

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, June 28, 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 Peggy Palmer, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, Jr., and Clerk Recorder Paula Stoskopf. Commissioner Jeff Masterson was absent.

**APPROVAL OF MINUTES**

*Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Monday, June 20, 2011; Tuesday, June 21, 2011; and Thursday, June 23, 2011, as written. Commissioner Woydziak seconded the motion. Motion carried 3-0 with 1 abstention as Commissioner Peggy Palmer was absent at these meetings.*

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #1 – RECOGNIZE AND THANK MR. STEVE SEYMOUR FOR HIS MANY YEARS OF VOLUNTEER SERVICE TO BUTLER COUNTY**

Grant Helferich, Director of EMS, and Frank William, Captain, Butler Rescue Squad, came before the Board to recognize Steve Seymour for his volunteer service to the citizens of Butler County. As member of the rescue squad for 17 years before his resignation in 2010, Mr. Seymour was able to provide leadership, guidance, and mentorship to the new members of the squad. Mr. Helferich and Mr. William recognized Steve for his dedication, commitment, service and friendship as part of the Butler County Rescue Squad. Commissioner Harris presented Mr. Seymour with a plaque congratulating him and thanking him for his service. Mr. Harris stated that it was very appreciated and worthwhile and he would be missed. Mr. Seymour stated that it had been very rewarding.

*Commissioner Harris motioned to recommend approval for the EMS and Rescue Squad Department(s) to recognize and thank Mr. Steve Seymour for his many years of volunteer service to Butler County. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

**ITEM #7 – CONSIDER APPROVAL TO RECEIVE A \$10,000 DONATION FROM FRONTIER REFINING AND ALLOW EMS TO USE THESE FUNDS TO PURCHASE ONE ALS MANIKIN AND ASSOCIATED EQUIPMENT**

Darrel Kohls, EMS Clinical Coordinator, came before the Board for approval to accept a \$10,000 donation from Frontier Refinery for the purchase of EMS Training Equipment. Frontier Fire, and especially Dave Zorn, realizes that as a member of EMST they have a unique ability to provide financial assistance to Butler County EMS. Mr. Kohls stated that due to the EMS Scope of Practice Transition, the need has been found to upgrade and add to the current inventory of training equipment. The donation from Frontier will allow for the purchase of a new Advance Life Support Manikin and associated equipment. Mr. Kohls noted that without this donation, the purchase of this equipment would not be financially feasible. Commissioner Wheeler noted that the Refinery has always been a great community partner and that all they do is really appreciated. Mr. Zorn acknowledged the compliment reiterating that it is a good partnership and would like for it to continue.

*Commissioner Woydziak motioned to accept the donation from Frontier Refinery and direct the EMS Department to use the funds to purchase one Advance Life Support Manikin and associated equipment. Commissioner Palmer seconded the motion. Motion carried 4-0.*

**ITEM #2 – CONSIDER APPROVAL TO MODIFY THE POSITION CLASSIFICATION FOR ANNETTE SCHMIDT, LEGAL SECRETARY I, FROM A PART-TIME EMPLOYEE TO A FULL-TIME POSITION**

Darrin C. Devinney, Butler County Attorney, came before the Board to request to alter the status of Annette Schmidt, Juvenile Division, from a 30-hour part-time employee to a full-time employee in the same capacity. This position requires a full-time person and Annette desires the status change. Her expertise assists not only with better services to juveniles and their families, but promotes consistency between all employees as a full-time employee. She would be eligible for benefits, however; her husband currently provides these items for their family. The additional 10 hours a week for salary would be absorbed through the existing budget of the County Attorney's office.

*Commissioner Woydziak motioned to recommend approval to modify the position classification for Annette Schmidt, Legal Secretary I, from a part-time employee to a full-time position. Commissioner Palmer seconded the motion. Motion carried 4-0.*

**ITEM #4 – CONSIDER APPROVAL OF A REQUEST BY STEVE WHEELER TO REZONE 29.2 ACRES FROM AG-40 ZONING CLASSIFICATION TO AN RR RURAL RESIDENTIAL ZONING CLASSIFICATION**

Rod Compton, Director of Planning & Development, came before the Board for approval to rezone 29.2 acres from an AG-40 classification to an RR Rural Residential zoning classification requested by Steve Wheeler, owner of the property. The applicant is requesting to rezone the property in order to convey a lot to his son who wishes to build a home on it. This request was presented to the Butler County Planning Commission on Tuesday, June 7, 2011, and was approved by an 8 to 0 vote based upon a recommendation by the City of Rose Hill.

*Commissioner Woydziak motioned to approve the request by Steve Wheeler to rezone 29.2 acres described as: The Southeast Quarter of the Southwest Quarter of Section 28 (EXCEPT that portion north of the BNSF Railroad), Township 28 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas, EXCEPT: the East 282.12 feet thereof; AND, the Northeast Quarter of the Northwest Quarter of Section 33, Township 28 South, Range 3 East; EXCEPT: the East 282.12 feet and hereby authorize the Chairman to sign Resolution No. 11-12 granting such change. Commissioner Harris seconded the motion. Motion carried 4-0.*

**ITEM #5 – CONSIDER APPROVAL OF ACCEPTANCE OF DEDICATIONS FOR PARADISE CREEK SUBDIVISION BEING DEVELOPED BY MICHAEL LEIS**

Rod Compton, Director of Planning & Development, came before the Board for Acceptance of Dedications for Paradise Creek Subdivision. Per County Subdivision requirements, applicants are to dedicate 40 feet of right-of-way for easement.

*Commissioner Woydziak motioned to approve the proposed three lot subdivision, dedicated right-of-ways with easement to meet the County's subdivision regulation requirements, and*

*authorize the Chair to sign the plat. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

**ITEM #9 – CONSIDER APPROVAL OF A NOTICE TO SURFACING CONTRACTORS FOR A MILLING AND BITUMINOUS SURFACING PROJECT THROUGH THE CITY OF BENTON AND ON SW 30<sup>TH</sup> STREET SOUTH OF BENTON**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving a Notice to Surfacing Contractors for a milling and bituminous surfacing project through the City of Benton and on SW 30<sup>th</sup> Street south of Benton. This project is programmed for construction this year and is 100% locally funded. It is included in the 2011-2015 CIP. Sealed bids will be received until 10:00 a.m., Tuesday, July 19, 2011, at which time; they will be opened by the Board of County Commissioners.

*Commissioner Woydziak motioned to approve the Notice to Surfacing Contractors for Project No. BC 606 (2-3) 11 for milling and bituminous surfacing work on Main Street through Benton and on SW 30<sup>th</sup> Street south of Benton and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE FY 2012 AREA PLAN AS PRESENTED BY ANNETTE GRAHAM, CENTRAL PLAINS AREA AGENCY ON AGING**

Crystal Noles, Department on Aging Director, came before the Board for approval of the FY 2012 Area Plan as presented by Annette Graham, Central Plains Area Agency on Aging. The Area Plan serving Butler, Harvey, and Sedgwick Counties must be reviewed and approved by the Commissioners in each of these Counties and authorize the Chairperson of the Sedgwick County Board of Commissioners to sign before it is submitted to the Kansas Department on Aging. The changes to the Area Plan have been reviewed by Crystal Noles. There are no major changes to funding under Title III programming for Butler County. Matching funds for the Title III programs is included in the 2011 Budget and have been included in the proposed 2012 Budget for the Butler County Department on Aging.

*Commissioner Woydziak motioned to recommend approval of the Area Plan for Fiscal Year 2012 and authorize the Chairperson of the Sedgwick County Board of Commissioners to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

Commissioner Woydziak requested Crystal Noles to update the Board concerning the conference call held this morning regarding the Augusta Senior Center. Crystal stated that the call was held with Fred Keefer, retired IRS Agent who has agreed to help with the Center's IRS issue, and the appeals officer with the IRS. The appeals officer was given background information that he either did not have or did not understand originally as he takes this case into reconsideration. The call was very informative and hopefully more information will be available on Friday, July 1<sup>st</sup>, as to the decision that will be made.

**ITEM #6 – CONSIDER APPROVAL OF THE GRANT CONDITIONS FOR SFY 2012 FOR THE PREVENTION TRUST FUND GRANT FOR ESS TIP FOR BUTLER COUNTY AND ALLOW THE CHAIR TO SIGN**

Ann P. Carpenter, Juvenile Justice Services Administration, came before the Board for approval of the grant conditions to allow for pass through funds for the Episcopal Social Services Teen Intervention Program of Butler County. There are no financial obligations required of the County.

*Commissioner Woydziak motioned to approve and authorize the Chair to sign the grant conditions for SFY 2012 for the Prevention Trust Fund Grant for ESS TIP for Butler County. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

**ITEM #8 – CONSIDER APPROVAL OF THE PURCHASE OF TIRES FOR THE BUTLER COUNTY DEPARTMENT OF PUBLIC WORKS**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval to purchase tires for the Butler County Department of Public Works. Bids were received from three tire vendors in Butler County. Recommendation for purchase is based upon tire quality, performance and price. Mr. Lutz presented the best tire purchases for each tire size from the vendors. The award total for each vendor is as follows:

Becker Tire, El Dorado, KS	\$38,066.63
Augusta Tire, Augusta, KS	\$11,681.00
JRS General Rental, El Dorado, KS	\$ 1,474.46

*Commissioner Woydziak motioned to approve the purchase of tires for the Butler County Department of Public Works, as recommended. Commissioner Harris seconded the motion. Motion carried 4-0.*

**RECESS**

Commissioner Harris recessed the Board meeting at 9:54 a.m. for 5 minutes.

**RECONVENE**

Commissioner Harris reconvened the Board meeting at 10:00 a.m.

**Additional Agenda Items:**

Ann P. Carpenter, Juvenile Justice Services Administration, came before the Board for approval for submission for FFY 2012 to JJA for financial support for the Big Brothers Big Sisters “You’re the Man” Project. This is a continuation grant which requires a 50% match from the County. This match will come from funds that have already been allocated to BBBS from the County.

*Commissioner Wheeler motioned to approve the grant application for Title V continuation funds in the amount of \$8,399.99 and authorize the Chair to sign. Commissioner Harris seconded the motion. Motion carried 4-0.*

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to update the Board on the paving project on SW 60<sup>th</sup> Street west of Ohio Street. The total cost of this project is approximately \$40,000.00 and is to be split evenly between the two property owners involved. The County will be doing the work to cut out as much overhead as possible. Mr. Lutz requested to move ahead with this project by approaching the parties with the proposal of paying for half of the project now and then paying the balance due when the project is completed. It was the consensus of the Board to allow Mr. Lutz to move forward with this proposal.

**APPROVAL OF VOUCHERS**

*Commissioner Woydziak motioned to approve the vouchers for June 28, 2011, in the amount of \$509,583.71. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

## **COMMISSION ADDS & ABATES**

*Commissioner Wheeler motioned to approve Adds & Abates #2489 dated June 27, 2011; Adds in the amount of \$1,063.08 and Abates in the amount of \$88,002.54. Commissioner Harris seconded the motion. Motion carried 4-0.*

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

Commissioner Palmer requested clarification on the letter received from Pooled Money Investment Board. Administrator Johnson stated that it was for informational purposes which would be considered after the budget process is completed.

Administrator Johnson commented on an interesting call received from Bluescapes regarding leasing mineral rights out at the jail. Mr. Johnson stated that he would take the time to visit with this individual, but not sure if this is something that the County would be interested in.

Administrator Johnson noted the luncheon at the Andover Senior Center on Tuesday, July 12<sup>th</sup>.

Administrator Johnson noted that there would not be a meeting next Monday as it is the 4<sup>th</sup> of July.

Administrator Johnson informed the Board that next week Janice Powers will be sworn in and appointed as the Health Officer for the County.

Commissioner Harris reminded the Board of the viewing of the road closure at 8:00 a.m. on Tuesday, July 12<sup>th</sup>. Those who are to attend are Commissioners Harris, Wheeler and Woydziak.

## **ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:20 a.m. Commissioner Wheeler seconded the motion. Motion carried 4-0.*