

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, March 1, 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, February 22, 2011 as written. Commissioner Masterson seconded the motion. Motion carried 4-0. Commissioner Harris abstained since he was absent last week.*

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #1 – CONSIDER A LETTER OF SUPPORT TO THE CITY OF AUGUSTA FOR THEIR AIRPORT MASTER PLAN**

Josh Shaw, Assistant to the City Manager of Augusta, came before the Board for approval of a letter of support for the City of Augusta's airport master plan.

*Commissioner Palmer motioned to approve the letter of support for the City of Augusta's airport master plan and allow the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #2 – RECESS TO EXECUTIVE SESSION FOR CONSULTATION WITH JERRY CAPPS TAX ATTORNEY, WHICH IS DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO PROTECT THE INTERESTS OF THE COUNTY**

*Commissioner Woydziak motioned to recess the Board to Executive Session at 9:07 a.m. for 18 minutes, with the public session resuming at 9:25 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, Deputy County Appraiser Debbie Studebaker, County Appraiser Marion Johnson, and Tax Attorney Jerry Capps.*

**RECONVENE**

Commissioner Harris reconvened the Board meeting at 9:25 a.m.

*Commissioner Harris motioned to approve hiring Capitol Group to perform appraisal services in the amount of \$27,000 for Frontier Refinery if it becomes necessary. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #3 – RECEIVE EMERGENCY MANAGEMENT DEPARTMENT STAFF WHO WILL DISCUSS THE SEVERE WEATHER AWARENESS WEEK AND REQUEST THE CHAIR TO SIGN THE PROCLAMATION**

Jim Schmidt, Emergency Management Director, came before the Board for approval of proclaiming the week of March 7-11, 2011 as Severe Weather Awareness Week in Butler County. Mr. Schmidt noted a presentation by the Weather Service at the El Dorado Civic Center on Thursday, March 10, at 6:30 p.m.

*Commissioner Wheeler motioned to approve proclaiming the week of March 7-11, 2011 as Severe Weather Awareness Week in Butler County. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

Mr. Schmidt mentioned there will be 12 new warning sirens in the County; 2 for El Dorado, Augusta, Potwin, and Andover; and 1 for Cassoday, Douglass, Prospect, and Elbing. Each of the communities will be responsible for the 25% match.

**ITEM #4 – CONSIDER APPROVAL OF THE AWARD OF SNOWPLOW AND MOTOR GRADER BITS FOR THE HIGHWAY DIVISION OF THE PUBLIC WORKS DEPARTMENT**

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the award of bid for snowplow and motor grader bits. He said a couple of vendors did not bid on everything specified and their bids appeared low. Complete bids were received from Welborn Sales and Murphy Tractor. The lowest bid of those bids was from Welborn Sales in the amount of \$22,642.73 minus \$250.00 for freight for a total of \$21,392.73.

*Commissioner Palmer motioned to approve purchasing snowplow bids from Welborn Sales, Salina, KS in the amount of \$21,392.73. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #5 – CONSIDER APPROVAL OF A MATERIALS STOCKPILE AGREEMENT FOR A TEMPORARY STOCKPILE LOCATION SOUTH OF POTWIN FOR USE BY THE HIGHWAY DIVISION OF THE DEPARTMENT OF PUBLIC WORKS**

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a materials stockpile agreement for a temporary stockpile location south of Potwin. The agreement allows the County to use the site until April 1, 2012 with an option for 2 additional 1 year extensions. The cost of the lease is \$1,200 per year for 2.2 acres.

*Commissioner Masterson motioned to approve a lease agreement with James and Elizabeth Pearce for a 2.2 acre materials stockpile area located south of Potwin at the northeast corner of the intersection of NW 70<sup>th</sup> St. and NW Diamond Rd. at \$1,200 per year for a minimum of 1 year with an option to add up to 2 additional 1-year terms and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #6 – CONSIDER APPROVAL TO ENTER INTO AN AGREEMENT WITH KDOT FOR THE BUTLER COUNTY NOXIOUS WEED DEPARTMENT TO TREAT NOXIOUS WEEDS ALONG STATE HIGHWAYS IN BUTLER COUNTY**

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of an agreement with KDOT to treat noxious weeds along state highways in Butler County.

*Commissioner Wheeler motioned to approve the County Agreement to Treat Noxious Weeds with KDOT for the year 2011 and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #7 – CONSIDER APPROVAL TO ACCEPT THE CDBG GRANT, AUTHORIZE THE CHAIR TO SIGN, AND APPROVE INDIVIDUALS AUTHORIZED TO SIGN A REQUEST FOR PAYMENT**

Will Johnson, County Administrator, came before the Board for approval to accept the CDBG Grant and approve individuals authorized to sign a request for payment. The State of Kansas has selected the SCMHCC application for an award of \$400,000. The CDBG funds being awarded are contingent upon the approval and receipt of funds by the State of Kansas from the US Department of Housing and Urban Development, which are contingent on the reconciliation of the budget between the Senate and House. Those individuals authorized to sign a request for payment are Finance Director Brandon Kauffman, County Clerk Ron Roberts, and County Administrator Will Johnson.

*Commissioner Woydziak motioned to accept the CDBG grant, authorize the Chair to sign, and approve individuals authorized to sign a request for payment. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**APPROVAL OF VOUCHERS**

*Commissioner Woydziak motioned to approve the vouchers for March 1, 2011 in the amount of \$618,475.70. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**COMMISSION ADDS & ABATES**

*Commissioner Masterson motioned to approve Adds & Abates #2474 dated March 1, 2011; Adds in the amount of \$774.78 and Abates in the amount of \$61,508.08. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

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

Commissioners Woydziak and Harris attended a meeting with the Secretary of Revenue to discuss the TransCanada appeal to COTA as well as repair of the roads. The Secretary has recommended denial of the exemption because it does not meet statutory requirements.

Commissioner Woydziak noted a Planning & Zoning issue on 150<sup>th</sup> St. Rod Compton, Planning & Zoning Director explained the protest process.

Commissioner Harris reported the City of Augusta has scheduled a public hearing on March 7<sup>th</sup> for input on the proposed revisions to the city's Neighborhood Revitalization Program.

Commissioner Harris noted a letter from a constituent regarding a neighbor riding ATVs along his property line. He is requesting ATV use and noise to be controlled by the Commissioners. Commissioner Harris suggested the constituent speak to the neighbor. The Commissioners concluded that this is not something in which the County Commission should be involved.

Commissioner Harris will be attending the Butler County Conservation District meeting tomorrow morning.

Commissioner Wheeler received a complaint about the Motor Vehicle office not being handicapped accessible for those in wheel chairs. Administrator Johnson noted there is a station in the office with a slide-out drawer for signatures.

Commissioner Wheeler mentioned the CERT volunteer recognition dinner on March 22, 2011, and Commissioner Woydziak stated he would be there.

Commissioner Wheeler will attend the meeting on Thursday, March 3<sup>rd</sup>, at 11:30 a.m. at Frontier Refinery regarding an update on the merger with Holly Refining Company.

Canvassing of the 2011 Primary Election will be Friday, March 4<sup>th</sup> at 9:00 a.m. The canvassing Board will consist of Commissioners Palmer and Wheeler, Darryl Lutz will serve for Commissioner Woydziak, Rene Bender will serve for Commissioner Harris, and Will Johnson will serve for Commissioner Masterson.

Administrator Johnson proposed Friday, April 15<sup>th</sup>, for the ribbon cutting for the Communication System at the Augusta Tower.

Administrator Johnson stated Kristy Williams, REAP Chair, is asking the Commissioners to pass a resolution of support for the Kansas Affordable Airfares Program.

***Commissioner Woydziak motioned to approve Resolution 11-03, a resolution in support of the Kansas Affordable Airfares Program. Commissioner Harris seconded the motion. Motion carried 5-0.***

Administrator Johnson stated the Local Environmental Protection Program (LEPP) provides funding for sanitary sewer inspections and is at risk through the state. Administrator Johnson encouraged the Commissioners to send an e-mail to the Governor to protect the LEPP fund.

Administrator Johnson noted that Butler Community College hosts a yearly fundraiser for athletics and 3.2 beer is provided by Demo Sales. The State Alcohol Beverage Control (ABC) Board is requiring a Cereal Malt Beverage (CMB) license to be purchased for the event. Administrator Johnson will apply for the CMB license on behalf of the County.

Commissioner Harris stated the next Quad County meeting would be Monday, March 21<sup>st</sup>, in Hutchinson.

Mr. Lutz reminded the Board of the Public Hearing on Tuesday, March 8<sup>th</sup> for the vacation of Dike Rd. and noted the Annual Township Meeting would be on Monday, March 14<sup>th</sup>.

## **ADJOURNMENT**

***Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:15 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.***