

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 27, 2007

Commission Chairman Randy Waldorf called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Will Carpenter was attending a Work Force Development Conference.

ITEM #2 – CONSIDER APPROVAL OF CONTRACT BETWEEN CHILDREN’S MERCY FAMILY HEALTH PARTNERS AND THE BUTLER COUNTY HEALTH DEPARTMENT AND ALLOW THE CHAIR TO SIGN

Carol A. Borger, R.N., Administrator, Butler County Health Department, came before the Board for approval of the contract between Children’s Mercy Family Health Partners and the Butler County Health Dept. This contract will allow the Health Dept. to bill for services provided with the new payers selected by the State of Kansas for Medicaid recipients.

Commissioner Wheeler motioned to approve the contract between Children’s Mercy Family Health Partners and the Butler County Health Department and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER APPROVAL OF CONTRACT BETWEEN KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT AND THE BUTLER COUNTY HEALTH DEPARTMENT FOR CATEGORICAL GRANTS AND ALLOW THE CHAIR TO SIGN

Carol A. Borger, R.N., Administrator, Butler County Health Department, came before the Board for approval of the contract between the Kansas Department of Health and Environment and the Butler County Health Department for categorical grants. The Health Department is asking for \$236,129.00 in grant funding. Most of the grants have a match requirement. County Counsel has reviewed and approved the contract.

Commissioner Wheeler motioned to approve the contract between the Kansas Department of Health and Environment and the Butler County Health Department for categorical grants and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #1 – RECEIVE KELLY HAWORTH TO DISCUSS TEMPORARY USE OF CULVERT

Kelly Haworth came before the Board to discuss the temporary use of a culvert. Administrator Johnson said the County sent notices to property owners within 1,000 feet, and received one response disapproving of this request. Staff has indicated no interest in allowing an extra culvert. Mr. Haworth said he had another option to access the property, in that, Mr. Loren Boman agreed to allow a permanent road on his property off of Skaer Rd. to access the area. Commissioner Woydziak asked staff to develop a set of guidelines for future temporary uses. Commissioner Masterson suggested getting something in writing from Mr. Boman and Spring Township.

Commissioner Woydziak motioned to approve the temporary use of property pending approval by the township and written documentation from the property owner approving the use of his

property for the driveway to be submitted to the Planning and Zoning Department. The time frame for this temporary use is nine months beginning March 1, 2007. Commissioner Masterson seconded the motion. Motion carried 3-1. Commissioner Wheeler voted no.

ITEM #4 – CONSIDER REQUEST TO REZONE APPROXIMATELY 117 ACRES IN THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 29 SOUTH, RANGE 3 EAST FROM “RR” RURAL RESIDENTIAL ZONING CLASSIFICATION TO “R” RESIDENTIAL CLASSIFICATION (CASE NO. RZ-07-02) (RESOLUTION 07-06)

Rod Compton, Director of Planning & Zoning, came before the Board for approval of a request by Dave Hanning, Jim Price, and other investors for property owners Craig and Dalene Nelson to rezone approximately 117 acres from RR Rural Residential to R Residential. This property is located at the NE corner of SW 190th St. and SW Meadowlark Rd. The Butler County Planning Commission recommended approval by a 5-1 favorable vote following a public hearing on February 6, 2007. The City of Rose Hill does not oppose this request because it is felt that it would be easy to connect the public sewer system to the city sewer system in the future.

Mr. Compton said the applicants have issues to work out with the township board, and they are requesting a continuation.

Sheryl Fox and Jim Price came before the Board to discuss developing this subdivision.

Commissioner Waldorf and the Board commended the developers and agreed that this is the kind of development the county needs, one that creates density. The Board also agreed that the plan should include a provision for paving the road from the nearest blacktop road to the subdivision. Commissioner Waldorf noted that a protest petition has been filed.

Public comments were received from several people with concerns regarding traffic counts, location of the entrance to the subdivision, creating a tax burden, sewer system, water runoff, fire protection, Sheriff patrol problems, and school district growth.

Commissioner Waldorf thanked everyone for attending the meeting today and said feedback from the public is important.

Commissioner Woydziak motioned to table this request until March 13, 2007. Commissioner Wheeler seconded the motion. Motion carried 4-0.

RECESS

Commissioner Waldorf recessed the Board meeting at 10:25 a.m. for 10 minutes.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:35 a.m.

ITEM #5 – CONSIDER REQUEST FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOUSEHOLD AND 10 ACRES (THE SOUTH 334.5 FEET OF THE PROPERTY) FROM THE REMAINDER OF AN 80-ACRE PARCEL (CASE NO. PL-07-01)

Rod Compton, Director of Planning & Zoning, came before the Board for approval of a request by Jerald Syphrett for a Homestead Lot Split with APO in order to separate an existing

homestead and 10 acres (the south 334.5 feet of the property) from the remainder of an 80-acre parcel. The Butler County Planning Commission recommended approval of this request with a 6-0 vote on 02/06/07.

Commissioner Wheeler motioned to approve the APO Lot split located in the West Half of the SW Quarter of Section 16, Township 26 South, Range 6 East of the 6th P.M., Butler County, Kansas, and authorize the Chairman to sign the Overlay Agreement subject to the recording of the Agricultural Protection Overlay agreement and survey of the residential site with the Register of Deeds. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER REQUEST FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 1 ACRE FROM THE REMAINDER OF A 40-ACRE SECTION OF THEIR PROPERTY (CASE NO. PL-07-02)

Rod Compton, Director of Planning & Zoning, came before the Board for approval of a request by Robert Skaer for a Homestead Lot Split with APO in order to separate an existing homestead and 1 acre from the remainder of a 40-acre section. The owner owns 80 acres but the zoning is AG-40, therefore, they are only required to place an APO over the remainder of a 40-acre parcel. The Butler County Planning Commission recommended approval of this request by a 6-0 vote on 02/06/07.

Commissioner Waldorf motioned to approve the APO Lot split located in the South Half of the SE Quarter of Section 30, Township 27 South, Range 5 East of the 6th P.M., Butler County, Kansas, Case No. PL-07-02, and authorize the Chairman to sign the Overlay Agreement subject to the recording of the Agricultural Protection Overlay agreement and survey of the residential site with the Register of Deeds. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM # 7 – CONSIDER ACCEPTANCE OF DEDICATIONS FOR FINAL PLAT OF RALSTON MEADOWS SECOND ADDITION (CASE NO. PL-07-03)

Rod Compton, Director of Planning & Development, came before the Board for approval of a request by Sara Marnane and Patricia BuncK for Acceptance of Dedications for Final Plat of Ralston Meadows Second Addition. The Butler County Planning Commission recommended approval of this request by a 6-0 vote on 02/06/07.

Commissioner Waldorf motioned to accept the dedications shown on Ralston Meadows Second Addition Final plat, Case No. PL-07-03, and authorize the Chairman to sign the plat with the provision that the plat be recorded in the office of the Butler County Register of Deeds by the zoning administrator, and that no building permits be issued for any lot until a proven acceptable water source is made available. Commissioner Woydziak seconded the motion. Motion carried 4-0.

Administrator Johnson introduced Matt Lawn, who is shadowing Mr. Johnson. Mr. Lawn has an MPA from Wichita State University and will be doing a case study on the wind farm project.

ITEM #8 – CONSIDER ENGINEERING PROPOSALS FOR THE 2007 SEMI-ANNUAL GROUNDWATER MONITORING WORK, GENERAL ENGINEERING SERVICES AND TIER II NSPS EMISSION REPORTING FOR THE LANDFILL

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of engineering proposals for the 2007 semi-annual groundwater monitoring work, general engineering services, and Tier II New Source Performance Standards (NSPS) emission reporting for the landfill. This work has been planned and budgeted for in the 2007 Landfill budget.

Commissioner Woydziak motioned to approve engineering services provided by Burns & McDonnell Engineering Company under Authorization No. 32 in the amount of \$30,643 for 2007 semi-annual groundwater monitoring work at the landfill, under Authorization No. 33 in the not to exceed amount of \$15,000 for 2007 general engineering support for the landfill, and under Authorization No. 35 in the not to exceed amount of \$13,903 for Tier II NSPS reporting for the landfill and authorize the Chair to sign all three authorizations. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #9 – CONSIDER APPROVING A PROPOSAL FOR PROFESSIONAL SERVICES RELATED TO CONDUCTING A WASTE VOLUME REVENUE AND COST STUDY FOR THE LANDFILL

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of proposal for professional services related to conducting a waste volume revenue and cost study for the landfill. Burns & McDonnell has prepared a scope of work and cost estimate based upon the work requested by Butler County. Based upon the proposed scope, Butler County will gain a clear picture of the true cost and revenue advantages or disadvantages of increasing the waste flow at the landfill.

Commissioner Woydziak motioned to approve the proposal from Burns & McDonnell Engineering Company for providing professional services related to conducting a waste volume revenue and cost study for the landfill under Authorization No. 34 in the not to exceed cost of \$9,671 and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #10 – CONSIDER APPROVING THE AGREEMENT FOR PROFESSIONAL SERVICES RELATED TO CONDUCTING THE CORRIDOR STUDY FOR SW BUTLER ROAD BETWEEN SW 190TH STREET AND HARRY STREET

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of the agreement for professional services related to conducting the corridor study for SW Butler Road between SW 190th Street and Harry Street. The fee for the corridor from SW 170th St. to Harry St. is \$102,849 and the fee for SW 190th St. to SW 170th St. is \$28,441. The proposal along with the agreement has been reviewed and approved by the Cities of Andover and Rose Hill. The agreement is ready for approval and execution by Butler County.

Commissioner Woydziak motioned to approve the agreement for professional services with TranSystems Corporation, Wichita, KS, related to conducting a corridor study and related services for SW Butler Road between SW 190th St. and Harry St. in the not to exceed amount of \$131,290 and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2294 dated February 27, 2007. Adds in the amount of \$1,347.84 and Abates in the amount of \$5,194.34. Commissioner Masterson seconded the motion. Motion carried 4-0.

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

Commissioner Waldorf pointed out that the date for the foreclosure sale was stated in the minutes of February 20, 2007 as March 22, 2007. The date for this sale is March 27, 2007 at 10:00 a.m.

Darryl Lutz said he received a petition to pave internal roads in Pauls Valley 2nd Addition in Rose Hill. Mr. Lutz said the process for a special benefit district would be initiated.

Darryl Lutz informed the Board that the County Clean Up Program is scheduled for April 22-28, 2007 and would be on the agenda in two weeks.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting at 11:20 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.