

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 3, 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 Paula Stoskopf.

APPROVAL OF MINUTES

Commissioner Masterson motioned to approve the minutes of the Butler County Commission Meetings of Monday, April 25, 2011, and Tuesday, April 26, 2011 as written. Commissioner Woydziak seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

Jeff Masters, 1958 Jamaica, El Dorado, KS, owner of property at 1827 SE 20th, El Dorado; came before the Board to request additional consideration of his desire to build a dirt bike track on his property on SE 20th. Commissioner Harris noted that on March 15, 2011, the Board had voted that this would not be in conformance with the Butler County Comprehensive Plan and authorized staff to send a letter to the El Dorado City Planning Commission stating their decision. Mr. Harris stated that the City could choose to either agree with or over turn their decision. Mr. Masters stated that this had gone before the City and that he was returning to ask the BOCC to revisit their decision. Commissioner Woydziak verified with Mr. Rod Compton, Director of Planning & Development, whether or not this CUP fit within the County's Comprehensive Plan. Mr. Compton stated that it did not. It was the consensus of the Board that it was not necessary to revisit this issue. Commissioner Masterson stated that he supported Mr. Master's right to do whatever he wanted to on his own land and there was nothing personal involved in this decision. Commissioner Masterson noted that if Mr. Masters wanted to get utilities and the access to a paved road lined out, then this may present a different picture and he could revisit the Board with his proposal. Commissioner Palmer encouraged Mr. Masters to get his neighbors on board with this proposal. Mr. Masters stated that he would return to the Board next week.

ITEM #1 – REVIEW AND CONSIDER APPROVAL OF THE USE OF RAIL FUNDS TO FUND A LOAN REQUEST FROM CLEAN FUTURES, LLC, IN THE AMOUNT OF \$100,000 FOR THE CONSTRUCTION OF A NEW MANUFACTURING FACILITY, THE RENOVATION OF AN EXISTING FACILITY, PURCHASE OF INVENTORY AND PROVIDE SOME WORKING CAPITAL

David A. Alfaro, Economic Development Director, came before the Board for review and approval of the use of Rail Funds to fund a loan request from Clean Futures, LLC, in the amount of \$100,000.00 for the construction of a new manufacturing facility, the renovation of an existing facility, purchase of inventory and provide some working capital for their company. Mr. Alfaro explained that approval of this loan request would not put a hardship on the balance of the Rail Funds as there is approximately \$404,000.00 available for Business & Industrial Development in this fund. The loan is to be for a 7-year period with an interest rate of 6%. The facility will be located at 4th & Vine, El Dorado, KS, in the old icehouse.

Commissioner Woydziak motioned to approve the loan request from Staff to assist Clean Futures, LLC, with a loan in the amount of \$100,000.00 from the County Rail Funds for the construction of a new manufacturing facility, renovation of an existing facility, the purchase of inventory and providing funds for working capital with terms to be set at 6% for 7-years. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #6 – WORK SESSION – ROBERT JOHNSON PROPERTY

Will Johnson, County Administrator, asked Mr. Rod Compton, Planning & Development Director, to come before the Board and present the time line of events regarding the Robert Johnson property. Administrator Johnson reported that this property will be 3 years delinquent on taxes this May and would not go on the tax sale until the year of 2012. After much discussion, Commissioner Harris stated that the decision that needed to be made was based on a request from last week to waive the \$58,670.00. Mr. Harris stated that he would like to reiterate what he said last week. That this issue has gone on for a long period of time and it didn't get cleaned up; and it has gone through the court system. For the Board to do anything with this, would just pass it along to the taxpayers of this County. Our population is basically 65,000. This would almost be a \$1.00 for every man, woman and child in this County for a property owner that went through the court system and refused to clean his property up. Commissioner Harris said that he found that just unacceptable and there was no way that he would vote to reduce that. He stated that he was in consensus with reducing the interest last week based on the fact that the property owner was probably going to pay their taxes, pay this off, and go on about business. The base amount of \$58,760.00 has already been paid by the County taxpayers and to waive that amount, he could not support. Mr. Roger Payton, 6119 SW 200th, Douglass, KS, came before the Board to speak on Mr. Johnson's behalf. Mr. Robert Johnson, 19506 SW Hunter Road, Douglass, KS, came before the Board to plead his case one additional time before the Board made their decision. Mr. Johnson thanked the Board for the time they had spent considering his case. Commissioner Masterson stated that since the tax sale was not imminent, he wanted to ask Mr. Johnson what portion of this amount he could pay. Commissioner Masterson noted that he is not personally opposed to forgiving part of this bill. Mr. Masterson felt that Mr. Johnson would restore credibility if he could commit to paying part of the amount owed. Then, the Board could look at forgiving another piece or the rest of the amount. Mr. Johnson stated that he could sell his property for \$30,000.00 and have the right to live there until he dies under someone else's stewardship of the land. Administrator Johnson stated that the Board could make a motion to afford this, and then he would bring a Resolution to the Board to reflect this decision.

Commissioner Masterson motioned to approve a settlement of \$30,000.00, with the waiver of penalties and interest to be paid by July 29, 2011, at which time, if the \$30,000.00 has not been paid, it will revert back to the original assessment of \$58,670.00 plus penalties and interest. Commissioner Palmer seconded the motion. Motion carried 4-1. Commissioner Harris was opposed.

RECESS

Commissioner Harris recessed the Board meeting at 10:35 a.m. for 5 minutes.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:42 a.m.

ITEM #5 – RECEIVE AND OPEN SEALED BIDS FOR CULVERT LETTING NO. 66, THE CONSTRUCTION OF 12 REINFORCED CONCRETE BOX STRUCTURES THROUGHOUT BUTLER COUNTY – 10:00 A.M.

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to receive and open sealed bids for Culvert Letting No. 66, the construction of 12 reinforced concrete box structures throughout Butler County. Mr. Lutz requested to tabulate and review the bids to be opened and to make a recommendation for action at a later time. The engineer’s estimate was \$383,105.00.

The following bids were received –

<u>Contractor:</u>	<u>Total Bid:</u>
Turnkey, Inc., Andover, KS	\$351,450.00
Klaver Construction, Kingman, KS	\$358,515.50 – Incomplete Bid
Reece Construction, Salina, KS	\$401,787.00
J & J Contractors, Inc., Iola, KS	\$404,301.00
Ebert Construction, Wamego, KS	\$425,083.66
Max Jantz Excavating, Montezuma, KS	\$439,463.90

Commissioner Harris motioned to accept the bids received for Culvert Letting No. 66 for the construction of twelve (12) reinforced concrete box structures throughout Butler County and direct the County Engineer to tabulate and review the bids and to return at a later time with a recommendation for action. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #4 – WORK SESSION - DIKE ROAD RE-ALIGNMENT PROPOSAL FOR AUGUSTA LEVY PROJECT

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to discuss the proposed Dike Road re-alignment project related to the Augusta Levy Project. The engineer for the City of Augusta prepared a preliminary cost estimate to relocate the connection of Dike Road at US-400. The cost is estimated to be \$127,000.00. Some issues have risen with regards to leaving the connection in the current location. Mr. Martin Goedecke, Goedecke Engineering Co., came before the Board to answer questions regarding this project and the different options available. Mr. Lutz requested input from the County Commission on how to proceed with this project.

Commissioner Palmer motioned to direct Staff to proceed with developing an agreement with the City of Augusta that the County participate up to the amount of \$50,000.00 to widen the proposed relocated Dike Rd to a major collector road standard to accommodate a future paved road based upon the concept presented by the County Engineer and bring the agreement back to the County Commission and the City of Augusta Commission for approval. Commissioner Masterson seconded the motion. Motion carried 3-2. Commissioner Harris and Commissioner Woydziak were opposed.

Mr. Lutz informed the Board that he would contact KDOT to see if they have any interest in participating in this connection.

ITEM #2 – CONSIDER APPROVAL OF THE CONTRACT FOR THE BRIDGE REHABILITATION CONSTRUCTION PROJECT ON THE EAST BRANCH WHITEWATER RIVER BRIDGE ON NW RIVER VALLEY ROAD NORTH OF POTWIN

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of a contract for the bridge rehabilitation construction project on the East Branch Whitewater River Bridge on

NW River Valley Road north of Potwin. The bid was awarded to King Construction Co., Hesston, KS, on April 19, 2011. Mr. Lutz presented the final contract to the Board for the Chairman's signature.

Commissioner Harris motioned to approve the contract with King Construction Co., Inc., Hesston, KS, in the low bid amount of \$366,198.65 for Project No. BR 5E5-24-4 (11), the bridge rehabilitation project over the East Branch Whitewater River on NW River Valley Road and authorize the Chair to sign the contract. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF THE ACCEPTANCE OF RIGHT-OF-WAY DEDICATION RELATED TO THE SW BOYER ROAD RELOCATION PROJECT AT SW 55TH STREET

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for acceptance of right-of-way dedication related to the SW Boyer Road relocation project at SW 55th Street. The property owner agreed to dedicate the tract needed for temporary construction easement at a cost of \$250.00.

Commissioner Woydziak motioned to accept the dedication of right-of-way related to Project No. 8 C-0067-01, a Butler County federal aid project to relocate SW Boyer Road and SW 55th from the Dankert Family Investments, LLC, for a 0.05 acre tract of land for temporary construction easement for a cost of \$250.00 and authorize the Chair to sign the dedication. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #7 – WORK SESSION – CIP PLAN

Brandon Kauffman, Butler County Financial Advisor, came before the Board to discuss the EMS section of the Capital Improvement Plan. Grant Helferich, EMS Director, was present for the discussion. No action was taken.

ITEM #8 – WORK SESSION – FINANCES FOR THE COMMUNICATIONS SYSTEM

Brandon Kauffman, Butler County Financial Advisor, came before the Board to discuss the finances for the Communications System. The Board requested clarification of the information presented regarding expenses. Mr. Kauffman will return next week with the information requested. No action was taken.

ITEM #9 – WORK SESSION – PERSONNEL POLICIES

Due to time constraints, this item was tabled to next week.

ITEM #10 – WORK SESSION – SOCIAL MEDIA POLICY

Due to time constraints, this item was tabled to next week.

COMMISSION ADDS & ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2483 dated May 3, 2011; Adds in the amount of \$641.32 and Abates in the amount of \$1,048.00. Commissioner Woydziak seconded the motion. Motion carried 5-0.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for May 3, 2011 in the amount of \$460,779.60. Commissioner Woydziak seconded the motion. Motion carried 5-0.

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

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval to purchase pipe for a small culvert replacement project on a county gravel road on NW 40th. The low bid from Wellborn Sales, Inc., Salina, KS, came in over \$5,000.00; therefore Mr. Lutz was required to bring it before the Board for approval.

Commissioner Harris motioned to approve the purchase of corrugated metal pipe culverts from Welborn Sales, Inc., Salina, KS, in the total delivered amount of \$5,463.36 for a culvert replacement project on NW 40th Street near the Sedgwick County Line. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioner Woydziak voiced congratulations to our service men and women for taking out Osama Bin Laden. They did a good job and it was a proud day for all of us.

Commissioner Harris received a thank you note from Debbie Dolecek, Andover Historical Society, for the building removal.

Commissioner Wheeler asked Administrator Johnson to report on the Buckaroo Ball. Mr. Johnson stated that it went well and had a great turn out. The live auction was very nice and looked like it made some serious money.

Administrator Johnson informed the Board that the agenda for next week would include appointments for the Solid Waste Committee and Flinthills Services.

Administrator Johnson provided the Board with brochures on the Governor's Golf & Fish Classic. It will be held at Prairie Trails and the El Dorado Lake. He has been asked to guide in the fishing tournament.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 12:20 p.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.