusta, KS - \$15,625.00
West & Co. Painting, Andover, KS - \$ 7,056.34
P & G Painting, Inc., Augusta, KS - \$ 6,680.00
Don Briggs & Larry Nuckoll - \$23,150.00

Commissioner Woydziak motioned to accept the bids and direct Staff to review and bring back a recommendation. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #5 – RECEIVE A REPORT OF THE BUTLER COUNTY SOLID WASTE MANAGEMENT PLANNING COMMITTEE ON THE ANNUAL SOLID WASTE PLAN REVIEW

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to present a report of the Butler County Solid Waste Management Planning Committee on the annual solid waste plan review. In April 2009, the County adopted the current updated comprehensive solid waste management plan as required by state statute. The plan is required to be reviewed annually and updated with a public hearing every 5 years. This year, 2011, is the second annual review of the current plan. Mr. Lutz invited Sandy Koontz, Chairman of the BCSWMPC, to come before the Board and present the annual report. Dianne Rollins, Solid Waste Coordinator, addressed the Board regarding the Household Hazardous Waste & Reuse Programs.

Commissioner Woydziak motioned to accept the report on the annual review of the Butler County Solid Waste Management Plan. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #6 – RECEIVE AND OPEN SEALED BIDS FOR THE BRIDGE REHABILITATION PROJECT ON THE EAST BRANCH WHITEWATER RIVER BRIDGE ON NW RIVER VALLEY ROAD NORTH OF POTWIN – 10:00 A.M.

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to receive and open sealed bids for the bridge rehabilitation project on the East Branch Whitewater River Bridge on NW River Valley Road north of Potwin. Mr. Lutz asked the Board to allow him to tabulate the bids and to return with a recommendation for action. The following bids were received –

Dondlinger Construction, Wichita, KS - \$390,656.65
L & M Contractors, Inc., Great Bend, KS - \$413,949.30
Reece Construction Co., Scandia, KS - \$406,061.11
Wildcat Construction Co., Wichita, KS - \$428,216.00
King Construction Co., Inc., Hesston, KS - \$366,198.65

Commissioner Woydziak motioned to accept the bids received and opened for a bridge rehabilitation project for Bridge No. 5E5-24-4 over the East Branch Whitewater River on NW River Valley Road and to direct the Department of Public Works to tabulate the bids and to

return with a recommendation for action at a later date. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF THE COST OF PURCHASING RAP HOT-MIX ASPHALT MATERIALS FOR USE IN BUTLER COUNTY’S 2011 ROAD WORK

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for consideration of the cost of purchasing RAP (recycled asphalt pavement) hot-mix asphalt materials for use in Butler County’s 2011 road work. Three years ago, the County started a program of overlaying our roads with hot mix utilizing the County’s equipment and manpower. The County utilizes its stockpiles of RAP to blend into the mix. This work has been coordinated with APAC Construction since they have an asphalt plant in Butler County. This program has been successful at reducing construction costs for roads that justify a structural overlay. This year, the County will be overlaying Ohio Street using our own forces and have budgeted accordingly.

Commissioner Woydziak motioned to approve purchasing RAP hot-mix from APAC-Kansas in the amount of \$33.72 per ton for 50% RAP and in the amount of \$40.34 per ton for 30% RAP and to approve rental of the laydown machine, roller and hopper/loader for the SW Ohio Street Project. Commissioner Palmer seconded the motion. Motion carried 5-0.

Additional Agenda Item –

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval to use Dustrol, Inc. for the milling work needed for the Ohio Street Project. They are a local contractor and can provide the service for the amount of \$8,000.00.

Commissioner Harris motioned to approve using Dustrol, Inc. to do the milling work needed for the SW Ohio Street Project for the amount of \$8,000.00. Commissioner Palmer seconded the motion. Motion carried 5-0.

ITEM #7 – CONSIDER APPROVING THE RECOMMENDATIONS FROM THE STEERING COMMITTEE FOR THE CHANGES IN GRADE AND JOB DESCRIPTION FOR VARIOUS POSITIONS WITHIN THE COUNTY

Will Johnson, County Administrator, came before the Board to consider approving the recommendations from the steering committee for the changes in grade and job description for Grant Coordinator (Adm.), EMS Major (EMS), EMS T (EMS), Building Inspector (P&Z), Sheriff Training Coordinator (Sheriff), Human Resource Coordinator (Adm.), and County Health Administrator (Health). Mr. Johnson noted that these are modifications to existing jobs only. No additional positions have been added. After much discussion, Commissioner Palmer requested to table this item until next week to allow her time to study the County’s pay plan before making any decisions regarding these changes.

Commissioner Woydziak motioned to table Agenda Item No. 7 until next Tuesday, April 26, 2011. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #8 – WORK SESSION – CIP TECHNOLOGY

Will Johnson, County Administrator, and Brandon Kauffman, Financial Advisor, came before the Board to review and discuss the CIP Technology. Scott Stoskopf, Computer Services Director, and Ruth Fechter, County Treasurer, also participated in the discussion with the Board.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for April 19, 2011 in the amount of \$687,785.43. Commissioner Masterson seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

Commissioner Palmer motioned to approve Adds & Abates #2481 dated April 19, 2011; Adds in the amount of \$201.50 and Abates in the amount of \$3,900.00. Commissioner Wheeler seconded the motion. Motion carried 5-0.

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

Commissioner Woydziak stated that the ribbon cutting for the new communications system on Friday was well attended and that Staff did a good job. Commissioner Harris agreed that it was a very nice event.

Commissioner Harris reminded the Board that he had requested assistance from the other Commissioners with a performance review rating sheet.

Commissioners Palmer and Harris will be touring the Flinthills Services facility today at 1:00.

Commissioner Wheeler expressed that the Big Tom Social was well attended and quite an impressive event. Commissioner Harris and Administrator Johnson also attended the event.

Commissioner Palmer addressed Mr. Darryl Lutz regarding Bonnie Smith and her concerns with the old Highway 54. Commissioner Palmer asked Mr. Lutz to consider the possibility of making the yellow lines in that area heavier.

Commissioner Palmer requested to have a work session with staff to discuss the audit report. The Board and Administrator Johnson concurred.

Administrator Johnson noted that the following bids for Liquid Asphalt were received and opened on April 5, 2011, and the bid from Ergon Asphalt was approved by motion, however; the bid tabulations had not been officially entered in the minutes.

BUTLER COUNTY DEPARTMENT OF PUBLIC WORKS
 BID TABULATIONS FOR ASPHALT
 2011

Bids opened: April 5, 2011

PRODUCT	Ergon Asphalt Salina, KS		Vance Brothers, Inc. Kansas City, MO		Wright Asphalt Products Co Houston, TX		Coastal Energy Corp. Willow Springs, MO	
	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE
AC10-2TR	no bid		no bid		\$ 2.70	\$ 2.8537	no bid	no bid
AC20-5TR	no bid		no bid		\$ 2.85	\$ 3.0037	no bid	no bid
AEP	\$ 2.40	\$ 2.48	\$ 2.50	\$ 2.61	no bid	no bid	no bid	\$ 2.53
CRS-1H	\$ 1.75	\$ 1.83	\$ 2.10	\$ 2.21	no bid	no bid	no bid	\$ 2.13
CRS-1M	\$ 1.95	\$ 2.03	\$ 2.30	\$ 2.41	no bid	no bid	no bid	\$ 2.63
HFMS-1	\$ 2.00	\$ 2.08	\$ 2.10	\$ 2.21	no bid	no bid	no bid	no bid
MC-250	\$ 2.85	\$ 3.03	\$ 2.90	\$ 3.01	no bid	no bid	no bid	\$ 3.21
MC-30	\$ 3.00	\$ 3.18	\$ 3.00	\$ 3.11	no bid	no bid	no bid	\$ 3.39
MC-3000	\$ 2.60	\$ 2.78	\$ 2.90	\$ 3.01	no bid	no bid	no bid	\$ 3.08
MC-800	\$ 2.70	\$ 2.88	\$ 2.90	\$ 3.01	no bid	no bid	no bid	\$ 3.17
SS-1H	\$ 1.80	\$ 1.88	\$ 1.90	\$ 2.01	no bid	no bid	no bid	\$ 2.13
SS1HP	\$ 1.95	\$ 2.03	\$ 2.25	\$ 2.36	no bid	no bid	no bid	no bid
Demurrage	\$ 70.00	per 2 hours	\$ 70.00	per 1.5 hours	\$ 40.00	per hour	\$ 65.00	per hour
Pumping	\$ 70.00	per load	\$ 65.00	per load	n/a		\$ 65.00	per load
COMMENTS	Fed. Environmental Fee will be added to above prices at rate of: \$.4424/ton for asphalt & polymer loads or \$.00133/gal for emulsion loads				Demurrage - 2 hours free then \$40.00/hr The material will come from Vance Bros. in Kansas City, MO		Demurrage after 2 hours free	

Administrator Johnson addressed the Board regarding the Bob Johnson property. He informed the Board that Ruth Fechter, County Treasurer, had received correspondence from Bob Johnson requesting that the interest charge of \$9,000.00 be waived from his bill. Mrs. Fechter contacted Norm Manley and he stated that this would be at the discretion of the Board. The Board concurred to have Administrator Johnson draft a resolution to allow this to occur. Administrator Johnson directed Ruth Fechter to correspond with Mr. Manley to have him begin working on this and he will follow-up with him as well.

Administrator Johnson inquired as to who would be available to attend the Buckaroo Ball on April 30th. None of the Commissioners were available to attend. Mr. Johnson will check his schedule.

Administrator Johnson invited Dan Ingalls, Director of Facilities Management, to come before the Board with his review and recommendation for the repainting of the Community Building. Mr. Ingalls stated that P & G Painting Inc., from Augusta, KS, had the low bid of \$6,680.00. This company also came with a good reference.

Commissioner Woydziak motioned to allow the Director of Facilities Management to award the bid to P & G Painting, Inc., Augusta, KS, in the amount of \$6,680.00 for the repainting of the Butler County Community Building. Commissioner Harris seconded the motion. Motion carried 5-0.

Administrator Johnson invited Darryl Lutz, County Engineer, to come before the Board to give an update on NW River Valley Road. Mr. Lutz stated that he met with two engineers from Keystone Pipeline, LLC, to consider the repairs that will need to be made to this road. TransCanada would like for Butler County to evaluate the road ourselves and submit the cost estimate to them. Mr. Lutz stated that this is great, but due to our busy season, he does not have the time or staff to do this project. Mr. Lutz has met with Poe & Associates from Wichita, KS, a very competent firm, and asked them to submit their cost to complete this project. They will physically walk or ride, via 4-wheelers, the 21 miles from Hwy 254 to the north county line. They will establish all the needed repairs and prepare a cost estimate to present to TransCanada. Their charge will be \$15,000.00. Poe & Associates will contract with Butler County and then the County will be reimbursed from TransCanada.

Commissioner Harris motioned to contract with Poe & Associates, Wichita, Kansas, to identify the needed road repairs on NW River Valley Road from Hwy 254 to the north county line and to prepare a cost estimate to present to Trans Canada for the cost of \$15,000.00. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Mr. Lutz requested the Board to approve the Notice of Award to King Construction for the low bid received in the amount of \$366,198.65 in the bid opening earlier in this meeting for Bridge Project No. BR 5E5-24-4.

Commissioner Woydziak motioned to approve the Notice of Award to King Construction in the amount of \$366,198.65 for Bridge Project No. BR 5E5-24-4. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Administrator Johnson informed the Board that all Commissioners, except Commissioner Masterson, were registered for the KCCA Conference at the Airport Hilton.

Administrator Johnson stated that he too felt the One Shot Turkey Hunt was a great event and very well attended. The new format was good. He felt the most significant change was the focus on Butler County as a whole and not just one community. A well deserving community, but good to see the County and the people of the County spoke of as a whole. Mr. Johnson enjoyed being a celebrity guide and stated that it was truly an honor.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 12:00 p.m.

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