

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 27, 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 APPROVAL OF REQUEST FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 6.5 ACRES FROM THE REMAINDER OF A 120 ACRE PARCEL (CASE NO. PL-07-04)

Rod Compton, Director of Planning and Zoning, came before the Board for approval of a request by Dan Fagan for a Homestead Lot Split and Agricultural Preservation Overlay (APO). Mr. Fagan would like to separate an existing homestead and 6.5 acres from the remainder of a 120-acre parcel. The Planning Commission recommended approval by a 6-0 vote.

Commissioner Wheeler motioned to approve the APO lot split located in the Southeast Quarter of the Southwest Quarter of Section 16, Township 25 South, Range 3 East of the 6th P.M., Butler County, Kansas, and authorize the Chair 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 Carpenter seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL OF REQUEST BY DWAYNE CLEMENS FOR AN AMENDMENT TO A DEVELOPMENT PLAN FOR AN EXISTING CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF ACCESSORY STRUCTURES ON THE SIDE PROPERTY LINES, AND TO CLARIFY THE TYPES OF USES THAT ARE PERMISSIBLE AS PART OF AN AIRPORT (CASE NO. CU-07-01)

Rod Compton, Director of Planning and Zoning, came before the Board for approval of a request by Dwayne Clemens for an amendment to a Conditional Use Permit for the Benton Airport. Staff recommended approval to the Planning Commission and the Planning Commission also recommended approval of the amended development plan. The plan includes an allowance to construct the new hangars with no required setback and a statement to allow accessory uses to an airport operation. One property owner spoke in opposition to this at the Planning Commission meeting.

Commissioner Carpenter exited the Board meeting at 9:15 a.m.

Commissioner Masterson motioned to approve the request by Dwayne Clemens for an amendment to the Conditional Use Permit for the Benton Airport and authorize the Chair to sign Resolution No. 07-07. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Commissioner Carpenter returned to the Board meeting at 9:28 a.m.

ITEM #3 – CONSIDER ACCEPTING ROAD RIGHT-OF-WAY DEDICATIONS FROM ROBERT SKAER AND DAN FAGAN RELATED TO TWO LOT SPLITS THAT HAVE BEEN APPROVED BY THE BOARD OF COUNTY COMMISSIONERS

Rod Compton, Director of Planning and Zoning, came before the Board to accept the road right-of-way dedications from Robert Skaer and Dan Fagan related to two lot splits that have been approved by the Board of County Commissioners.

Commissioner Woydziak motioned to approve accepting right-of-way dedications from Mr. Dan Fagan for required right-of-way along the north side of NW 30th St. approximately ¼ mile east of NW Prairie Creek Rd. and along the east side of NW Prairie Creek approximately ¼ mile north of NW 30th St. related to an approved lot split case and authorize the Chair to sign the easement documents. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Commissioner Woydziak motioned to approve accepting a right-of-way dedication from Mr. Robert C. Skaer for required right-of-way along the north side of SW 110th St. approximately ¼ mile west of SW Purity Springs Rd. related to an approved lot split case and authorize the Chair to sign the easement document. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Commissioner Waldorf spoke with Roger Chrislip, Augusta City Commissioner and member of the Southern Baptist Church. The Church wishes to expand their building and parking lot to the east and inquired about putting in an access road off of Augusta Ave. Administrator Johnson said this land, owned by the County, is for future development.

Commissioner Woydziak, Administrator Johnson, and the Board discussed the SW Butler Quarry road.

Darryl Lutz, Director of Public Works came before the Board for approval of the millings bids that were received on Monday, March 26, 2007.

Commissioner Woydziak motioned to award the crushing and screening of asphalt millings work to Heartstone, Inc., Wichita, KS in the amount of \$37,060.00 at the Pirtle Stockpile for work on SW 170th St. and in the amount of \$17,350 at the Rose Hill High School Stockpile for work on SW Butler Rd. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Darryl Lutz presented a tentative agenda to the Board for the 2007 Township Annual meeting to be held on Tuesday, April 10, 2007.

ITEM #5 – CONSIDER APPROVAL OF 2007 MODIFICATION TO THE BUTLER COUNTY PERSONNEL POLICIES AND GUIDELINES

Will Johnson, County Administrator, came before the Board for approval of the updates to the Butler County Personnel Policies and Guidelines including the most recent changes of curtailment of services for inclement weather or power failures and the section involving employees filing for elected office.

Lt. Floyd Hunt and Captain Galen Whitaker came before the Board to discuss the personnel policy and receiving updates on the policy.

Commissioner Masterson motioned to approve the modifications to the Butler County Personnel Policies and Guidelines. Commissioner Woydziak seconded the motion. Motion carried 5-0.

RECESS

Commissioner Waldorf recessed the Board meeting at 10:05 a.m. for 5 minutes.

RECONVENE

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

ITEM #4 – CONSIDER APPROVAL OF 2007 BUTLER COUNTY STRATEGIC PLAN

Will Johnson, County Administrator, came before the Board for approval of the 2007 Butler County Strategic Plan.

The Board discussed the motor vehicle fees at the Augusta west office.

Commissioner Carpenter motioned to approve 2007 Butler County Strategic Goals. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Chris Davis, Director of 911, came before the Board to discuss reverse 911 which is a computer system that allows a target area on a map to pull the phone numbers from the database in order to contact citizens with urgent information such as an alert for a missing child or grass fire evacuations. Reverse 911 has offered the Butler County 911 Director an opportunity to participate on their 2007 Customer Advisory Council.

Commissioner Woydziak motioned to approve participation in the Reverse 911 Customer Advisory Council and authorize the Director of Emergency Communications to sign the nondisclosure agreement with Sigma Communications, LLC. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Commissioner Wheeler inquired about the 911 Agreement with the City of El Dorado. Administrator Johnson met with the El Dorado City Manager and has drafted a contract. The Board was adamant about allowing every other city in Butler County the same service the City of El Dorado is receiving. Commissioner Woydziak asked Chris Davis for a list of services or benefits that 911 is providing for other cities in the county.

APPROVAL OF ADDS AND ABATES

Commissioner Wheeler motioned to approve Adds & Abates #2297 dated March 27, 2007. Adds in the amount of \$1,276.86 and Abates in the amount of \$3,350.26. Commissioner Masterson seconded the motion. Motion carried 5-0.

Commissioner Waldorf stated that Thos. Y. Pickett & Company is working on an appraisal at Frontier Refinery and is asking for a contract addendum for \$3,500. This amount will cover the appraisal of a cogeneration, hydrogen, and air separation facility adjacent to the Frontier site, not covered by the current appraisal.

Commissioner Woydziak motioned to approve paying \$3,500 for Thos. Y. Pickett & Company Appraisal. Commissioner Masterson seconded the motion. Motion carried 5-0.

Ron Roberts, County Clerk, came before the Board with a request from the owner of The Old Hat in Rosalia. The owners applied and received a Cereal Malt Beverage license for this establishment in the name of Sam-n-J's and have decided not to change the name. The owners are asking to waive the fees for the new license. It was the consensus of the Board to waive the county fee for reapplying for a new license in the name of The Old Hat.

Ron Roberts, County Clerk, and the Board discussed canvassing the General Election of April 3, 2007 on Friday, April 6, 2007. Commissioner Waldorf will be out of town and Mark Detter will canvass in his place.

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

Commissioner Wheeler and the Board discussed gang activity in the county.

Commissioner Masterson motioned to appoint Christine Steward to the Recycle Task Force. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Commissioner Masterson, Administrator Johnson, and the Board discussed gambling, possible locations for a casino, and adjacent counties benefiting from the revenue. The Commissioners will be contacting Kansas senators to discuss this issue.

Commissioner Carpenter suggested getting together with the Department Heads for a luncheon.

Commissioner Carpenter said that after the REAP meeting on Monday, April 9, 2007, the Greater Wichita Economic Development Coalition (GWEDC) will be presenting information about the benefit that Butler County receives from the link on their website.

Commissioner Carpenter stated that the Codes Court bill passed and says that every county that implements a codes court will be subject to a 5% petition to send the codes court to a vote of the people in all counties.

Commissioner Carpenter, Administrator Johnson, and the Board discussed the Butler County website.

Administrator Johnson informed the Board that credit card fraud had occurred with a county credit card. Someone in Turkey purchased items with the card, Commerce Bank caught the theft, and the card was cancelled.

Commissioner Woydziak motioned to recess the Board to Executive Session at 11:30 a.m. for 5 minutes, with the public session resuming at 11:35 a.m., to discuss preliminary discussions relating to the acquisition of real property to protect the interests of the County. Commissioner Carpenter seconded the motion. Motion carried 5-0. Those in attendance were Commissioners Carpenter, Masterson, Waldorf, Wheeler, Woydziak, and Administrator Johnson.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 11:40 a.m.

No action was taken as a result of Executive Session.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting at 11:40 a.m. Commissioner Woydziak seconded the motion. Motion carried 5-0.