

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, October 25, 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 meeting of Tuesday, October 18, 2011, as written. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**PUBLIC COMMENTS**

Mr. James Daugherty, 680 Cedar; Benton, KS, came before the Board to request the rezoning of 30.2 acres located at 13434 SW 15<sup>th</sup>. This property is currently zoned as agricultural land with an APO. Mr. Daugherty requested a 5 acre lot split to build on and would retain the rest as agricultural land. He has a contingent offer on this land if he can build. It was the consensus of the Board, Rod Compton, Planning & Development Director, and Administrator Johnson that this request should be initiated by the landowner. The Board directed Mr. Daugherty to go back to the property owner and request him to come before the Board to make the request to have the APO lifted. Mr. Daugherty asked the Board of the likelihood of this being granted.

Commissioner Woydziak stated that the Board cannot set the precedent of not upholding APO's. The Board also noted that due to the lack of access to public utilities and developed roads, it would make this request difficult. Commissioner Masterson reiterated that the landowner would need to initiate this request before the Board could make any consideration of the matter. Mr. Daugherty thanked the Board for their time.

**ITEM #1 – CONSIDER APPROVAL TO ACCEPT RIGHT-OF-WAY DEDICATION OF 40 FEET FOR SW 80<sup>TH</sup> STREET IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 27 SOUTH, RANGE 5 EAST OF THE 6<sup>TH</sup> P.M., BUTLER COUNTY, KANSAS**

Rod Compton, Director of Planning & Development, came before the Board to accept Right-of-Way Dedication of 40 feet for SW 80<sup>th</sup> Street in the Southwest Quarter of Section 7, Township 27 South, Range 5 East of the 6<sup>th</sup> P.M., Butler County, Kansas. The property is within the City of Augusta's extra-territorial jurisdiction for zoning and subdivisions; however, the County still requires the dedication of additional road right-of-way where needed. The applicant, Timothy Berndsen, has submitted an agreement to dedicate the right-of-way easement. The BOCC needs to accept prior to this being recorded in the Register of Deed's Office. The City of Augusta has approved this request.

*Commissioner Masterson motioned to accept the right-of-way easement dedication and authorize the Chairman to sign the dedication agreement. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #2 – CONSIDER APPROVAL OF REQUEST BY LAWRENCE BESSENT TO REZONE 40 ACRES FROM AN AG-40 ZONING CLASSIFICATION TO AN RR RURAL RESIDENTIAL ZONING CLASSIFICATION**

Rod Compton, Director of Planning & Development, came before the Board to consider a request to rezone 40 acres from an AG-40 zoning classification to an RR Rural Residential zoning classification. The owner, Lawrence Bessent, is requesting the rezoning of the 40 acres surrounding the residence in order to separate the property into two sites. One would contain the residence and the other proposed site would be eligible for a building permit for a residence. The Planning Commission approved this request by a unanimous vote.

*Commissioner Masterson motioned to approve the request by Lawrence Bessent to rezone 40 acres described as: The West Half of the West Half of the Northeast Quarter of Section 23, Township 26 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas, from an AG-40 Agricultural classification to an RR Rural Residential classification because it is felt the request is in conformance to the County's Comprehensive Plan and hereby authorize the Chairman to sign Resolution No. 11-32 granting such change. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE MAINTENANCE AGREEMENT WITH LIEBERT AND AUTHORIZE THE CHAIR TO SIGN**

Chris Davis, 9-1-1 Director, came before the Board to consider the Maintenance Agreement with Liebert for the battery backup (UPS) system in the East Annex. This system maintains the flow of electricity between the time we lose power from the utility grid and the time the automatic transfer switch supplies generator power. Entering into this agreement will insure the fastest response time from technicians, parts coverage, and provide for annual preventative maintenance. Funds to cover this agreement are available from the 9-1-1 Operating Budget.

*Commissioner Woydziak motioned to recommend approval of the annual maintenance agreement with Liebert for the 9-1-1 UPS in the amount of \$3,048 and authorize the Chair to sign. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #4 – CONSIDER APPROVAL OF THE LOISLAW SUBSCRIPTION LICENSE AGREEMENT FOR THE BUTLER COUNTY DETENTION CENTER AND AUTHORIZE THE CHAIR TO SIGN**

Dennis Phillips, Butler County Detention Center, came before the Board for approval of a one year license agreement with Loislaw. A law library is required to meet the American Correctional Association Standards 4-ALDF-6A-03, Immigration and Customs Enforcement, and a Federal ruling, *Ex Parte Hull*, 312 U.S. 546 (1941). A law library containing hardback books was established at the Butler County Detention Center when it was opened in 2003 and has not been updated since. It would cost in excess of \$5,000 to \$6,000 a year to continue to provide a library with hardback books. Mr. Phillips explained that there are two online services available and are recognized to be highly reliable. The annual cost for Westlaw is \$2,520 and Loislaw is \$1,500. Staff recommended the purchase of Loislaw, because it will provide all legal needs at a much lower price than the hardback books or the other online service.

*Commissioner Masterson motioned to approve the one year Loislaw Subscription License Agreement at the cost of \$1,500 and allow the Chairman to sign. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Palmer voted no.*

The Board requested Mr. Phillips to give an update on the jail count and inquired if the hiring process had improved since the pay increase was approved.

**ITEM #6 – CONSIDER APPROVAL TO AWARD THE LOW BID OF \$31,479.05 TO MI-TE ELECTRIC FOR THE UPGRADING OF THE ELECTRICAL SYSTEM TO THE HISTORIC COURTHOUSE**

Dan Ingalls, Director of Facilities Management, came before the Board to award the bid for Electrical Upgrade to the Historic Courthouse. Staff recommended accepting the low bid from MI-TE Electric, Augusta, KS, for the total amount of \$31,479.05. This included the base bid of \$19,602.85 and two optional bids for the amount of \$5,501.95 and \$6,375.15. Funds will be made available for this project through a matching grant with the National Park Service and the National Trust for Historic Preservation. The County's portion will come from Fund 85.

*Commissioner Palmer motioned to award the low bid of \$31,479.05 to MI-TE Electric for the Upgrading of the Electrical System to the Historic Courthouse. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**RECESS**

Commissioner Harris recessed the Board meeting at 10:04 a.m. for 5 minutes.

**RECONVENE**

Commissioner Harris reconvened the Board meeting at 10:15 a.m.

**ITEM #5 – RECEIVE A REPORT ON OPTIONS FOR REHABILITATING THE THUNDER ROAD BRIDGE OVER THE WHITEWATER RIVER SOUTHWEST OF AUGUSTA AND CONSIDER PROCEEDING WITH DESIGN WORK**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to receive a report on options for rehabilitating the Thunder Road Bridge over the Whitewater River southwest of Augusta and consider proceeding with design work. The County has had this project in its CIP for 2014 due to severe deterioration in the bridge deck concrete. The deterioration has advanced very rapidly to the extent that "punch out" type failures are beginning to occur. The BOCC authorized moving this forward to 2012 and entered into an agreement with Finney & Turnipseed in July 2011 to provide for the engineering study to determine the costs and potential benefits and disbenefits of various options which included replacing the bridge deck, replacing the entire superstructure or replacing the entire bridge, and possibly adding a multi-use path on one side of the bridge. Mr. Lutz reviewed the engineering report with the Board. Other projects will be re-prioritized to allow sufficient funds to build this project.

*Commissioner Palmer motioned to approve accepting the recommendation to proceed with design for the option of replacing the existing Thunder Road Bridge over the Whitewater River with a new pre-stressed concrete beam bridge to include a 10' multi-use path that will meet all current geometric and bridge design standards and will increase the waterway opening of the bridge in lieu of the option of replacing the concrete deck on the existing bridge superstructure and to authorize Finney & Turnipseed, LLC, Topeka, KS, to proceed with design and plan preparations in accordance with Phase 2, Option C of the engineering agreement approved in July 2011; and to have the County Engineer return at a later time to discuss whether to build the 10' multi-use path at this time. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Mr. Lutz updated the Board on the Bird Creek Bridge and NW River Valley Bridge Projects. He also reported that there was a sewer backup in Rosalia on Saturday, October 22<sup>nd</sup>. Mr. Lutz stated that he would follow up with this issue and report back to the Board. The Board requested an update on the Keystone Project regarding the road repairs and maintenance agreement.

**ITEM #7 – CONSIDER SOLICITATION OF BIDS FOR REPLACEMENT OF THE COUNTY FLEET MINI-VAN**

Will Johnson, Jr., Butler County Administrator, came before the Board to consider approval for solicitation of bids for the replacement of the County Fleet 2006 Mini-Van, which has over 101,000 miles. Mr. Johnson explained that this vehicle is primarily utilized as a trip vehicle and has saved the County approximately \$8,849 over its life as opposed to paying mileage to employees or renting vehicles. The van will be transitioned to the Elections Department to be utilized within the County for transporting voter machines to and from polling places and transportation for employees to and from the location where machines are stored and maintained. Funds are budgeted for replacement of this vehicle in the 2011 CIP.

*Commissioner Woydziak motioned to approve the solicitation of bids for the purchase of replacement County Fleet Mini-Van. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Palmer voted no.*

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

Administrator Johnson informed the Board that former Sheriff Craig Murphy is being recognized by the State Sheriff's Association on Thursday, November 10<sup>th</sup>, in Hutchinson as Sheriff of the Year. Administrator Johnson asked the Board to let him know as soon as possible if he would like to attend as reservations are due this week.

Commissioner Harris noted the KAC Conference to be held November 13 – 15, 2011.

Administrator Johnson stated that he received a letter from the City of Augusta regarding fence encroachments. He will follow-up and report back to the Board.

Administrator Johnson noted that Saturday, November 5<sup>th</sup> will be the 4-H Achievement Night. He will be attending. He asked the Board to let him know if they would like to attend as reservations are needed.

**ITEM #8 – WORK SESSION – COMMISSION RE-DISTRICTING**

Ron Roberts, County Clerk, came before the Board to present different options available for the Commission re-districting. It was the recommendation from Staff to leave the current boundaries alone and re-visit this issue in one year when ward and precinct boundaries can also be changed if necessary. Mr. Roberts recommended waiting until January 2013 to make any proposed changes. The Board concurred. Commissioner Harris noted that this time frame would also allow the time needed to obtain input from the communities in the County.

*Commissioner Harris motioned to approve the recommendation to wait until after the General Election of 2012 to finalize any kind of re-districting. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

Administrator Johnson dismissed himself from the meeting at 11:19 a.m. as he was speaking at a luncheon today.

#### **APPROVAL OF VOUCHERS**

*Commissioner Woydziak motioned to approve the vouchers for October 25, 2011, in the amount of \$249,533.05. Commissioner Masterson seconded the motion. Motion carried 5-0.*

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

*Commissioner Wheeler motioned to approve Adds & Abates #2504 dated October 25, 2011; Adds in the amount of \$0.00 and Abates in the amount of \$22,261.46. Commissioner Harris seconded the motion. Motion carried 5-0.*

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

Commissioner Wheeler noted that he had received an invitation to Justice Is Served on Friday, November 11<sup>th</sup>. If any Commissioner would like to attend, please let him know.

#### **ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:31 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.*