

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, October 11, 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, County Administrator Will Johnson, Jr., and Clerk Recorder Paula Stoskopf. Commissioner Dan Woydziak was absent.

APPROVAL OF MINUTES

Commissioner Masterson motioned to approve the minutes of the Butler County Commission meeting of Tuesday, October 4, 2011, as written. Commissioner Palmer seconded the motion. Motion carried 4-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – CONSIDER APPROVAL OF ACCEPTANCE OF DEDICATIONS FOR PAUL AND SUE CLARK LOT SPLIT

Rod Compton, Director of Planning & Development, came before the Board for Acceptance of Dedications for Paul and Sue Clark lot split. The property is located approximately ¼ mile west of SW Haverhill Road on the north side of SW 80th Street. The Butler County Planning Commission considered this request on Tuesday, October 4, 2011, and approved the lot split by a 6 to 0 vote.

Commissioner Masterson motioned to accept the dedications submitted for the Paul and Sue Clark lot split survey, and authorize the Chairman to sign the dedication(s). Commissioner Harris seconded the motion. Motion carried 4-0.

ITEM #2 – HOLD PUBLIC HEARING TO CONSIDER ADOPTION OF REVISED SANITARY CODE

Rod Compton, Director of Planning & Development, came before the Board for a Public Hearing to consider adoption of revised Sanitary Code. A Notice of Public Hearing was published in accordance with state statutes for three consecutive weeks in the Augusta Gazette. Mr. Compton stated that changes proposed by the BOCC in January, 2011, and those required by the KDHE have been made and were ready for review. These changes merely clarified definitions or other aspects of the code.

Commissioner Harris opened the Public Hearing at 9:09 a.m. and invited those who would like to speak on this matter to come before the Board. Mr. Roger Cutsinger, Goedecke Engineering, spoke in favor of the proposed changes. Mr. Compton reviewed the proposed changes with the Board.

Commissioner Harris recessed the Public Hearing at 10:20 a.m.

RECESS

Commissioner Harris recessed the Board meeting at 10:20 a.m. for 5 minutes.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:25 a.m.

ITEM #4 – CONSIDER APPROVAL TO ALLOW THE DEPARTMENT ON AGING DIRECTOR TO ORDER AND PURCHASE A 13 PASSENGER WHEELCHAIR LIFT EQUIPPED MINIBUS FOR THE 5311 GENERAL PUBLIC TRANSPORTATION

Crystal Noles, Department on Aging Director, came before the Board for approval to order and purchase a replacement 13 passenger wheelchair lift equipped mini bus for the 5311 General Public Transportation program, not to exceed \$5,172.00, as approved by KDOT in the 5311 2012 Grant Application. KDOT covers 80% of the total cost of all vehicles purchased under the 5311 program. The County's cost is 20%, which would be \$10,794.00.

Commissioner Wheeler motioned to approve the Department on Aging Director to order and purchase a 13 passenger wheelchair lift equipped mini bus for the 5311 General Public Transportation, at a cost not to exceed \$54,172.00 as approved in the 5311 2012 Grant Application through KDOT. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #7 – HOLD PUBLIC HEARING FOR THE PROPOSED VACATION OF NE 80TH STREET AT THE CROSSING WITH THE BNSF AND SW 55TH STREET AT THE CROSSING WITH THE BNSF – 10:00 A.M.

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to hold a Public Hearing for the proposed vacations of NE 80th Street at the crossing with the BNSF and of SW 55th Street at the crossing with the BNSF. Mr. Lutz requested separate Public Hearings for each closing.

Commissioner Harris opened the Public Hearing for the location of NE 80th Street at 10:35 a.m. Mr. Lutz presented information regarding the closing or vacating of the crossing with the BNSF located on NE 80th in Chelsea Township. Commissioner Harris opened the floor to receive public comments. The following citizens spoke not only in favor of the crossing closing, but also in favor of a road vacation –

Doris Klontz, 8043 NE Ellis Road

David Stackley, Chelsea Township Trustee

Mr. Lutz explained that today's business was for the crossing only and that he would need to initiate the road vacation at a later date due to the need for required publications before that business could be addressed.

Commissioner Harris closed the Public Hearing regarding NE 80th Street at 10:44 a.m.

Commissioner Harris opened the Public Hearing for the location of SW 55th Street at 10:45 a.m. Mr. Lutz explained the history behind the need for the closing of the crossing only with the BNSF located on SW 55th Street. Mr. Lutz noted that a road vacation would be an inconvenience at this time for the property owners who are located on this stretch of SW 55th. Commissioner Harris opened the floor to receive public comments. There were no public comments.

Commissioner Harris closed the Public Hearing regarding SW 55th Street at 10:49 a.m.

ITEM #8 – CONSIDER APPROVAL OF ORDER APPROVING THE VACATION OF A PORTION OF NE 80TH STREET AT THE CROSSING OF THE BNSF IN CHELSEA TOWNSHIP AND AUTHORIZE THE CHAIR TO SIGN

Commissioner Wheeler motioned to approve an order approving the vacation of a portion of NE 80th Street at the crossing of the BNSF in Chelsea Township and authorize the Chair to sign; and directed Staff to proceed with the process to vacate the remainder of NE 80th Street over to Ellis Road. Commissioner Palmer seconded the motion. Motion carried 4-0.

ITEM #9 – CONSIDER APPROVAL OF ORDER APPROVING THE VACATION OF A PORTION OF SW 55TH STREET AT THE CROSSING OF THE BNSF IN EL DORADO TOWNSHIP AND AUTHORIZE THE CHAIR TO SIGN

Commissioner Palmer motioned to approve an order approving the vacation of a portion of SW 55th Street at the crossing of the BNSF in El Dorado Township and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #2 – HOLD PUBLIC HEARING TO CONSIDER ADOPTION OF REVISED SANITARY CODE - CONCLUSION

Commissioner Harris re-opened the Public Hearing to consider adoption of revised Sanitary Code at 10:50 a.m. Mr. Compton completed the review of the proposed changes. The Board reviewed and discussed the changes as described by Mr. Compton. The Board presented Mr. Compton with their recommendations. It was the consensus of the Board that they should and need to maintain oversight of the Code as the elected officials of Butler County. Mr. Compton concurred.

Commissioner Harris closed the Public Hearing to consider adoption of revised Sanitary Code at 11:19 a.m.

ITEM #3 – CONSIDER APPROVAL OF THE PROPOSED AMENDMENTS TO THE BUTLER COUNTY SANITARY CODE AND AUTHORIZE CHAIR TO SIGN RESOLUTION NO. 11-31

Commissioner Wheeler motioned to find that the proposed amendments to the Butler County Sanitary Code would enhance the ability of Butler County to protect the health and safety of its citizens while allowing the consideration of a wide range of development options, and hereby authorize the Chairman to sign Resolution No. 11-31. Commissioner Harris seconded the motion. Motion carried 3-1. Commissioner Palmer voted no because the Code allows the courts the authority to imprison someone who is not in compliance and she felt that was too severe.

ITEM #5 – CONSIDER APPROVAL OF THE AWARD OF PURCHASE FOR PIPE CULVERTS FOR THE HIGHWAY DIVISION OF THE PUBLIC WORKS DEPARTMENT

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for the award of purchase for pipe culverts for the highway division of the Public Works Department. Pipe culvert sealed bids were received by the Department of Public Works and opened by the BOCC on Tuesday, October 4, 2011. The low bid was received from Hizey Sales & Service, Augusta, Kansas.

Commissioner Masterson motioned to approve the purchase of galvanized corrugated metal pipe culverts from Hizey Sales and Service, Augusta, Kansas, in the low bid amount of \$18,332.39. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER APPROVAL FOR WORK TO REPAIR THE FIRE DAMAGED DUMP BODY AND TO TRANSFER AND INSTALL TRUCK BODY EQUIPMENT TO NEW TANDEM TRUCK CHASSIS

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval to repair the fire damaged tandem axle dump truck that caught fire and was destroyed during the summer of 2011. The insurance company has settled with the County on the value of the damaged truck and a new chassis was approved for purchase and is scheduled for delivery in 30 days. Midwest Truck Equipment inspected the truck body and accessories on the damaged truck and have prepared a proposal to make required repairs, install new items that were damaged, re-paint the truck body and to transfer all required equipment to the new tandem truck chassis at a proposed cost of \$11,468.24.

Commissioner Masterson motioned to approve the cost proposal from Midwest Truck Equipment, Wichita, KS, in the not to exceed amount of \$11,468.24 to make necessary dump truck body repairs and to transfer all truck body equipment from the fire damaged dump truck to the new dump truck chassis upon delivery. Commissioner Harris seconded the motion. Motion carried 3-1. Commissioner Wheeler voted no due to this business being linked to the purchase of the Peterbilt chassis on October 4, 2011.

ITEM #10 – WORK SESSION – AUGUSTA HEALTH CLINIC

Will Johnson, County Administrator, Janice Powers, Butler County Health Department Director, and Jim Schmidt, Emergency Management, came before the Board to discuss ways to better serve the citizens of Augusta and to utilize the Staff of the Health Department. Proposals were discussed that would accomplish this goal and also allow Emergency Management to utilize more of the space in the Augusta Public Safety Building. No action was taken.

ITEM #11 – WORK SESSION – HISTORICAL SOCIETIES

Will Johnson, County Administrator, came before the Board to review the Funding Formula used to calculate the funding levels for the Historical Societies located in Butler County.

ITEM #12 – WORK SESSION – 3RD QUARTER FINANCIAL REPORT

Brandon Kaufmann, Finance Officer, came before the Board to present an overview of the 3rd Quarter Financial Report. Ruth Fechter, County Treasurer, presented the Idle Funds Report representing the earnings received from January through September 2011.

Mrs. Fechter updated the Board on the Motor Vehicle Software Conversion coming December 1st through 7th, 2011. The State will be running an ad campaign to inform the public that the Motor Vehicle Office will be closed during that time. Commissioner Harris inquired if citizens would incur any penalties during this time frame because of not being able to do their business. Mrs. Fechter stated that the State had taken that into account and penalties would not be assessed.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for October 11, 2011, in the amount of \$717,405.54. Commissioner Masterson seconded the motion. Motion carried 4-0.

COMMISSION ADDS & ABATES

There were no Adds & Abates for Tuesday, October 11, 2011.

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

Commissioner Harris stated that he and Commissioner Wheeler received an invitation to an open house for El Dorado, Inc. for the Savage Railroad Yard opening up this Thursday.

Administrator Johnson informed the Board that he would be taking vacation on Friday, October 14th and Friday, October 21st.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 12:27 p.m. Commissioner Masterson seconded the motion. Motion carried 4-0.