

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, December 13, 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 Woydziak motioned to approve the minutes of the Butler County Commission meeting of Tuesday, December 6, 2011, as written. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #1 – RECOGNITION OF MARCE BREWER, LOU CLENNAN, DEB DOLECEK, AND JEAN PLUMMER**

Will Johnson, Jr., County Administrator, came before the Board to recognize Marce Brewer, Lou Clennan, Deb Dolecek, and Jean Plummer for their efforts in the Tour Butler program and the work they do to advocate for that program in Butler County. Commissioner Harris presented each one with a plaque and certificate in recognition. All expressed appreciation to the Commissioners.

**ITEM #2 – WORK SESSION – JJA UPDATE**

Ann Carpenter, JJA Administrator, came before the Board to update them on JJA. Ms. Carpenter noted the stakeholders meeting with JJA and SRS was cancelled. The meeting between KCCA, Leadership, and SRS was also cancelled. They've directed to have an Adhoc Committee put together by the Kansas Advisory Group. Ms. Carpenter noted the Joint Committee of Juvenile Justice and Community Corrections did not support moving JJA under SRS jurisdiction. No action was taken.

**Additional Agenda Item**

David Alfaro, Economic Development Director, came before the Board for approval of a Temporary Construction Easement, No-Build Easement & Stormwater Drainage Easement on Rail Property in Augusta in relation to the Wal-Mart Construction Project in Augusta. Mr. Alfaro stated this will not impact the trail if the city chooses to put one in place. Commissioner Palmer asked Mr. Alfaro to contact the cities of Augusta and Andover regarding the rail property.

*Commissioner Woydziak motioned to approve the Temporary Construction Easement, the No-Build Easement & the Stormwater Drainage Easement as it related to the use of the Rail Property in Augusta for the Construction of the new Wal-Mart Super Store. Commissioner Palmer seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE SOFTWARE MAINTENANCE PAYMENT TO NEW WORLD SYSTEMS IN THE AMOUNT OF \$29,070 FOR THE COMPUTER**

**AIDED DISPATCH SYSTEM AND AUTHORIZE THE EMERGENCY COMMUNICATIONS DIRECTOR TO REMIT PAYMENT**

Chris Davis, Emergency Communications Director, came before the Board for authorization to make the payment of \$29,070 for CAD software maintenance for the calendar year 2012. Mr. Davis noted that this agreement allows access to technical support 24 hours per day, 365 days per year. The technical support center has proven to be very helpful and knowledgeable; especially in helping staff to resolve noncritical issues after hours. This is paid for out of the 9-1-1 tax fund.

*Commissioner Wheeler motioned to approve the software maintenance payment to New World Systems in the amount of \$29,070 for the Computer Aided Dispatch system and authorize the director to remit payment. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #4 – CONSIDER APPROVAL OF 2012 CEREAL MALT BEVERAGE LICENSES FOR COOK’S TAVERN; KEIGHLEY BARN; M & B CONVENIENCE STORE, LLC; SHADY CREEK MARINA; TRIPLE S RANCH SUPPLY, INC.**

Ron Roberts, Butler County Clerk, came before the Board to review and approve the 2012 Cereal Malt Beverage Licenses for Cook’s Tavern, Keighley Barn, M & B Convenience Store LLC, Shady Creek Marina, and Triple S Ranch Supply Inc.

*Commissioner Wheeler motioned to approve the 2012 Cereal Malt Beverage Licenses for Cook’s Tavern, Keighley Barn, M & B Convenience Store LLC, Shady Creek Marina, & Triple S Ranch Supply Inc. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #5 – CONSIDER APPROVAL OF PROPOSED REVISIONS TO THE PPE CLOTHING REIMBURSEMENT POLICY FOR THE DEPARTMENT OF PUBLIC WORKS**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of proposed revisions to the PPE clothing reimbursement policy for the Department of Public Works. In January 2002, the BOCC approved a personal protective equipment (PPE) clothing allowance program for field employees of the Department of Public Works. It has been 10 years since the policy was implemented and 5 years since the last adjustment to the policy. The proposed revision includes an increase in the reimbursement for pants and a proposed increase in the frequency for safety shoe footwear. The primary motive for these revisions is the recent department level adoption of a new comprehensive PPE program as part of the implementation of the new 360 Safety program. The additional cost to the County will be approximately \$3,000.00 per year for 50 employees.

*Commissioner Woydziak motioned to approve the revisions to the PPE clothing allowance policy for the Public Works Department to be effective January 1, 2012, and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #6 – RECEIVE AND OPEN BIDS FOR CRUSHING AND SCREENING OF ASPHALT MILLING FOR USE BY THE HIGHWAY DIVISION OF THE PUBLIC WORKS DEPARTMENT TO PRODUCE COLD MIX ASPHALT PAVING MATERIAL**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to receive and open sealed bids for crushing and screening of asphalt millings for use by the Highway Division to produce cold mix asphalt paving material. Following are the bids received:

Heartstone, Inc., Wichita, KS	\$53,610
KOSS Construction Co., Topeka, KS	\$88,500
Ballou Pavement Solution, Salina, KS	\$77,550

*Commissioner Woydziak motioned to accept the bids received to crush and screen asphalt millings at 4 materials stockpile areas to be used for 2012 County Highway Maintenance work and to award the work to Heartstone, Inc., Wichita, KS in the amount of \$53,610.00.*

*Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #7 – CONSIDER APPROVAL OF THE PURCHASE OF TWO FRONT END LOADERS, 1 LOADER BACKHOE, AND 1 TELESCOPING BOOM MATERIALS HANDLER FOR THE DEPARTMENT OF PUBLIC WORKS**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval to purchase two front end loaders, one loader backhoe and one telescoping boom materials handler for the Department of Public Works. Mr. Lutz presented to the Board the lowest bids received that met all required specifications.

Front End Loaders & Loader Backhoe– Murphy Tractor & Equipment Co., Wichita, KS – Mr. Lutz recommended purchasing the extended warranty for the front end loaders in the amount of \$1,125 each and \$816 extended warranty for the backhoe/loader.

Telescoping Boom Materials Handler – Sellers Equipment Company, Wichita, KS

*Commissioner Woydziak motioned to approve the lowest bid purchase from Murphy Tractor & Equipment Co., Wichita, KS, for 2 new John Deere 2012 model 624K front end loaders for the total delivered price of \$318,208 and for 1 new John Deere 2012 model 310SJ backhoe-loader for the total delivered price of \$78,786 and to approve the lowest bid purchase from Sellers, Inc., Wichita, KS, for 2 new JCB 2012 model 541-70T telescopic boom material handler for a total delivered price of \$95,352. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #8 – CONSIDER APPROVAL OF THE PURCHASE OF A TANDEM AXLE TRUCK CAB AND CHASSIS FOR THE DEPARTMENT OF PUBLIC WORKS TO REPLACE A FIRE DAMAGED TRUCK BASED UPON BIDS PREVIOUSLY RECEIVED AND RESCINDING THE PREVIOUS TRUCK PURCHASE APPROVAL**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval to purchase a tandem axle truck cab and chassis for the Department of Public Works to replace a fire damaged truck based upon bids previously received and rescinding the previous truck purchase approval. Staff recommended rescinding the previous purchase approval for the Peterbilt truck due to it not conforming to the frame specifications to mount a snowplow safely. Butler County contacted Wichita Kenworth Truck Company, second lowest bidder, to see if they would honor their original bid. The company agreed to do so and staff has confirmed that the frame on the Kenworth Truck is properly built to safely mount a snowplow.

*Commissioner Wheeler motioned to approve the purchase of a new 2012 Kenworth T-470 tandem axle diesel powered truck chassis from Wichita Kenworth, Wichita, KS, with the lowest and best bid meeting the required specifications in the amount of \$111,543.64 and to rescind the previous purchase approval made October 12, 2011, for a Peterbilt Model 348 truck from Doonan Truck & Equipment Company, Wichita, KS, due to non-conformance with the frame specs. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #9 – SET A PUBLIC HEARING FOR DECEMBER 27, 2011 TO AMEND THE JAIL FUND, THE SALES TAX FUND AND THE SPECIAL LIGHT DISTRICT FUND**

Brandon Kauffman, Finance Officer, came before the Board to set the public hearing for Tuesday, December 27, 2011 to amend the Jail Fund, the Sales Tax Fund, and the Special Light District Fund. Discussion about the Jail Fund followed.

*Commissioner Woydziak motioned to set the Public Hearing for December 27, 2011, to amend the Jail Fund, Local Sales Tax Fund, and the Special Light District Fund. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**RECESS**

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

**RECONVENE**

Commissioner Harris reconvened the Board meeting at 10:21 a.m.

Commissioner Palmer asked for a review and discussion about the Sales Tax Fund and Street Lighting Fund. Commissioner Woydziak confirmed that starting in 2012, all sales tax money goes toward payment of the bond.

**ITEM #10 – CONSIDER APPROVAL OF RESOLUTION GRANTING WAIVER FROM GAAP STATUTORY REPORTING REQUIREMENTS**

Brandon Kauffman, Finance Officer, came before the Board to approve Resolution No. 11-36, granting waiver from GAAP Statutory reporting requirements as outlined in K.S.A. 75-1120(a). Commissioner Palmer stated she believes we need all the accountability and information we can get and opposes this. Commissioner Woydziak noted we had a review of this last year and stated it would be more expensive to go back to GAAP accounting.

*Commissioner Masterson motioned to approve Resolution No. 11-36, which waives the obligation of Butler County to prepare financial statements in accordance with the GAAP requirements for the 2011 financial statements. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Palmer voted no.*

**ITEM #11 – CONSIDER APPROVAL OF ADOPTING RESOLUTION ALLOWING FOR THE TRANSFER OF UNEXPENDED FUNDS FROM THE GENERAL FUND TO THE CAPITAL RESERVE FUND**

Brandon Kauffman, Finance Director, came before the Board to consider adopting Resolution No. 11-37, allowing for the transfer of unexpended funds from the General Fund to the Capital Reserve Fund.

*Commissioner Woydziak motioned to approve Resolution No. 11-37, to transfer unexpended funds from the General Fund to the Capital Reserve Fund. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #12 – CONSIDER APPROVAL OF ADOPTING RESOLUTION ALLOWING FOR THE TRANSFER OF UNEXPENDED FUNDS FROM THE COUNTY AGING FUND TO THE COUNTY AGING CAPITAL RESERVE FUND**

Brandon Kauffman, Finance Director, came before the Board to consider adopting Resolution No. 11-38, allowing for the transfer of unexpended funds from the County Aging Fund to the County Aging Capital Reserve Fund.

*Commissioner Masterson motioned to approve Resolution No. 11-38, to transfer unexpended funds from the County Aging Fund to the County Aging Capital Reserve Fund. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #13 – CONSIDER APPROVAL OF ADOPTING RESOLUTION ALLOWING FOR THE TRANSFER OF UNEXPENDED FUNDS FROM THE EMERGENCY MEDICAL SERVICE FUND TO THE EMERGENCY MEDICAL SERVICE EQUIPMENT RESERVE FUND**

Brandon Kauffman, Finance Director, came before the Board to consider adopting Resolution No. 11-39, allowing for the transfer of unexpended funds from the Emergency Medical Service Fund to the Emergency Medical Service Equipment Reserve Fund.

*Commissioner Woydziak motioned to approve Resolution No. 11-39, to transfer unexpended funds from the Emergency Medical Service Fund to the Emergency Medical Service Equipment Reserve Fund. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #14 – CONSIDER APPROVAL OF ADOPTING RESOLUTION ALLOWING FOR THE TRANSFER OF UNEXPENDED FUNDS FROM THE HEALTH FUND TO THE HEALTH CAPITAL RESERVE FUND**

Brandon Kauffman, Finance Director, came before the Board to consider adopting Resolution No. 11-40, allowing for the transfer of unexpended funds from the Health Fund to the Health Capital Reserve Fund.

*Commissioner Masterson motioned to approve Resolution No. 11-40, to transfer unexpended funds from the Health Fund to the Health Capital Reserve Fund. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #15 – CONSIDER APPROVAL OF ADOPTING RESOLUTION ALLOWING FOR THE TRANSFER OF UNEXPENDED FUNDS FROM THE JAIL FUND TO THE JAIL CAPITAL RESERVE FUND**

Brandon Kauffman, Finance Director, came before the Board to consider adopting Resolution No. 11-41, allowing for the transfer of unexpended funds from the Jail Fund to the Jail Capital Reserve Fund.

*Commissioner Wheeler motioned to approve Resolution No. 11-41, to transfer unexpended funds from the Jail Fund to the Jail Capital Reserve Fund. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #16 – CONSIDER APPROVAL TO ALLOW THE COUNTY ADMINISTRATOR TO EXECUTE CONTRACTS NOT TO EXCEED AN ANNUAL LIABILITY OR ANNUAL REVENUE OF \$150 PER YEAR**

Will Johnson, Jr., County Administrator, came before the Board to consider allowing the County Administrator to execute contracts not to exceed an annual liability or annual revenue of \$150 per

year. The adoption of this resolution will limit minor contracts from coming to the BOCC and expedite the ability of the County and individuals wishing to conduct business with the County.

***Commissioner Masterson motioned to approve Resolution No. 11-35, authorizing the execution of contracts by the County Administrator not to exceed \$150 in revenue or liabilities. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

***Commissioner Woydziak motioned to table Item 17 (Personnel Policies and Guidelines) and Item 18 (Human Resource Administrative Policies, Preventable Accident Disciplinary Guide, and the Social Media Policy) until Tuesday, December 20, 2011. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

#### **APPROVAL OF VOUCHERS**

***Commissioner Wheeler motioned to approve the vouchers for December 13, 2011, in the amount of \$381,782.44. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

#### **COMMISSION ADDS & ABATES**

***Commissioner Masterson motioned to approve Adds & Abates #2509 dated December 13, 2011; Adds in the amount of \$45,129.20 and Abates in the amount of \$22,371.62. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

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

Commissioner Woydziak stated he delivered the Proclamations to Rose Hill and Douglass regarding the State Championship teams. He noted they were very appreciative of the recognition.

Commissioner Woydziak referred to a discussion in last week's meeting about the Butler County mill levy being 6 mills higher than Sedgwick County's. He noted one of the reasons our mill levy is higher is because we don't have a dedicated sales tax such as Sedgwick County. He stated if we had that funding in place, we could lower our mill levy. Commissioner Woydziak stated we may have that option later if the legislature gives the County local authority.

Commissioner Harris mentioned the Quad County meeting on December 19<sup>th</sup> at Exploration Place.

Commissioner Wheeler asked if anyone was attending the Flinthills Services breakfast on Friday. Administrator Johnson stated he would try to attend.

Commissioner Palmer asked for information on the rail property. Administrator Johnson noted the City of Andover is addressing the rail property tonight in their city council meeting.

Administrator Johnson informed the Board that the work on the ambulance that was taken to Oklahoma is finished, and it is back in service.

#### **ADJOURNMENT**

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

**\*\*\*Butler County Commissioners will be attending a luncheon  
at the Benton Senior Center starting at 11:45 a.m.\*\***