

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, August 16, 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.

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, August 9, 2011, as written. Commissioner Woydziak seconded the motion. Motion carried 4-0. Commissioner Palmer abstained since she did not attend that meeting.

PUBLIC COMMENTS

Garry Hoy, Sycamore Township Treasurer, 12299 NE Price Rd., Cassoday, KS came before the Board to discuss concerns with operating business, project decisions not being presented, discussed, and approved at the monthly meetings, employee hiring decisions, contract hiring decisions, and verbal bids instead of written. He noted that if this can't be resolved, he will resign. Commissioner Wheeler will attend the next scheduled township meeting and will bring copies of the Kansas Laws and Legal Opinions with annotated sections for Township Officers.

ITEM #1 – PUBLIC HEARING ON THE 2012 BUTLER COUNTY BUDGET

Commissioner Harris opened a Public Hearing for the 2012 Butler County Budget at 9:12 a.m.

Will Johnson, County Administrator, came before the Board to present the 2012 Butler County Operating Budget. The 2012 budget was officially published with expenditures in the amount of \$40,541,400 including all budgeted funds and transfers, which account for \$908,490. The total taxes levied for the general, road and bridge, bridge, EMS, Health, Aging, Sheriff and Jail total \$21,885,282. The total estimated mill levy of 35.781 is a slight decrease from the 2011 budget of 35.822. This is subject to the County Clerk's finalization of the assessed valuation and the certification of the mill levies in November of 2011. The budget includes the ambulance in Douglass, 1% Cost Of Living Allowance (COLA) for employees, 5% increase in elected officials' salaries for Clerk, Treasurer, and Register of Deeds, and funding of the CIP.

Sherry Smith, 656 SE 90th St., Leon, came before the Board and stated the COLA should be taken out of the budget because it's not fair that public employees are getting a cost of living raise when those in the private sector are losing their jobs. Mr. Ron Jordan and wife Linda, 2330 Star St., Augusta, agreed that now is not the time for COLA raises and major expenses. He thanked the Commissioners for their work and urged them to be careful with this budget.

Commissioner Harris closed the Public Hearing at 9:23 a.m.

ITEM #2 – CONSIDER APPROVAL OF THE 2012 BUTLER COUNTY BUDGET

Commissioner Woydziak motioned to approve the 2012 Butler County Budget at \$40,541,400. Commissioner Wheeler seconded the motion. Motion carried 3-2. Commissioner Masterson voted no. Commissioner Palmer voted no on the proposed 2012 budget and offered the following comments: "I cannot support a budget that represents a 6% increase in spending and

a property tax increase. The County's appraised valuation increased and new dollars have been generated. A flat mill levy does not reflect less spending or lower taxes. When valuations increase it can be used for spending increases or for reduced taxes by lowering the mill levy. This budget represents additional spending and increased taxes. The first priority must be to the citizen's and their ability to pay for this budget in these tough economic times and uncertain future. In addition, and more concerning is the fact that Butler County received an A- long term rating from Standards and Poor's. Higher ratings are AAA, AA and A. They stated that a material increase in cash balances will place an upward pressure on the ratings. In other words, the county must spend less and save more in order to raise its rating. Respectfully submitted."

ITEM #3 – PUBLIC HEARING ON THE 2012 BUTLER COUNTY FIRE DISTRICT BUDGETS #1 THROUGH #9

Commissioner Harris opened a Public Hearing for the 2012 Butler County Fire District Budgets #1 through #9 at 9:26 a.m.

Administrator Johnson stated this includes FD#1 Andover, FD#2 Augusta, FD#3 Rose Hill, FD#4 Cassoday, FD#5 Rosalia/Chelsea, FD#6 Latham, FD#7 Benton, FD#8 Douglass, and FD#9 Leon. Expenditures total \$1,399,570 and an average mill levy of 6.609 between all the fire districts ranging from a low of 3.946 in Cassoday to a high of 9.991 in Douglass.

Mr. Jordan asked if these amounts included salaries. Administrator Johnson said two of these budgets do include salaries. Administrator Johnson confirmed that the 2012 County Budget is on the website.

Commissioner Harris closed the Public Hearing at 9:30 a.m.

ITEM #4 – CONSIDER RESOLUTIONS 11-17 THROUGH 11-23 EXPRESSING THE PROPERTY TAXATION POLICY OF THE BOARD OF BUTLER COUNTY COMMISSIONERS WITH RESPECT TO THE FINANCING OF THE 2012 ANNUAL BUDGET FOR FIRE DISTRICTS #1, #2, #3, #4, #5, #6, AND #9, IN BUTLER COUNTY, KANSAS

Commissioner Woydziak motioned to approve Resolutions 11-17, 11-18, 11-19, 11-20, 11-21, 11-22, and 11-23, resolutions expressing the property taxation policy of the Board of Butler County Commissioners with respect to the financing of the 2012 Annual Budget for Fire Districts #1, #2, #3, #4, #5, #6, and #9, respectively, in Butler County, Kansas. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Palmer voted no.

ITEM #5 – CONSIDER APPROVAL OF THE 2012 BUTLER COUNTY FIRE DISTRICT BUDGETS #1 THROUGH #9

Commissioner Harris motioned to approve the 2012 Butler County Fire District Budgets #1 through #9. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Palmer voted no.

ITEM #6 – CONSIDER APPROVAL TO ALLOW THE BUTLER COUNTY ATTORNEY'S OFFICE TO APPLY FOR A CONTINUATION OF THE FEDERAL VICTIMS OF CRIME ACT (VOCA) GRANT

Darrin Devinney, Butler County Attorney, and Joe Penney, Assistant County Attorney, came before the Board for approval to allow the County Attorney's Office to apply for a continuation of the Federal Victims of Crime Act (VOCA) grant that is currently paying for 80% of the costs of employment of the office's Victim/Witness Coordinator and Advocate. Based on preliminary numbers and the previous years grant, a \$30,000+ funding benefit to the county project can be expected. This is an 80% grant with a 20% match requirement. Commissioner Palmer asked him to share the outcome and how many folks are reached. Mr. Devinney shared some individual examples as well as long-term examples.

Commissioner Palmer motioned to approve the Butler County Attorney's request to submit a renewal application for the Federal Victims of Crime Grant, which will provide 80% of the costs for the continued employment of the Butler County Victim/Witness Coordinator and Advocate and authorize the Chair to sign if required. Commissioner Wheeler seconded the motion. Motion carried 5-0.

RECESS

Commissioner Harris recessed the Board meeting at 9:50 a.m. for 5 minutes.

RECONVENE

Commissioner Harris reconvened the Board meeting at 9:55 a.m.

ITEM #7 – CONSIDER APPROVAL OF THE CONTRACT FOR THE MILLING AND BITUMINOUS SURFACING PROJECT THROUGH THE CITY OF BENTON AND ON SW 30TH STREET SOUTH OF BENTON

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the contract for the milling and bituminous surfacing project through the City of Benton and SW 30th Street south of Benton. Cornejo and Sons, LLC, Wichita, KS was awarded the bid for this project based upon their bid (\$542,396.90) being the lowest qualified bid.

Commissioner Masterson motioned to approve the contract with Cornejo & Sons, LLC, Wichita, KS for Project No. BC 606(2-3) 11 for milling and bituminous surfacing work on Main St. through Benton and on SW 30th St. south of Benton in the total amount of \$542,396.90 and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #8 – CONSIDER APPROVAL OF A REQUEST FOR REIMBURSEMENT FROM KDHE FOR THE SECOND ROUND OF FUNDING FOR RECYCLING E-WASTE CONTAINING CATHODE RAY TUBES

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a request for reimbursement from KDHE for the second round of funding for recycling e-waste containing cathode ray tubes. The program will reimburse the County \$0.15 per pound up to \$5,000 every 4 months for costs to send the CRT's to a certified recycler. The request for the 2nd round will request the full \$5,000 for the period of May through August 2011. The County will also be participating in the 3rd round of this program that will cover September through December 2011.

Commissioner Woydziak motioned to approve a reimbursement request to KDHE under the cathode ray tube (CRT) initiative program contract to receive the second \$5,000 reimbursement for recycling of CRT's and authorize the Chair to sign the reimbursement request form. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #9 – WORK SESSION – BANKING RFP

Will Johnson, County Administrator, Ruth Fechter, County Treasurer, and Brandon Kauffman, Finance Director, came before the Board to discuss the Banking RFP. Administrator Johnson stated Brandon and Ruth are close to finishing an RFP draft. He noted we have a good existing working relationship with Emprise Bank at this time and requested holding off in sending out the RFP. Administrator Johnson stated we would like to tie the contract period within the specific timeframe of the Treasurer re-election process so the contract is not renewing at the start of a new Treasurer term.

Treasurer Ruth Fechter presented a report to the Board on delinquent real estate in the amount of \$4,800,000. Commissioner Palmer requested the amounts for the next tax sale and the delinquent amounts for previous years. The Treasurer reviewed the Investment of Idle Funds Report and noted we have received \$26,771 in interest this year. Currently we have \$15 million in the Kansas Municipal Investment Pool at .02%. Mr. Kauffman discussed expanded investment authority. Commissioner Palmer commented that she prefers working with local banks because they invest in local people. Ms. Fechter then addressed the Treasurer Quarterly Report and requested the RFP Committee include a Commissioner and Computer Services Director Scott Stoskopf. Commissioner Palmer volunteered to be on the committee. No action was taken.

RECESS

Commissioner Harris recessed the Board meeting at 10:32 a.m. for 2 minutes.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:34 a.m.

The Commissioners discussed vouchers for Facebook charges. Staff is looking into the charges. The Board discussed receiving a report on out of state travel.

APPROVAL OF VOUCHERS

Commissioner Palmer motioned to approve the vouchers for August 16, 2011, in the amount of \$481,389.26, stipulating that all Facebook charges be disputed. Commissioner Woydziak seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2496 dated August 16, 2011; Adds in the amount of \$0.00 and Abates in the amount of \$354.96. Commissioner Masterson seconded the motion. Motion carried 5-0.

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

Commissioner Wheeler commended the County Administrator for the comprehensive discussion on the propane incident in Andover. He noted it was very informative. Administrator Johnson commented Fire Chief Woydziak should be commended since he provided the information.

Commissioner Palmer stated the Rural Sewer District meeting was informative and well presented. She noted Darryl Lutz, Director of Public Works and Will Johnson, County Administrator, also attended.

Commissioner Palmer asked about the railroad property. Administrator Johnson read an e-mail from Karl Morrell, Attorney in Washington, D.C. stating, "... the decision will have no impact on the County or the Cities of Augusta and Andover. Under a Tucker Act Claim, if the federal claims court finds that there has been a taking, the Federal Government must compensate the adjacent landowners the divisionary rights to the rail corridor. Trail use can continue and the trail sponsor does not have to pay anything to adjacent landowners. The only parties adversely impacted are the Federal Government and the taxpayers."

Commissioner Masterson stated he wished those constituents would accept the invitation to appear before the Board since Commissioner Palmer and he have invited them to come and talk about the issue. Commissioners Woydziak and Wheeler noted they are done talking about this until that occurs. Commissioner Palmer asked about the building that was torn down, and Commissioner Masterson, Commissioner Woydziak, and Administrator Johnson addressed that situation.

Commissioner Palmer noted the propane explosion that happened and is concerned with these facilities that exist throughout our county. There was discussion regarding compliance with OSHA standards. Commissioner Woydziak referred Commissioner Palmer to the discussion on the audio recording from the Commission meeting of Tuesday, August 9th for more information.

Administrator Johnson noted the Rose Hill NRP that was approved last week will need to be revisited since one of the townships does not want to be included. Commissioner Woydziak will be meeting with the township later today.

Administrator Johnson asked for approval of Caroline Hale as the Wichita Area Metropolitan Planning Organization (WAMPO) Board representative.

Commissioner Masterson motioned to approve Caroline Hale as the representative to the WAMPO Board. Commissioner Harris seconded the motion. Motion carried 5-0.

Administrator Johnson reported the percentage of delinquencies was 5% on the 2010 taxes. Commissioner Woydziak asked for a summary over the last several years.

Administrator Johnson noted Senior Center luncheons at the Douglass Senior Center on Tuesday, August 30, 2011 and Monday, September 12, 2011 in Cassoday.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:10 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.