

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 20, 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, Finance Director Brandon Kauffman, and Clerk Recorder Tammy Bridges. County Administrator Will Johnson, Jr., was absent.

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission meeting of Tuesday, September 13, 2011, as written. Commissioner Masterson seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – CONSIDER APPROVAL OF THE LOAN AGREEMENT AND PROMISSORY NOTE FOR A LOAN TO THE AUGUSTA SENIOR CENTER FOR A TERM OF THREE YEARS IN THE AMOUNT OF \$34,000.00 TO SATISFY IRS DEBT ACQUIRED

Crystal Noles, Department on Aging Director, came before the Board for approval of the loan agreement and promissory note for a loan to the Augusta Senior Center. The loan is for a term of three years in the amount of \$34,000.00 to satisfy IRS debt acquired by failure to pay payroll taxes for 22 quarters. The amount owed is \$51,091.78 if paid by September 30th. The Senior Center will pay the balance of the amount owed from savings they have accumulated over the past nine months. Commissioner Wheeler felt there should be some accountability from the Senior Center Board and thinks they should have resigned.

Commissioner Woydziak motioned to approve the loan agreement and promissory note between the Augusta Senior Center and Butler County and allow the Chair to sign. Commissioner Palmer seconded the motion. Motion carried 4-1. Commissioner Wheeler voted no.

ITEM #2 – CONSIDER APPROVAL OF THE GRANT CONDITIONS FOR THE TITLE V BIG BROTHERS BIG SISTERS TO RECEIVE GRANT FUNDING IN THE AMOUNT OF \$8,399.00 AND AUTHORIZE THE CHAIR TO SIGN

Ann Carpenter, Juvenile Justice Services Administrator, came before the Board for approval of the conditions to the Title V Grant awarded to Big Brothers Big Sisters to receive grant funding in the amount of \$8,399. A condition of the grant is for Big Brothers Big Sisters to write a plan on how they plan to recruit more male volunteers for the program. That plan was submitted to JJA and approved. This will be a pass through grant and there is no match required from the County; it is provided by the program with current dollars.

Commissioner Woydziak motioned to approve the grant conditions for the Title V Big Brothers Big Sisters to receive grant funding in the amount of \$8,399.00 and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF THE CONTRACT WITH SMART START OF KANSAS, LLC AND AUTHORIZE THE CHAIR TO SIGN

Ann Carpenter, Juvenile Justice Services Administrator, and Mr. Juan Montemayer, Electronic Monitoring Supervisor, came before the Board for approval of the contract with Smart Start of Kansas, LLC. This program offers home use breathalyzer units and provides monitoring of alcohol consumption. Mr. Montemayer noted this is 100% offender funded. He said right now we use a bracelet that is rented for \$10 per day. This unit ranges from \$6-\$8 per day and allows a less expensive form of monitoring. County Counselor Norm Manley has reviewed and approved the contract.

Commissioner Masterson motioned to approve the contract with Smart Start of Kansas, LLC, and authorize the chair to sign. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF THE CONTRACT REVISIONS “AMENDMENT NO. 3” WITH BI INCORPORATED AND AUTHORIZE THE CHAIR TO SIGN

Mr. Juan Montemayer, Electronic Monitoring Supervisor, came before the Board for approval of the contract revisions “Amendment No. 3” with BI Incorporated. He noted this is an amended agreement for the GPS monitoring that we provide to our clients. Increased competition in product and services is driving the cost of equipment down and providing the clients with lower costs. This results in a \$2 to \$3 reduction in the daily cost of equipment rental and better tracking. County Counselor Norm Manley has reviewed and approved the contract.

Commissioner Woydziak motioned to approve the contract revisions “Amendment No. 3” with BI Incorporated and authorize the Chair to sign. Commissioner Palmer seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER APPROVAL OF THE AGREEMENT FOR THE PROVISION OF INMATE HEALTH SERVICES AT THE BUTLER COUNTY DETENTION CENTER AND AUTHORIZE THE CHAIR TO SIGN

Dennis Phillips, Sheriff Department Business Manager, came before the Board for approval of an agreement with Advanced Correctional Healthcare (ACH) for the Provision of Inmate Health Services at the Butler County Detention Center. The annual increase is 2.5% or \$9,612.83, which brings the total annual cost to \$394,126.09. County Counselor Norm Manley has reviewed and approved the contract.

Commissioner Woydziak motioned to approve the Agreement for the Provision of Inmate Health Services at the Butler County Detention Center, Butler County, Kansas and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #8 – CONSIDER APPROVAL OF A TEMPORARY CONSTRUCTION EASEMENT AND A STOP-LOG CLOSURE AGREEMENT RELATED TO THE AUGUSTA LEVEE PROJECT

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of a temporary construction easement and a stop-log closure agreement related to the Augusta levee project. The closure structure agreement allows the City of Augusta to construct and maintain a closure structure on public road right-of-way and to install stop-logs during flooding to close off

the levee. The temporary construction easement is for the purpose of constructing a shoe-fly (temporary road) to carry Thunder Rd. traffic while a portion of Thunder Rd. is being reconstructed. The work proposed by these agreements is being paid for by the City of Augusta. County Counselor Norm Manley has reviewed the closure structure agreement and the temporary construction easement is standard form verbiage used by the County for the intended purpose.

Commissioner Palmer motioned to approve the Closure Structure Agreement with the City of Augusta for the levee crossing at Kelly Avenue and to also approve the temporary work area/right-of-way easement for the Thunder Rd. reconstruction work all related to the proposed levee improvements along the west side of the City of Augusta and authorize the Chair to sign both documents. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioner Woydziak asked Mr. Bill Keefer, Augusta City Manager, about the price of the levee. Mr. Keefer said the bids came in higher than the construction estimate and additional match money will be required from the City.

ITEM #6 – WORK SESSION – ECONOMIC DEVELOPMENT LOAN ASSISTANCE

David Alfaro, Economic Development Director, came before the Board to discuss possible Economic Development Loan assistance in the amount of \$250,000. A company located within the County is considering relocating to another site within the County. Mr. Alfaro noted some planning and zoning issues in the Augusta Extraterritorial Area. Currently, the balance in the Rail Funds is approximately \$550,000. Mr. Alfaro commented that the County will also be receiving a request from another company for funding in the amount of \$300,000. The Board discussed the economic development criteria for receiving a loan and expressed differing views about this request. Staff will inform the Commission of any action taken by the City of Augusta regarding the planning & zoning issue. No action was taken.

RECESS

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

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:09 a.m.

ITEM #7 – CONSIDER APPROVAL TO ADOPT RESOLUTION 11-28 WHICH IS A DOCUMENT ESTABLISHING BUTLER COUNTY’S INTENT TO PARTICIPATE WITH A CONSORTIUM OF COUNTIES AND OTHER PUBLIC ENTITIES TO APPLY FOR A HUD (U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT) SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT

Rod Compton, Planning & Zoning Director, came before the Board for approval of Resolution 11-28, a document establishing Butler County’s intent to participate with a consortium of Counties and other public entities to apply for a HUD Sustainable Communities Regional Planning Grant. REAP has worked to enhance and implement activities that would address issues on a regional basis rather than a localized basis. REAP has indicated they would like to pursue funding under this grant program. Mr. Compton noted the deadline to submit the application is October 6, 2011. As part of the process, HUD requires local entities sponsoring the application make certain commitments as to local match (which can be in the form of in-kind services). Mr. Compton noted it is difficult to project what types of activities the County might

be asked or required to commit to if a Planning Grant is awarded and the County is a participating member of the Consortium.

Commissioner Masterson suggested waiting on the City of Wichita and Sedgwick County to see what they do before this Board takes action. Mr. Compton stated the decision would have to be made by next week in order to meet the October 6, 2011 deadline. Commissioner Masterson requested information on monitoring stations in our County, where they are located and who oversees them.

Commissioner Masterson motioned to table this item until Tuesday, September 27, 2011. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #9 – CONSIDER APPROVAL OF A PROPOSAL TO KDOT FOR CONSTRUCTION ENGINEERING SERVICES FOR THE SW BOYER ROAD/SW 55TH STREET REALIGNMENT PROJECT SOUTHWEST OF EL DORADO

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of a proposal to KDOT for construction engineering services for the SW Boyer Rd./SW 55th St. realignment project southwest of El Dorado. This proposal stipulates Butler County's responsibilities for providing construction inspection services. The entire project is funded with federal aid funds including engineering, right-of-way, utility relocation, construction and construction engineering.

Commissioner Harris motioned to approve the proposal for construction engineering services with KDOT for Butler County to provide construction engineering services for Project No. 8 C-0067-01, the SW Boyer Rd/SW 55th St. road realignment project related to a railroad crossing closure proposed for SW 55th St. located southwest of El Dorado and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #10 – CONSIDER APPROVAL OF SEPARATE AGREEMENTS WITH CHELSEA TOWNSHIP AND WITH EL DORADO TOWNSHIP TO CLOSE 2 ROAD CROSSINGS WITH THE BNSF RAILWAY IN BUTLER COUNTY

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of separate agreements with Chelsea Township and with El Dorado Township to close 2 road crossings with BNSF Railway. The agreements stipulate that each Township will support the crossing closures, that they will properly barricade the crossings following closure, and that they will not attempt to re-open the crossings in the future. Each township will be compensated \$30,000 from the BNSF contingent upon both crossings being closed. The County will also retain \$30,000 from the BNSF to cover the cost of design work for the SW 55th St. realignment project.

Commissioner Woydziak motioned to approve the agreement with Chelsea Township related to the proposed closure of NE 80th St. at the crossing with the BNSF Railway and the agreement with El Dorado Township related to the proposed closure of SW 55th St. at the crossing with the BNSF Railway and authorize the Chair to sign both agreements. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #11 – CONSIDER SETTING A DATE FOR PUBLIC HEARINGS FOR THE PROPOSED VACATION OF NE 80TH STREET AT THE CROSSING WITH THE BNSF AND OF SW 55TH STREET AT THE CROSSING WITH THE BNSF

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to set a date for public hearings for the proposed vacation of NE 80th St. at the crossing with the BNSF and of SW 55th St. at the crossing with the BNSF. A public notice will be placed in the legal newspaper and notice will be mailed via certified mail to affected property owners as well as to both townships.

Commissioner Wheeler motioned to approve setting a public notice date of Tuesday, October 11, 2011 at 10:00 a.m. to consider vacating a portion of NE 80th St. at the crossing with the BNSF in Chelsea Township and vacating a portion of SW 55th St. at the crossing with the BNSF in El Dorado Township and authorize the publication and mailing of legal notices. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #12 – CONSIDER APPROVAL OF RENEWAL OF DENTAL INSURANCE WITH DELTA DENTAL

Rene Bender, HR Coordinator, came before the Board for approval of the renewal of dental insurance with Delta Dental which represents a 3% increase. Premiums for the current dental plan are \$22.58 for single and \$54.32 for family. The new rates as proposed will be \$23.26 and \$55.95. Currently the County has budgeted \$136,300 for dental insurance in 2012. County Counsel has reviewed and approved the contract as to form.

Commissioner Woydziak motioned to approve the renewal of dental insurance with Delta Dental and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

APPROVAL OF VOUCHERS

Commissioner Masterson motioned to approve the vouchers for September 20, 2011, in the amount of \$257,060.13. Commissioner Harris seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2501 dated September 20, 2011; Adds in the amount of \$0.00 and Abates in the amount of \$619.06. Commissioner Masterson seconded the motion. Motion carried 5-0.

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

Commissioner Woydziak stated the Quad County meeting was very informative and noted discussion about redistricting. Commissioner Woydziak requested that County Administrator Will Johnson update the Board next week on the redistricting process.

Commissioner Woydziak commented on the prescription drug cards that are available to anyone in the County who does not have health insurance. He noted the savings over the last several years has been \$275,648.31. The Board suggested having the cards available at the Senior Spring Fling event.

Commissioner Masterson motioned to appoint Chad Leap to the Butler County Fire District #7 Board. Commissioner Palmer seconded the motion. Motion carried 5-0.

Commissioner Harris noted he and Commissioner Wheeler attended the Holly/Frontier Community Advisory Panel meeting last night. He said most of the conversation was about the merger between the two companies.

Mr. Kauffman noted there would be a Workshop in two weeks regarding redistricting.

Mr. Kauffman stated the City of Wichita passed the HUD Sustainable Communities Regional Planning Grant by a vote of 4-1 and Sedgwick County will hear the item next week.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:48 a.m.

Commissioner Masterson seconded the motion. Motion carried 5-0.

****Commissioners will be attending a luncheon at the
Cassoday Senior Center starting at 11:45 a.m.****