

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 13, 2007

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, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges.

ITEM #1 – CONSIDER AND MAKE RECOMMENDATION TO THE CITY OF AUGUSTA REGARDING WHETHER THE PROPOSED REZONING OF THE AFOREMENTIONED PROPERTY IS IN CONFORMANCE TO THE BUTLER COUNTY COMPREHENSIVE PLAN

Rod Compton, Director of Planning and Zoning, came before the Board for a recommendation to the City of Augusta regarding proposed rezoning of property located at 9275 SW Highway 54 and conformity to the Butler County Comprehensive Plan. The owner of this property operates an automotive repair shop. The Kansas Department of Transportation has begun an action against the property because there are more than 9 inoperable motor vehicles located on the property, which causes the property to fall under the State's definition as a junkyard or salvage yard. The City of Augusta has required the owner to either remove the vehicles as required by the State or obtain a rezoning to the appropriate Industrial classification.

Commissioner Waldorf feels that rezoning is not the right position to take. Commissioner Carpenter agrees and is concerned that the City of Augusta's Comprehensive Plan does not address property west of Dike Rd. and feels that their comp plan should be modified to take in the entire Interlocal Agreement area.

Commissioner Masterson motioned to recommend to the City of Augusta that this rezoning application is not in conformance with the Butler County Comprehensive Plan. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioner Carpenter asked Rod Compton to send a letter to the City of Augusta directing them to change the boundaries of their comprehensive plan to match the area designated in the Interlocal Agreement.

ITEM #2 – CONSIDER TABLED 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 AN “R” RESIDENTIAL CLASSIFICATION (CASE NO. RZ-07-02) (RESOLUTION NO. 07-06)

Rod Compton, Director of Planning and Zoning, came before the Board for consideration of a request by Craig and Dalene Nelson to rezone approximately 117 acres from RR Rural Residential to R Residential at the NE corner of the intersection of SW 190th St and SW Meadowlark Rd. This item was tabled on February 27, 2007 at the request of the applicants. The applicants are proposing to develop the property into 40-44 lots. This zoning change requires interior roads to be paved, and installation of a public sewer system or the subdivision to be connected to a public sewer system, and public water supply.

The Board discussed accessing the public water system, the size of the lots, and creating density.

Dave Hanning, Developer, came before the Board and stated the topography is such that one-acre lots are the minimum they want to see in order to retain the trees, the creek line, and the naturalness of the property.

Sheryl Fox, Developer, came before the Board with a proposal from Cornejo and discussed paving the road. Darryl Lutz recommends they adhere to the County standards for road requirements.

Commissioner Carpenter thinks it is important that the road be brought up to county standards.

Mr. Hanning said they are in a long-term development lasting 5-7 years. They foresee a phased-in situation that would benefit the county, township, and developer. He suggested aspects of the road would be built over the period of usage. Mr. Hanning noted that this is a phased-in development and thinks the road could be phased-in also. He indicated the road could be paid for through the county establishing impact fees on permitting, and could be built with no cost to the existing landowners.

Commissioner Masterson is concerned about making it unaffordable for the developers to pave the road.

Administrator Johnson added that the commission should determine whether or not some circumvention of the standards could take place in order to make a bad situation with an existing subdivision better. He said we need to take the future costs to the taxpayers of Butler County into consideration.

Commissioner Wheeler thinks the road needs to be to county standards and would like to see the development occur.

Rod Compton reminded the Board that a protest petition and letters have been submitted from area property owners who are opposed to the rezoning. Their ownership constitutes 42 to 46 percent of the area within 1,000 feet of the applicants' property. State statutes and county regulations require that if 20 percent or more of the land area within 1,000 ft is owned by persons who have submitted letters of opposition, it can only be approved by $\frac{3}{4}$ majority vote of the Board.

Commissioner Waldorf said he is in favor of this project going forward and feels that the road should be built to county standards. Commissioner Waldorf asked the developers and staff to determine the costs and how they will be paid. Administrator Johnson added that this would be a candidate for a benefit district.

Commissioner Carpenter would like details of phasing-in the road and financial assurance such as a bond.

Jolene Dougherty came before the Board with concerns about which road should be paved, either SW 180th Street or SW 190th Street.

Jim Price asked about a point of contact and it was determined that Darryl Lutz, Director of Public Works, would be the point of contact.

Administrator Johnson asked for clarification, that the commission wants staff to look at phasing in the arterial street which is SW 180th or SW 190th, installing a full surface asphalt road in compliance with county standards, and options of a benefit district tying the financing back in with improvements.

Commissioner Woydziak is concerned about a reduced rate of speed on the road.

Jim Price asked about impact fees to permits pulled in a one-mile radius of the development to pay for improvement to the roads. Administrator Johnson said he would research impact fees.

Roger Miller came before the Board and stated that he lives within the 1,000 ft. radius of the development and would like to see a firm plat from a survey company in order to know exactly what the developers are planning to do. Administrator Johnson said that is step two in the process; the zoning phase is first and then the platting phase takes place.

Darrel Randall came before the Board to inquire about the lagoon and water system. Commissioner Woydziak said R Residential zoning requires the water to be from a public water source, and the developers are proposing a lagoon non-discharge system for the sewer system. Commissioner Woydziak said core drilling would be required through KDHE.

Darryl Lutz suggested that the developer ask their engineer for good, reliable, solid estimates for installing the sewer system and the cost of the interior roads to ensure the development is feasible.

Commissioner Woydziak motioned to table this agenda item until Monday, April 9, 2007. Commissioner Masterson seconded the motion. Motion carried 5-0.

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 #3 – REVIEW AND APPROVE 2007 CEREAL MALT BEVERAGE LICENSE FOR SAM-N-J'S

Will Johnson, County Administrator, came before the Board for approval of 2007 Cereal Malt Beverage License for Sam-n-J's, previously known as The Old Hat in Rosalia.

Commissioner Carpenter motioned to approve the 2007 Cereal Malt Beverage License for Sam-n-J's. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Administrator Johnson informed the Board of an issue with the Cereal Malt Beverage license at the Beaumont Hotel. They are serving liquor by the drink and the county only has cereal malt beverage licenses. Mr. Johnson said a resolution will need to be adopted to accommodate for it.

ITEM #4 – CONSIDER APPROVAL OF THE PURCHASE OF VERIZON WIRELESS CARDS TO BE USED BY THE EMS DEPARTMENT

Grant Helferich, Director of EMS, came before the Board for approval of the purchase of Verizon Wireless cards to be used by the EMS Department. The cards can be obtained free with a monthly cost of \$48.59 per card with unlimited monthly access. Initially the department is requesting five wireless cards.

Commissioner Wheeler motioned to approve the EMS Department to purchase wireless Internet Cards from Verizon Wireless for a monthly cost of \$48.59 per card. Commissioner Masterson seconded the motion. Motion carried 5-0.

Pam Dunham, GIS/Mapping Director, came before the Board to explain software called Arc Reader that was set up for the Sheriff Department, Emergency Management, and Fire Departments to access downloads from the Mapping Department. This software was loaded on their laptops, which enables them to access updates daily and does not require connection to the internet.

ITEM #5 – CONSIDER APPROVAL TO PURCHASE AN HP DESIGN JET 4500 42” COLOR PLOTTER FOR THE GIS/MAPPING DEPARTMENT IN THE AMOUNT OF \$9,875.00

Pamela Dunham, GIS/Mapping Director, came before the Board for approval of the purchase of an HP Design Jet 4500 42” Color Plotter. Three bids were received:

Mid-Kan Blueline, Inc.	\$ 9,875.00
HP	\$10,995.00
Kansas Blue Print	\$11,345.00

Commissioner Wheeler motioned to approve the budgeted expenditure in the amount of \$9,875.00 for the purchase of an HP Design Jet 4500 42” Color Plotter from Mid-Kan Blueline, Inc., to come out of line item 01-19-6501-00. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL ALLOWING ONLINE TAXPAYING SERVICE TO PROPERTY OWNERS IN BUTLER COUNTY THROUGH INFORMATION NETWORK OF KANSAS

Ruth Fechter, Treasurer, came before the Board for approval of allowing property owners the option of paying current real estate property taxes and personal property taxes online. There is no cost to the County for this service, and county counsel has given approval as to form. A fee will be charged to the taxpayer to utilize this service. Ms. Fechter said it could be noted on the tax statement that taxpayers could pay their taxes online.

Commissioner Wheeler motioned to approve the contract with Information Network of Kansas allowing online taxpaying service to property owners in Butler County and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM # 7 – CONSIDER APPROVAL OF THE 2007 COUNTY WIDE CLEANUP PROGRAM AND DESIGNATE APRIL 21 THRU APRIL 28 FOR THE COUNTYWIDE CLEANUP

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the 2007 Countywide Cleanup Program and designating April 21 through April 28 for countywide cleanup. During this week, there will be a reduced fee for disposing of refuse. Mr. Lutz said cities can set up their own independent clean up programs also.

Commissioner Wheeler motioned to approve 2007 Policy on County Cleanup Events and designate the week of April 21 through April 28, 2007 for Countywide Cleanup. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #8 – CONSIDER APPROVING A NOTICE TO CONTRACTORS FOR CULVERT LETTING NO. 62

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a Notice to Contractors for Culvert Letting No. 62. The letting date is proposed for Monday, April 9, 2007 at 10:00 a.m.

Commissioner Wheeler motioned to approve the Notice to Contractors for Culvert Letting No. 62 for the construction of 10 reinforced concrete box structures throughout Butler County and authorize the Chair to sign. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #9 – CONSIDER APPROVING THE RELOCATION OF AN ELECTRIC UTILITY LINE REQUIRED FOR THE CONSTRUCTION OF THE LITTLE WALNUT RIVER BRIDGE PROJECT ON SW HOPKINS SWITCH ROAD

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the relocation of an electric utility line required for the construction of the Little Walnut River Bridge Project on SW Hopkins Switch Rd. Butler REC has estimated the cost to relocate this line to be \$22,329.48. Based upon the utility agreement, Butler County's responsibility will be \$11,164.74.

Commissioner Woydziak motioned to approve the relocation of electric lines owned by Butler Rural Electric Cooperative for KDOT Project No. 8C-4112-01 (Little Walnut River Bridge Project on SW Hopkins Switch Road) and Butler County pay for one half the total estimated cost in the approximate amount of \$11,164.74. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #10 – CONSIDER APPROVING THE CONTRACT FOR FEDERAL-AID CONSTRUCTION ENGINEERING BY BUTLER COUNTY TO PROVIDE CONSTRUCTION-ENGINEERING SERVICES FOR THE CONSTRUCTION OF THE LITTLE WALNUT RIVER BRIDGE PROJECT ON SW HOPKINS SWITCH ROAD AND TO RECEIVE FEDERAL AID REIMBURSEMENT FOR THESE SERVICES

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of the contract for Federal-Aid Construction Engineering by Butler County to provide construction engineering services for the construction of the Little Walnut River Bridge Project on SW Hopkins Switch Rd. and to receive Federal Aid reimbursement for these services.

Commissioner Woydziak motioned to approve the Contract for Federal-Aid Construction Engineering by Butler County for KDOT Project No. 8C-4112-01 (Little Walnut River Bridge

Project on SW Hopkins Switch Road) in the estimated amount of \$74,994.22 and authorize the Chair to sign. Commissioner Waldorf seconded the motion. Motion carried 5-0.

Darryl Lutz presented his recommendation for award of bids for liquid asphalt. Mr. Lutz is recommending SEM Materials and Wright Asphalt for purchase of liquid asphalt.

Commissioner Woydziak motioned to approve the low bids from SEM Materials and Wright Asphalt for liquid asphalt. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #11 – RECEIVE TAG BUNTING AND DEPUTY DIRECTOR BILL CHORNYAK WHO WILL PRESENT A CERTIFICATE OF COMPLETION OF THE ADVANCED PROFESSIONAL SERIES (APS) TO MS. KATHY GUY

This presentation did not take place and was tabled and rescheduled for April 3, 2007.

Commissioner Waldorf motioned to table Item #11 until April 3, 2007. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #12 – RECEIVE JIM SCHMIDT, EMERGENCY MANAGEMENT DIRECTOR, WHO WILL PRESENT A DISASTER RESOURCE AGREEMENT (DRA) WITH USD 402 – AUGUSTA

Jim Schmidt, Emergency Management Director, presented a Disaster Resource Agreement with USD 402 – Augusta.

Commissioner Woydziak motioned to allow the Chair to sign the Disaster Resource Agreement with USD 402 - Augusta. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Mr. Schmidt and the Board discussed the dinner tonight at Prairie Rose recognizing the Community Emergency Response Team (CERT) volunteers. Mr. Waldorf extended his apologies for not being able to attend tonight because he would be attending a basketball banquet for his daughter.

Commissioner Woydziak said he heard the NOAA Weather Radios are available at Dillons.

APPROVAL OF ADDS AND ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2295 dated March 13, 2007. Adds in the amount of \$449.78 and Abates in the amount of \$18,541.88. Commissioner Masterson seconded the motion. Motion carried 5-0.

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

Commissioner Wheeler informed the Board of a benefit dinner for Riley Walters and his family on Saturday, March 24, 2007 at the Cassoday Community Building and encouraged all the commissioners to attend and make a contribution.

Commissioner Woydziak asked for an update on the HTE software (the CAD public safety system for Communications, Jail, Sheriff, and County Attorney). Administrator Johnson said Staff had not had issues recently and his understanding is that the original goals have been met.

Commissioner Waldorf inquired about feedback regarding the 9-1-1 Agreement with the City of El Dorado. Administrator Johnson and the City Manager have discussed briefly and will be meeting in the near future.

Commissioner Waldorf thought the trip to Leon went well yesterday. He said lunch was great and the interaction was good. Administrator Johnson said there was more response from visiting the senior center than the commission meetings on the road.

Commissioner Waldorf expressed concern about departments creating their own web sites, and there was discussion about updating the county web site.

Commissioner Waldorf said he would not be at the Board meetings next week and reminded the Board of the Quad County meeting on Monday, March 19, 2007.

Commissioner Carpenter and the Board discussed having a contest for a slogan for the county and will be meeting with KDOT about their requirements for signs.

Administrator Johnson shared that he would be meeting with Kim Classen today regarding options for the future of the 4-H Fair and grounds.

Administrator Johnson shared that he went to Topeka last week to testify before the senate committee on the Codes Court and said it was very positive.

Administrator Johnson stated that Cordell Birch, Middle School Student at Douglass, won the South East Regional Award for the League of Municipalities "If I Were a Mayor I Would" contest.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting at 11:55 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.