

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, August 30, 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 Palmer motioned to approve the minutes of the Butler County Commission meeting of Tuesday, August 23, 2011, as written. Commissioner Masterson seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – CONSIDER APPROVAL TO AUTHORIZE STAFF TO ISSUE A SPECIAL CHECK TO THE IRS FOR 2011 ARBITRAGE PAYMENT

Will Johnson, County Administrator, came before the Board for approval to authorize staff to issue a special check to the IRS for 2011 arbitrage payment. Kim Bell, Gilmore & Bell, came before the Board for an overview of arbitrage, which is the profit that results from investing tax-exempt proceeds in higher-yielding taxable securities. She noted the money is not taxpayer or mill levy money, it is interest income that was earned on the bonds. Under the Internal Revenue Code, positive arbitrage earnings must be rebated back to the federal government. In April of 2011, Gilmore & Bell determined that there were errors in the 2005 calculation for the 2000 issue (Gilmore & Bell did not do that analysis) that could result in a liability to the County. After informing the County of these errors, the County Administrator authorized Gilmore & Bell to recalculate the 2005 arbitrage analysis of the 2000 bonds in order to determine if the County owed additional funds for arbitrage. Gilmore & Bell determined that in 2005 the County had only paid 90% of the calculated amount owed or \$258,285.90. The remaining 10% minus approximately a \$4,000 over payment in 2005, plus some interest, resulted in the \$34,806.43 arbitrage rebate amount.

Commissioner Masterson motioned to authorize staff to cut a special check to the IRS in the amount of \$34,806.43 for arbitrage. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL OF AMENDMENT TO THE CITY OF EL DORADO REVITALIZATION PROGRAM

Will Johnson, County Administrator, came before the Board for approval of an amendment to the City of El Dorado Revitalization Program. In August 2009, the City changed their plan to make all residential areas within the City eligible for the program for a six-month period starting August 1, 2009 and ending February 1, 2010. The City requested an extension of the program until September 1, 2010 and again until September 1, 2011, which were all approved by the Commission. They are now requesting to extend the program for a one-year period until September 1, 2012 at which time a new plan will have to be adopted. Scott Rickard and Herb

Llewellyn, City of El Dorado, came before the Board to report last year 21 permits were issued and this year there have been 6. Before the city-wide program was in place there were zero permits in 6 months. Commissioner Woydziak noted that historically he has been against these programs and in this day with the economy as it is, he supports anything we can do to bring people in. It's a needed tool right now.

Commissioner Wheeler motioned to approve Resolution 11-26 authorizing the Chair to sign the Interlocal Agreement with USD 490, USD 375, the City of El Dorado, and Butler Community College for the purpose of amending the El Dorado NRP Program for a one year period from September 1, 2011 until September 1, 2012. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF PAYMENT OF INVOICE TOTALING \$6,990.00 FOR FIVE DAYS OF TRAINING ON VMWARE VSPHERE FOR TWO STAFF MEMBERS

Scott Stoskopf, Computer Services Director, came before the Board for approval of an invoice totaling \$6,990 for five days of training on VMware vSphere. We have never had formal training on this product because of the restrictions on out of state travel and course availability. ISG Technology, Inc., is hosting a local class in Wichita on October 10th -14th. Funding for this training is available in the Computer Services budget and the capital project for replacing the blade server this year.

Commissioners Wheeler and Palmer mentioned getting complaints about not being able to find tax information on the website. Mr. Stoskopf discussed the process for downloading the files each night and pushing data up to the web server. He noted the servers are working as hard as they can. Mr. Stoskopf commented the RFP for the website content management has been drafted and the Technology Committee will be reviewing it. He stated it should be mailed within two weeks.

Commissioner Masterson motioned to approve the payment of \$6,990.00 for training classes for two staff members. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF PAYMENT OF INVOICES TOTALING \$47,408.40 FOR THE 2011/2012 MAINTENANCE AND SUPPORT OF THE SUNGARD/THE SOFTWARE APPLICATIONS

Scott Stoskopf, Computer Services Director, came before the Board for approval of payment of invoices totaling \$47,408.40 for 2011/2012 maintenance and support of the Sungard/H.T.E. software applications. This expense is covered in Computer Services 2011 contractual services item.

Commissioner Wheeler motioned to approve the payment of \$47,408.40 for the 2011/2012 software support of the Sungard/H.T.E. applications. Commissioner Masterson seconded the motion. Motion carried 4-1. Commissioner Woydziak voted no.

Commissioner Palmer asked for a list of contractual services agreements.

ITEM #5 – CONSIDER APPROVAL OF AN AGREEMENT WITH KDOT FOR FUNDING AND ADMINISTRATION OF THE PROPOSED FOURMILE CREEK BRIDGE REPLACEMENT PROJECT ON SW BUTLER ROAD, SOUTH OF ANDOVER

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of an agreement with KDOT for funding and administration of the proposed Fourmile creek bridge replacement project on SW Butler Road, south of Andover. The project is planned for and funded with Federal Aid funds and Butler County Special Highway funds; it is included in the current adopted CIP for Butler County.

Commissioner Woydziak motioned to approve the project agreement between Butler County and the Kansas Department of Transportation related to Project No. 8 N-0549-01, the Fourmile Creek Bridge replacement project on SW Butler Rd. south of Andover including road construction from the bridge to Harry St. and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL OF AN APPLICATION TO KDOT FOR FEDERAL AID OFF-SYSTEM BRIDGE REPLACEMENT FUNDS FOR THE PLANNED DRY CREEK BRIDGE REPLACEMENT PROJECT ON SW 60TH STREET, NORTH OF ANDOVER

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of an application to KDOT for federal aid off-system bridge replacement funds for the planned Dry Creek bridge replacement project of SW 60th St. north of Andover. If approved, funding will be for 80% of construction and construction engineering costs. Butler County will be responsible for 100% of design cost, right-of-way, and utility relocation costs. This project is in the current Butler County CIP for funding in 2013. The project schedule may need to be modified pending approval of federal aid funds by KDOT.

Commissioner Masterson motioned to approve the Request for Construction Project for the proposed bridge replacement project over the Dry Creek on SW 60th St. and authorize the Chair to sign. Commissioner Palmer seconded the motion. Motion carried 5-0.

Mr. Lutz stated the jurisdiction map around El Dorado is a work in progress, and next Tuesday's agenda should include an item regarding proposed fees for Sewer District #12 maintenance and operation.

Additional Agenda Item:

Commissioner Woydziak motioned to recess the Board to Executive Session at 10:00 a.m. for 20 minutes, with the public session resuming at 10:20 a.m., for consultation with an attorney for the body or agency, which would be deemed privileged in the attorney-client relationship to protect the interests of the County. Commissioner Masterson seconded the motion. Motion carried 5-0. Those in attendance were Commissioners Harris, Masterson, Palmer, Wheeler, Woydziak, Administrator Will Johnson, and Attorney Ed Keeley via phone.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:20 a.m. No action was taken as a result of Executive Session.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for August 30, 2011, in the amount of \$432,541.19. Commissioner Harris seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2498 dated August 30, 2011; Adds in the amount of \$0.00 and Abates in the amount of \$165,284.16. Commissioner Woydziak seconded the motion. Motion carried 5-0.

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

Commissioner Woydziak asked if we have issued building permits for Global Propane. Administrator Johnson said they have approached Mr. Compton, Planning & Zoning Director, but does not know if they have been issued. There was discussion about safety regulations and if they are compliant. Commissioner Palmer suggested talking to Jim Schmidt, Emergency Management Director. Commissioners Palmer and Woydziak requested information to make sure current safety standards are being observed.

Commissioner Woydziak asked if there is a cost to the County for garnishments. Administrator Johnson said there are costs for staff time.

Commissioner Palmer asked about any goals the new Health Administrator may have. Administrator Johnson said there are some changes being made regarding more accountability and office management.

Commissioner Palmer said the Wichita City Council will be discussing the conceal/carry laws on Wednesday, August 31st.

Administrator Johnson commented that notification was received from the IRS and they only granted a \$1,900 abatement on the penalties for the Augusta Senior Center. That leaves \$50,000 for them to pay, of which, the County would loan approximately \$34,000.

Administrator Johnson said Rose Hill will need to redo the NRP resolution because one of the townships does not want to be included.

Administrator Johnson stated he will be meeting with the City of Andover about re-opening Prairie Creek Rd.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 10:46 a.m. Commissioner Woydziak seconded the motion. Motion carried 5-0.

*****Commissioners will be attending a luncheon at the Douglass Senior Center starting at 11:30 a.m.*****