

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 6, 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 Peggy Palmer, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Jeff Masterson was absent.

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission meeting of Tuesday, August 30, 2011, as written. Commissioner Woydziak seconded the motion. Motion carried 4-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – PRESENTATION FROM TOM MURRY, ICI

Tom Murry, ICI Insurance, came before the Board to present information about a dividend check that was presented to the County in the amount of \$67,151.46. This check is due to Butler County's participation in the EMC Mutual County Program. There are 40 counties that participate in the program. Since the beginning of the program Butler County has received \$372,617 and in the last three years, EMC has returned \$227,714 back to the County. The Commissioners thanked Mr. Murry and no action was taken.

ITEM #2 – CONSIDER APPROVAL OF THE MEMORANDUM OF AGREEMENT (MOA) BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND BUTLER COUNTY HEALTH DEPARTMENT

Janice E. Powers, MPH/Administrator, Butler County Health Department, came before the Board to review the MOA between KDHE and Butler County Health Department. The Health Department has recently become the housing agency for the Medical Reserve Corps, a community-based program that organizes and trains volunteers that want to donate their time and expertise to prepare for and respond to medical emergencies and promote healthy living. To increase compliance of Kansas based MRC volunteers in completing required trainings, reaching basic benchmarks, and participating in community activities, the KDHE wishes to enter into a MOA to provide these incentives to MRC Units, which now includes the Butler County MRC Unit. Ms. Powers introduced Kristina Helmer, Health Department Program Coordinator to the Board.

Commissioner Woydziak motioned to approve the Memorandum of Agreement between the Kansas Department of Health and Environment and the Butler County Health Department to enter into a partnership in the furtherance of their mutual objectives and respective responsibilities to ensure competency development for MRC Volunteers. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER APPROVAL OF THE CONTRACT BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND THE BUTLER COUNTY

HEALTH DEPARTMENT FOR THE PUBLIC EMERGENCY PREPAREDNESS GRANT IN THE AMOUNT OF \$48,024.00 AND ALLOW THE CHAIR TO SIGN

Janice E. Powers, MPH/Administrator, Butler County Health Department, came before the Board to review the Public Health Preparedness Grant (PHEP) contract for \$48,024.00 between KDHE and Butler County Health Department. With the acceptance of this contract, the Health Department will be able to focus on the recently passed public health preparedness capabilities. The capabilities for this year will include: #8 Medical Countermeasure Dispensing, #9 Medical Material Management and Distribution, and #13 Public Health Surveillance and Epidemiological Investigation. There are a total of 15 capabilities that will be addressed over the next 5 years of contract agreements. This grant is for the term of August 9, 2011, to August 8, 2012. There is not match required for this grant.

Commissioner Wheeler motioned to approve the contract between the Kansas Department of Health and Environment and Butler County Health Department for the Public Health Preparedness grant in the amount of \$48,024.00 and allow the Chair to sign. Commissioner Palmer seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVAL OF THE CONTRACT BETWEEN THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND THE BUTLER COUNTY HEALTH DEPARTMENT FOR FISCAL AGENCY FOR SOUTH CENTRAL METRO REGION GRANT FOR PUBLIC HEALTH EMERGENCY PREPAREDNESS IN THE AMOUNT OF \$34,544.00 AND ALLOW THE CHAIR TO SIGN

Janice E. Powers, MPH/Administrator, Butler County Health Department as fiscal agency for SCMR, came before the Board to review and approve the contract between KDHE and the Butler County Health Department, for Public Health Emergency Preparedness grant in the amount of \$34,544.00. The seven counties that make up the South Central Metro Region (SCMR) are Butler, Cowley, Harvey, Marion, Reno, Sedgwick, and Sumner. They meet monthly to review the work plan and preparedness plans as required by KDHE. Their goal is to build and strengthen the abilities of public health departments to respond effectively to public health threats through Public Health Emergency Preparedness Goals. There is no match involved with accepting this grant.

Commissioner Woydziak motioned to recommend the Board approve the contract between the Kansas Department of Health and Environment and Butler County Health Department as fiscal agency for South Central Metro Region grant for Public Health Emergency Preparedness in the amount of \$34,544.00 and allow the Chair to sign. Commissioner Palmer seconded the motion. Motion carried 4-0.

ITEM #5 – CONSIDER APPROVAL OF THE UPDATED EMERGENCY OPERATIONS PLAN AND ENDORSE BY SIGNATURE

Jim Schmidt, Emergency Management/Homeland Security, came before the Board for acceptance and promulgation of the Emergency Operations Plan with endorsement by signature per K.S.A. 48-929(d). Counties within the State of Kansas are required to have and then update an emergency operations plan that meets the current federal and state planning standards every five years. The Butler County Emergency Operations Plan, dated November 2006, has been reviewed and updated per recommendations and feedback from key stakeholders in the Plan. The State of Kansas has reviewed and approved the Plan, pending promulgation. Commissioner Palmer suggested tabling this item until she had a chance to read the Plan.

Commissioner Palmer motioned to table this item until next Tuesday, September 13, 2011. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER APPROVAL OF ADOPTING SEWER DISTRICT MAINTENANCE AND OPERATION FEES TO BE ASSESSED TO FUND THE 2012 SEWER DISTRICT OPERATING BUDGETS

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider adopting Sewer District User Fees for 2012 for rural sewer district maintenance and operations. The Director of Public Works proposed a 2-year plan for increasing user fees for six sewer districts. The first step will occur for 2012 and would be included on the tax statements due in December 2011. The second increase would be implemented the following year. Mr. Lutz presented the Board with spreadsheets outlining the proposed plan and the sewer districts involved. Mr. Lutz stated that the proposed fees would provide the necessary revenue to pay for operations for each sewer district as adopted in the 2012 Budget. The proposed annual increases from 2011 to 2012 are as follows:

<u>Sewer District</u>	<u>2011</u>	<u>2012</u>
#9 Rosalia	\$ 80.00	\$120.00
#10 Fox Lake	\$ 22.73	\$ 51.50
#12 Dennett Tracts	\$450.00	\$750.00
#15 Prospect	\$360.00	\$390.00
#16 Wildlife Estates	\$120.00	\$180.00
#17 Beaumont	\$120.00	\$180.00
#19 Northridge	\$420.00	No Change

Mr. Elmer Simon, 10283 SW White Rd., Augusta, came before the Board to express concern about the Dennett Tracts sewer system and the cost. He asked about putting in lagoons. Mr. Lutz will contact KDHE about lagoons and talk to the City of Augusta about sharing the cost of rebuilding the line at the levee.

Commissioner Wheeler motioned to adopt the sewer district user fees for 2012 as presented to the Board of County Commissioners. Commissioner Harris seconded the motion. Motion carried 4-0.

RECESS

Commissioner Harris recessed the Board meeting at 10:01 a.m. for 8 minutes.

RECONVENE

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

ITEM #7 – CONSIDER APPROVAL OF A FENCE REIMBURSEMENT FOR JEFF HEROD RELATED TO THE SW 210TH STREET ROAD RECONSTRUCTION PROJECT

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving a fence reimbursement for Jeff Herod related to the SW 210th Street road construction project. The County agreed at the time of right-of-way purchase to construct a barbed wire fence along the front of the property owned by Mr. & Mrs. Jeff Herod. The Herod's have since decided that they prefer to upgrade their fence and entryway. In several similar cases, the County has offered cash compensation based upon the cost to build a standard barbed wire fence in lieu of building a

fence. The estimated cost is \$7,995.00 based upon the calculations of the County's fence crew foreman. Mr. Herod is agreeable to accepting reimbursement in the amount of the estimate and he will build his own fence. Sufficient funds and budget authority are available in the Road & Bridge Fund. Commissioner Wheeler felt the cost was too high for a barbed wire fence. Mr. Lutz said the same formula is used for everyone who opts to build their own fence. He noted there are 26 corners and braces in front of the Herod's house, which accounts for a lot of the cost.

Commissioner Woydziak motioned to approve fence reimbursement costs to Mr. & Mrs. Jeff Herod in the not to exceed amount of \$7,995.00 related to the SW 210th Street Reconstruction Project west of Douglass. Commissioner Palmer seconded the motion. Motion carried 3-1. Commissioner Wheeler voted no.

ITEM #8 – CONSIDER APPROVAL OF A REVISED CONTRACT FOR THE KDHE CATHODE RAY TUBE INCENTIVE PROGRAM

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to consider approving a revised contract for KDHE Cathode Ray Tube Incentive Program. The new contract modifies the prior contract approved in November 2010. The contract adds provisions to prevent recyclers from taking the CRT's for recycling and then disposing of them in landfills. It also adds provisions that the recycler must be a certified electronics recycler and that they will have to provide certain information on invoices including the actual quantity and weight of CRT's received for recycling. Butler County will be reimbursed up to \$15,000.00 per year of recycling costs for CRT's. The County has already received \$10,000.00 in reimbursement for the first two 4-month periods.

Commissioner Wheeler motioned to approve the revised contract with KDHE for the cathode ray tube (CRT) initiative program to allow the County to receive reimbursement in the maximum amount of \$5,000.00 for recycling CRT's for the period of September 18, 2011 through January 17, 2012 and to authorize the Chairman to sign. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #9 – CONSIDER APPROVAL OF AN AMENDED INTERLOCAL AGREEMENT WITH THE CITY OF ROSE HILL FOR THEIR NRP PROGRAM

William H. Johnson, Jr., County Administrator, came before the Board for approval of an amendment to the City of Rose Hill Neighborhood Revitalization Plan. The Plan is renewed every three years and the current Plan is due to expire in February of 2012. The County adopted an amended Resolution on August 9, 2011, but Richland Township declined to participate. Due to this fact, the County is required to amend the Resolution again removing Richland Township.

Commissioner Woydziak motioned to approve Resolution 11-27 authorizing the Chairman to sign the interlocal agreement with USD 394, the City of Rose Hill, Pleasant Township, Fire District #3, and Butler Community College for the purpose of amending the Rose Hill NRP Program for a one year period from September 1, 2011 until December 31, 2012. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Commissioner Woydziak commented that the cities should go out and talk to the entities about the NRP program. He noted both Richland and Pleasant Townships signed off on the NRP that was already in place.

ITEM #10 – WORK SESSION – PROPOSED LETTER OF SUPPORT FOR PIPELINE LEGISLATION

Will Johnson, County Administrator, came before the Board to discuss a proposed Letter of Support to the State Representatives and Senator requesting them to amend current legislation which automatically abates pipeline exemptions. Administrator Johnson will draft a letter asking future consideration be given to local government to allow the County input in the exemption process. He will also include that in future consideration, if an exemption is granted, there should be an in lieu of agreement. No action was taken.

Additional Agenda Item:

Commissioner Woydziak motioned to recess the Board to Executive Session at 10:40 a.m. for 5 minutes, with the public session resuming at 10:45 a.m., preliminary discussions relating to the acquisition of real property to protect the interests of the County. Commissioner Harris seconded the motion. Motion carried 4-0. Those in attendance were Commissioners Harris, Palmer, Wheeler, Woydziak, and Administrator Will Johnson.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:45 a.m. No action was taken as a result of Executive Session.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for September 6, 2011, in the amount of \$462,170.84. Commissioner Woydziak seconded the motion. Motion carried 4-0.

COMMISSION ADDS & ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2499 dated September 6, 2011; Adds in the amount of \$40,647.26 and Abates in the amount of \$4,110.50. Commissioner Woydziak seconded the motion. Motion carried 4-0.

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

Administrator Johnson asked for approval to appoint Les Manges to the WAMPO Staff Committee. He has been serving on the committee as a representative for Butler County and the City of Mulvane.

Commissioner Woydziak motioned to re-appoint Les Manges to the WAMPO Staff Committee. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Discussion followed about WAMPO.

Administrator Johnson noted he received approval from KDOT for the purchase of a mini van for the Department on Aging. The County's cost share is \$7,081 to be paid for through the Department on Aging Transportation fund.

Commissioner Woydziak motioned to approve the purchase of a mini van for the Department on Aging and authorize payment in the amount of \$7,081. Commissioner Harris seconded the motion. Motion carried 4-0.

Administrator Johnson mentioned Butler County RSVP is hosting a 9/11 Service Project today in Andover and Thursday, September 8th from 12:00 p.m. to 2:00 p.m. at the El Dorado Senior Center. This is a card signing program and will be sent to soldiers overseas.

Administrator Johnson noted Department on Aging Director Crystal Noles is meeting with the Augusta Senior Center Board. Administrator Johnson will report back to the Commissioners. The Board discussed issues regarding board member term limits and accountability at the Senior Center. Commissioner Harris suggested splitting the amount owed to the IRS between the County, City and the Senior Center, with reimbursement from the Senior Center back to the County and City.

Administrator Johnson said the City of El Dorado, Fire Department, Police Department, Butler County Sheriff, and EMS will hold a 9/11 Ceremony on Sunday, September 11, 2011 at 8:15 a.m. at the Historic Courthouse. Larry Hatteberg will be the guest speaker.

Administrator Johnson stated he would be attending the International City/County Managers Association (ICMA) Conference in Milwaukee on September 18-21.

ADJOURNMENT

*Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:17 a.m.
Commissioner Woydziak seconded the motion. Motion carried 4-0.*