

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Monday, April 25, 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 Tammy Bridges.

**ITEM #1 – SWEARING IN CEREMONY FOR SHERIFF KELLY HERZET**

The Honorable Judge Jan Satterfield swore in Kelly Herzet as Butler County Sheriff to fulfill the term of retired Sheriff Craig Murphy. Sheriff Herzet thanked Sheriff Murphy, Judge Satterfield, and the County Commissioners and said he looked forward to working with them. He also thanked family, friends, and all the officers for attending the ceremony. Sheriff Herzet stated that he loves Butler County, and as Sheriff, will do whatever it takes to make this a safe place to live and a great place to raise a family.

**RECESS**

Commissioner Harris recessed the Board meeting at 9:05 a.m. for 20 minutes.

**RECONVENE**

Commissioner Harris reconvened the Board meeting at 9:35 a.m.

Commissioner Woydziak left the meeting for another engagement.

**APPROVAL OF MINUTES**

*Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, April 19, 2011 as written. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #2 – CONSIDER APPROVAL TO ALLOW THE STAFF OF THE BUTLER COUNTY ADULT DETENTION CENTER TO SUBMIT AN APPLICATION THROUGH THE FEDERAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR FUNDING OF A LIVE SCAN FINGER PRINT SYSTEM**

Dennis Phillips, Sheriff Department, and Detective Dennis Morris came before the Board for approval of submitting an application through the Federal Edward Byrne Memorial Justice Assistance Grant. The Butler County Adult Detention Center would be applying for funding of a live scan finger print system which would cost approximately \$45,000. The Justice Assistance Grant is a non-matching grant and 100% of the funds would come from the State of Kansas.

*Commissioner Wheeler motioned to allow the staff of the Butler County Adult Detention Center to submit an application through the Federal Edward Byrne Memorial Justice Assistance Grant for funding of a Live Scan finger print system. Commissioner Palmer seconded the motion. Motion carried 4-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE FY2012 13<sup>TH</sup> JUDICIAL DISTRICT KDOC COMPREHENSIVE PLAN FOR SUBSEQUENT SUBMISSION TO THE KANSAS DEPARTMENT OF CORRECTIONS**

Chuck McGuire, Community Corrections Director, came before the Board for approval of the FY2012 13<sup>th</sup> Judicial District KDOC Comprehensive Plan for subsequent submission to the Kansas Department of Corrections.

*Commissioner Harris motioned to approve the 13<sup>th</sup> District Community Corrections FY2012 KDOC Comprehensive Plan and authorize the Chair to sign the approval page to be submitted to KDOC. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**ITEM #4 – CONSIDER APPROVAL OF THE CONTRACT WITH AT&T FOR NEW 9-1-1 HARDWARE AND AUTHORIZE THE CHAIR TO SIGN**

Chris Davis, Emergency Communications Director, came before the Board for approval of the contract with AT&T for new 9-1-1 hardware. Grant funding through the Governor's wireless 9-1-1 program requires no matching funds. The grant has been approved for 100% of the project in the amount of \$235,985.00. Recurring maintenance costs are fixed for 5 years at \$5,400.00 annually. Mr. Davis noted that County Counselor Norm Manley contacted AT&T and the clause referring to laws of the State of New York was removed and governing laws of the State of Kansas were added.

*Commissioner Wheeler motioned to approve the contract with AT&T for replacement of existing 9-1-1 equipment that is no longer being supported by the manufacturer; and authorize the Chair to sign. Commissioner Harris seconded the motion. Motion carried 4-0.*

**ITEM #5 – RECEIVE RUTH FECHTER FOR QUARTERLY INVESTMENT OF IDLE FUNDS REPORT**

Ruth Fechter, Butler County Treasurer, came before the Board to present the Quarterly Investment of Idle Funds Report. No action was taken.

**ITEM #6 – CONSIDER APPROVAL OF RIGHT-OF-WAY PURCHASE AND ACCEPTANCE OF RIGHT-OF-WAY DEDICATION RELATED TO THE SW BOYER ROAD RELOCATION PROJECT AT SW 55<sup>TH</sup> ST.**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of right-of-way purchase and acceptance of right-of-way dedication related to the SW Boyer Road relocation project at SW 55<sup>th</sup> Street.

*Commissioner Wheeler motioned to approve the purchase of right-of-way related to Project No. 8 C-0067-01, a Butler County federal aid project to relocate SW Boyer Rd. and SW 55<sup>th</sup> St. from the Lois Tague Trust for 2 tracts of land in the amounts of \$9,240.00 for 3.85 acres and \$456.00 for 0.19 acres and authorize the Chair to sign the right-of-way dedication acceptance and the Estimate of Just Compensation for both. Commissioner Palmer seconded the motion. Motion carried 4-0.*

**ITEM #7 – CONSIDER APPROVAL OF AN ORDER AND A RELATED AGREEMENT TO VACATE DIKE ROAD SOUTH OF US-400 ON THE WEST SIDE OF AUGUSTA**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of an order and a related agreement to vacate Dike Road south of US-400 on the west side of Augusta.

*Commissioner Palmer motioned to approve the order to vacate Dike Road south of US-400 at Augusta, to approve the agreement between Butler County and the City of Augusta related to vacating Dike Road and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**ITEM #8 – CONSIDER APPROVAL TO AUTHORIZE THE CHAIR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES RELATED TO PREPARING A ROAD DAMAGE REPORT FOR ROAD REPAIR WORK TO BE PERFORMED BY KEYSTONE TRANSCANADA PIPELINE**

Darryl C. Lutz, P.E., Director of Public Works, asked the Board to table this item until tomorrow because the final report has not been received.

*Commissioner Harris motioned to table this item until Tuesday, April 26<sup>th</sup>. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

**ITEM #9 – WORK SESSION – CIP EQUIPMENT**

Will Johnson, County Administrator, and Brandon Kauffman, Finance Director, came before the Board to review and discuss the CIP Equipment. No action was taken.

**APPROVAL OF VOUCHERS**

*Commissioner Masterson motioned to approve the vouchers for April 25, 2011 in the amount of \$327,968.43. Commissioner Harris seconded the motion. Motion carried 4-0.*

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

Commissioner Harris noted he received 2 of the 5 evaluation forms.

Commissioner Wheeler asked about the horse issue from last week. Commissioner Masterson noted the County is paying the bill that ended March 31, 2011 and there will be no more charges.

Commissioner Palmer enjoyed the tour of the Flinthills Services building and invited the Commissioners to join her on a tour of the Creative Living facility and residential home on May 3<sup>rd</sup>.

Administrator Johnson mentioned waiving the penalties and interest on Bob Johnson's property.

Commissioner Harris motioned to waive penalties and interest on the special assessments on Bob Johnson's property. Commissioner Wheeler seconded the motion.

Before a vote was called, Commissioner Palmer motioned to waive all the penalties, interest, and costs involved because Mr. Johnson will lose his home and will be homeless. There was no second.

Discussion followed and Commissioners Palmer and Harris respectfully withdrew their motions. This issue will be discussed at tomorrow's commission meeting.

**ADJOURNMENT**

*Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:52 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.*