

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, July 10, 2007

CALL TO ORDER

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

ITEM #1 – CONSIDER TABLED REQUEST FOR ISLAND ANNEXATION BY THE CITY OF ANDOVER FOR PROPERTY LOCATED AT BUTLER ROAD AND SW 130TH ST.

Will Johnson, County Administrator, came before the Board for approval of a tabled request to island annex property, formerly known as Ami Lane, located at Butler Road and SW 130th St. by the City of Andover. The City is proposing to extend public sewer and water a quarter mile to the area, and the owner of the property has proposed residential development for the property.

Mr. Jeff Bridges, Andover City Administrator, said he spoke with the developer who is struggling with the numbers to pave the west half mile. The Board and Administrator Johnson discussed the cost of paving, which is estimated to be \$300,000 at this time. Commissioner Carpenter noted that the need to pave the road would be determined by the amount of traffic going into the development. Commissioner Waldorf commented that he didn't want this to not be approved, but feels it is poor planning to not pave the west half mile and would like to have it included in the Butler Road widening project.

Commissioner Masterson motioned to approve the annexation request by the City of Andover in accordance to K.S.A. 12-520c and direct legal counsel to draft an annexation order for approval of said request. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Mr. David Aronstein lives on the half mile in question and came before the Board to discuss the development and the road. He felt that the development is high density and out of place in that area. Mr. Aronstein discussed the setbacks and agreed that the road would need to be paved if the development goes in. Further, Mr. Aronstein said he would resent a lot of cost being put on three or four individuals who own property on that section of road when it is really people in the development as well as other commuters who would also benefit from the paved road.

Commissioner Waldorf stated that he appreciated Mr. Aronstein's comments and said this area has been identified as a growth area, and planning for growth includes higher density developments in order to maximize land use. Commissioner Waldorf commented that once development occurs in that area, traffic studies would be done to determine the flow of traffic.

ITEM #2 – PUBLIC HEARING ON ANDOVER 13TH STREET ANNEXATION

Commissioner Waldorf opened a public hearing at 9:20 a.m. for the Andover 13th Street annexation.

Will Johnson, County Administrator, came before the Board for approval of a request to annex 3 parcels along the south side of 13th Street east of Andover Road along with other parcels that are

being unilaterally annexed by the City of Andover. The City of Andover has provided a Service Extension Plan that includes not only the three lots but also all the other properties within the area to be annexed.

Jeff Bridges, Andover City Administrator, came before the Board per K.S.A. 12-521 to discuss the annexation on 13th Street, and asked for the Board's support in the annexation. Mr. Bridges stated that the landowner's participation would be 11% of the cost with the city contributing 5%.

Bill Osborne, Bruno Township Trustee, came before the Board and commented that the City of Andover wants to annex agricultural land adjacent to the road, which will take a good tax base away from the township. Mr. Osborne asked the Board to allow the township to keep this property on their tax rolls.

Larry Carney came before the Board to discuss the annexation. Mr. Carney owns 40 acres of agricultural land east of the development and stated that his taxes will be \$7,000 for Phase I and \$62,000 for Phase II. Mr. Carney commented that \$70,000 on 40 acres of agricultural land with no house is too high and he is opposed to being annexed. Mr. Carney said he doesn't mind the annexation going forward but felt that it is not necessary and doesn't make sense to him to annex his property at this time.

Commissioner Carpenter asked Mr. Bridges if the figures Mr. Carney reported were true. Mr. Bridges said they were correct, with the majority of Mr. Carney's cost of \$53,475 being applied to paving 13th Street. He stated that the balance of the assessments would be applied to the water and sewer line costs. Mr. Bridges said the street in front of Mr. Carney's property might not be paved until the second phase when there is an entrance on that part of 13th Street. Except for Phase I items totaling \$7,000, Mr. Bridges noted that Mr. Carney probably wouldn't see the assessment for five years.

Administrator Johnson noted that the commissioners received a letter from the attorney for Hoanh and Julie Le who are opposed to the annexation because of agricultural related reasons. Mr. Bridges said the city's intent is not to change the use of their property.

Commissioner Waldorf said he empathizes with Mr. Carney, but at the same time, said there will be a benefit in the increased value of the property. He said this is in Andover's growth area and thinks what they are requesting is reasonable, but would like the cost to be less for the property owners. Commissioner Wheeler asked why they have to go as far east as Mr. Carney's property. Mr. Bridges said Prairie Creek Addition's east boundary line extends in front of Mr. Carney's property. The city required the developer to extend streets and utilities to the east boundary line of the development, so the next property owner can pick up and go further east. Commissioner Masterson said it was unfortunate, but when you own property adjacent to a city, it is a natural growth area.

Commissioner Waldorf closed the public hearing at 9:55 a.m.

Administrator Johnson said in K.S.A. 12-521 there are 14 points to be addressed as described in the Service Extension Plan by the City of Andover. The statute gives the Board seven days to render a decision at which time County Counsel Norm Manley would draft an order, or the Board can make a decision today.

Commissioner Carpenter stated that there are four commissioners present and asked what would happen if there was a tie vote. Mr. Manley said a tie vote would not be a majority vote for approval, and the motion would fail to pass. Further, the commission could table the matter until all five commissioners were present. Mr. Manley suggested reopening the public hearing so Commissioner Woydziak could participate in the discussion next week and vote on the matter.

Commissioner Masterson motioned to approve the annexation request by the City of Andover in accordance to K.S.A. 12-521 and direct legal counsel to draft an annexation order for approval of said request. Commissioner Waldorf seconded the motion. Motion tied 2-2. Commissioners Carpenter and Wheeler voted no.

Commissioner Waldorf reopened the public hearing at 10:03 a.m.

Commissioner Masterson motioned to table the issue and public hearing until Monday, July 16, 2007. Commissioner Wheeler seconded the motion. Motion carried 4-0.

RECESS

Commissioner Waldorf recessed the Board meeting at 10:03 a.m. for 5 minutes.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:08 a.m.

ITEM #3 – CONSIDER ACCEPTANCE OF DEDICATIONS FOR FINAL PLAT OF TAURUS MEADOWS ADDITION (CASE NO. PL-07-05)

Rod Compton, Planning and Zoning Director, came before the Board for acceptance of the final plat of Taurus Meadows Addition. John V. Armstrong is proposing to subdivide a 52-acre parcel of land into three parcels located in the West Half of the Southwest Quarter of Section 2 Township 28 South, Range 3 East of the 6th P.M., Butler County. The Planning Commission approved this request by a 7-0 vote. Staff recommends approval and acceptance of the dedications.

Commissioner Masterson motioned to accept the dedications shown on Taurus Meadows Final plat and authorize the Chair 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 Wheeler seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVAL OF THE PAL (PROVISIONALLY ACCREDITED LEVEE) AGREEMENT AND ALLOW THE CHAIR TO SIGN

Rod Compton, Planning and Zoning Director, came before the Board for approval of the PAL (Provisionally Accredited Levee) Agreement. The Board discussed this agreement in the meeting of May 7, 2007. This agreement will allow FEMA to issue new floodplain maps to the County and requires that the county take steps within two years to upgrade any levees in the County so that they are capable of withstanding a 100-year flood. Staff also recommended signing the agreement.

Commissioner Wheeler motioned to allow the Chair to sign the Provisionally Accredited Levee Agreement. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #5 – CONSIDER APPROVAL OF THE FY08 AREA PLAN PRESENTED BY CENTRAL PLAINS AREA AGENCY ON AGING (CPAAA), AND AUTHORIZE THE CHAIRPERSON OF THE SEDGWICK COUNTY BOARD OF COMMISSIONERS TO SIGN

Annette Graham, Executive Director of CPAAA, came before the Board for approval of the FY08 area plan presented by Central Plains Area Agency on Aging (CPAAA) and authorize the Chairperson of the Sedgwick County Board of Commissioners to sign.

Commissioner Carpenter motioned to approve the FY08 Area Plan, and authorize the Chair of the Sedgwick County Board of Commissioners to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER APPROVAL OF THE INTERLOCAL AGREEMENT FOR FEDERAL TRANSIT ADMINISTRATION (FTA) PASS THROUGH FUNDS, UNDER SECTION 5307 AND ALLOW THE CHAIR TO SIGN

Connie Rausch, Department on Aging Director, came before the Board for approval of the Interlocal Agreement for Federal Transit Administration (FTA) pass through funds. The FTA determined in 2003 that Andover is part of the Wichita Metropolitan Area, and that rides generated in that city must be provided by Wichita Transit Authority (WTA) instead of the rural transportation project funded by Kansas Department of Transportation (KDOT). WTA is not able to provide service to the City of Andover and has been sub-contracting with Butler County Transit Service since 2004.

Commissioner Masterson motioned to approve the Interlocal Agreement between the City of Wichita and Butler County for fiscal year 2007. Commissioner Wheeler seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2311 dated July 10, 2007. Adds in the amount of \$683.74 and Abates in the amount of \$110.10. Commissioner Carpenter seconded the motion. Motion carried 4-0.

Administrator Johnson presented the Board with a Real Estate Purchase Agreement between Robert Stanhope and Butler County Rural Fire District No. 7. The house will be rented until the fire district is ready to build a new building. Commissioner Wheeler suggested getting a termite inspection.

Commissioner Carpenter motioned to enter into the purchase agreement on behalf of Fire District No. 7. Commissioner Masterson seconded the motion. Motion carried 4-0.

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

Commissioner Carpenter requested the history and ownership of Mr. Carney's property.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:00 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.