

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 29, 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, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Reporter Tammy Bridges.

APPROVAL OF MINUTES

Commissioner Carpenter motioned to approve the minutes of the Butler County Commission Meetings of Monday, May 21, 2007 and Tuesday, May 22, 2007 as written. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioner Waldorf wanted to make everyone aware that Neal Parrish, former County Commissioner and Treasurer passed away yesterday.

ITEM #1 – RECEIVE MARION NICHOLS, COMMUNITY SERVICE DIRECTOR FOR MID CAP, TO DISCUSS THE 2007 KANSAS EMERGENCY SHELTER GRANT

Marion Nichols, Community Service Director of Mid Cap, came before the Board to discuss the 2007 Kansas Emergency Shelter Grant. Ms. Nichols said the grant request for this year is \$2,000 for motel rooms for the homeless and \$8,000 for homeless prevention for the first month's rent. Mid Cap is asking Butler County to provide \$5,000 for this matching grant and Harvey County will be providing the other \$5,000.

Commissioner Woydziak motioned to approve the matching funds in the amount of \$5,000. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Ms. Nichols told the Board that Butler County did not receive Emergency Food & Shelter National Board money this year. She said for the previous four years the county received approximately \$25,000 and requested that the Board consider helping out with more than \$5,000 for next year. Commissioner Woydziak asked for the number of people the \$25,000 funds served and Commissioner Carpenter asked for a formal application for the budget.

ITEM #2 – CONSIDER APPROVAL OF THE AGREEMENTS WITH KANSAS SECURED TITLE – BUTLER COUNTY TO RECEIVE RECORDS VIA FTP SITE

Marcia McCoy, Register of Deeds, came before the Board for approval of the agreements with Kansas Secured Title-Butler County to receive records via FTP site. Ms. McCoy said this is a source of income for the Butler County General Fund in the amount of \$4,800 per year.

Commissioner Wheeler motioned to approve the Subscriber User Agreement and the Electronic Record Access Agreement with Kansas Secured Title-Butler County to receive records via FTP site and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT REQUEST BY GARLAND P. FERRELL ON BEHALF OF PPM ENERGY AND GENERAL ELECTRIC

TO ERECT THREE (3) TEMPORARY TOWERS IN THE AG-80 ZONING DISTRICT TO CONDUCT METEOROLOGICAL STUDIES OF WIND CONDITIONS (CASE NO. CU-07-04) (RESOLUTION NO. 07-16)

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Garland P. Ferrell, III and M & L Land Co. on behalf of PPM Energy and General Electric for a Conditional Use Permit (CUP). This CUP is for three temporary towers 260 feet in height to be constructed in order to conduct meteorological studies of wind conditions. The Planning Commission recommended approval by a 6-0 vote subject to the following conditions: (1) The CUP is limited to 15 calendar months with the commencement of the 15 calendar months beginning upon the complete construction of all three towers; and (2) That all three towers, their foundations, and any associated equipment be decommissioned and removed from the sites at the expense of the owner within the same 15 month period. Staff recommended that any required lighting consist of red lights at night with daylight strobes only.

The Board determined that a decommissioning bond should be in place for an amount of \$100,000. Commissioner Woydziak said he is concerned about dust control because of truck traffic. Administrator Johnson suggested getting some cost estimates associated with dust control.

Commissioner Masterson motioned to approve the request by M&L Land Co. and Garland P. Ferrell, III on behalf of PPM Energy and General Electric for Conditional Use Permits to erect 3 temporary guy wire supported meteorological towers 260 feet in height on property located in the Southwest Quarter of the Southwest Quarter of Section 5, Township 29 South, Range 8 East; and the Northwest Quarter of the Northeast Quarter of Section 31, Township 28 South, Range 8 East of the 6th P.M., Butler County, Kansas, subject to the conditions noted above, with the addition of a \$100,000 surety bond for decommissioning, to prohibit the use of night time strobe lights on the towers, and authorize the Chair to sign Resolution No. 07-16. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF REQUEST BY PAUL LEIS TO REZONE APPROXIMATELY 40 ACRES FROM AN AG-40 TO RR RURAL RESIDENTIAL (CASE NO. RZ-07-03) (RESOLUTION NO. 07-18)

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Paul Leis to rezone approximately 40 acres from Ag-40 to RR Rural Residential. The Planning Commission recommended denial of this rezoning by a 3-2 vote. Staff also recommends denial of this request because the Planning Commission felt the property's location, while within the Urban Growth Area of the County, was not on a paved road or in close proximity to an existing city and not in conformance with the County's Comprehensive Plan.

Paul Leis came before the Board and said he would like to have known ahead of time about a moratorium on building in this area before he spent money on an application fee and survey.

Commissioner Waldorf asked Mr. Compton and the Planning and Zoning Office to continue to give insight to people regarding requests for zoning changes and compliance with the Planning & Zoning Regulations.

Commissioner Carpenter motioned to deny the request by Homeland LLC and Paul Leis to rezone approximately 40 acres in the Southwest Quarter of the Southwest Quarter of Section 26, Township 29 South, Range 3 East from an AG-40 classification to an RR Rural Residential

classification and hereby do not authorize the Chair to sign Resolution No. 07-18 denying such change. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER APPROVAL OF CONDITIONAL USE PERMIT REQUEST BY DON DRAPER ON BEHALF OF SCOTT DOORNBOS FOR A MATERIAL STORAGE/TRUCKING BUSINESS ON PROPERTY IN THE AG-40 ZONING DISTRICT (CASE NO. CU-07-06) (RESOLUTION NO. 07-17)

Commissioner Wheeler recused himself from discussion of this item.

Rod Compton, Planning and Zoning Director, came before the Board for approval of a Conditional Use Permit for a material storage/trucking business requested by Don Draper, the son of Frank Draper (who is deceased) has applied on behalf of Scott Doornbos. The Planning Commission recommended approval by a 5-0 vote with the following conditions: (1) That adequate provisions be undertaken to buffer or screen the material storage area and the truck parking area so as to reduce visibility of those portions of the operation from public rights of way and adjacent properties, (2) That the business be operated in conformance to the submitted development plan, and (3) That failure to conform or remain in conformance with the development plan shall result in revocation of Conditional Use Permit. Commissioner Carpenter said he received a letter and is in the 1,000 foot area, but did not attend the public hearing and has not received any complaints. Commissioner Waldorf raised a concern about traffic. Mr. Lutz suggested moving the driveway.

Mr. Scott Doornbos came before the Board and said the oilfield access driveway could be moved in order to see oncoming traffic. He said there wouldn't be a problem screening truck parking and storage material with trees.

The Board added a fourth condition that the County Engineer is to determine an ingress and egress for truck entrance.

Commissioner Woydziak motioned to approve the request by Frank/Don Draper and Scott Doornbos for a Conditional Use Permit to establish a material storage/handling trucking business in the Northeast Quarter of Section 15, Township 26 South, Range 4 East of the 6th P.M. Butler County, Kansas, subject to the conditions noted above adding item 4 that the ingress/egress is to be approved by the County Engineer, an adequate natural buffer is to be installed to screen the material and truck parking, and authorize the Chair to sign Resolution No. 07-17. Commissioner Masterson seconded the motion. Motion carried 4-0.

RECESS

Commissioner Waldorf recessed the Board meeting at 10:15 a.m. for 5 minutes.

RECONVENE

Commissioner Waldorf reconvened the Board meeting at 10:20 a.m.

ITEM #6 – CONSIDER APPROVAL OF CONDITIONAL USE PERMIT REQUEST BY JAMES L. PERKINS TO EXTEND AN EXISTING LANDING STRIP ON PROPERTY ZONED AG-40 (CASE NO. CU-07-03) (RESOLUTION NO. 07-19)

Rod Compton, Planning and Zoning Director, came before the Board for approval of a Conditional Use Permit to extend an existing landing strip on property zoned Ag-40 submitted by

James L. Perkins, a resident of the Butler Airpark Addition. Mr. Perkins would like to develop the property at a later time. Staff feels the amount of air traffic that would be generated would be no greater than what already exists, because it is restricted to use by owners of the lots in the subdivision. The Planning Commission recommended approval by a 5-0 vote with conditions.

There were questions regarding why this request is being presented and airport overlay zones.

Mr. Milo McClure lives in Butler Airpark and said drainage water comes across his property and goes into a drainage ditch on the south end of his lot. Mr. McClure is concerned about Mr. Perkins wanting to fill in the ditch, which will cause the water to drain into his basement.

The Board and Administrator Johnson discussed sending this item back to the Planning and Zoning Commission. The Board requested a site plan and a drainage plan.

Commissioner Carpenter motioned to send this item back to the Planning Commission for more information regarding a drainage study, the purpose of this request, and the long-range plan. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #7 – WORK SESSION – COUNTY APPRAISER INFORMATION

Elysa Lovelady, County Appraiser, came before the Board to present information to the Board in order to discuss manufactured home valuations. Commissioner Masterson asked if there is any way to implement the values in increments. Ms. Lovelady said we are required to be at market value to be in compliance with the state, and those who are not at fair market value are not paying their fair share. Statutory compliance requires that the appraiser's value be within 10% high or low of the sale price at the time it sells on an open market transaction. The Board and Ms. Lovelady discussed the valuation of Frontier Refinery and the budget impact.

RECESS

Commissioner Waldorf recessed the Board meeting at 11:35 a.m. for 5 minutes.

RECONVENE

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

ITEM #8 – WORK SESSION – LANDFILL HOURS

The Board did not discuss this item because Darryl Lutz, P.E., Director of Public Works, was called away to deal with an accident involving a county oil truck.

ITEM #9 – CONSIDER APPROVAL TO UPGRADE COUNTY FINANCIAL ACCOUNTING SOFTWARE

Mark Detter, Assistant Administrator/Finance Director, came before the Board for approval to upgrade the County Financial Accounting Software. Mr. Detter feels going to a PC based system will benefit the accounting system, Human Resources, and payroll. The total upgrade cost estimate is \$100,734.

Commissioner Woydziak motioned to authorize staff to develop a contract with Computer Information Concepts for the implementation of a new financial/payroll/HR software system for Butler County. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #10 – WORK SESSION – MANAGEMENT RESPONSE TO AUDIT FINDINGS

Mark Detter, Assistant Administrator/Finance Director, came before the Board to review the management response to audit findings.

Commissioner Masterson left the Board meeting at 12:00 p.m. for another meeting.

ITEM #11 – WORK SESSION – SPACE STUDY ANALYSIS

Administrator Johnson came before the Board to discuss the space study analysis for the courthouse including the breakdown of the square footage and time lines for changes.

APPROVAL OF VOUCHERS

Commissioner Carpenter motioned to approve the vouchers dated May 29, 2007 in the amount of \$633,040.18. Commissioner Woydziak seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Carpenter motioned to approve Adds & Abates #2305 dated May 29, 2007. Adds in the amount of \$0.00 and Abates in the amount of \$922.88. Commissioner Woydziak seconded the motion. Motion carried 4-0.

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

Commissioner Woydziak commented that the Sheriff Department held a training class for school shootings at an old elementary school building in Rose Hill. Approximately 40 Sheriff's officers attended as well as city department personnel.

Administrator Johnson introduced Matt Lawn who was selected as this year's intern.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 12:40 p.m. Commissioner Woydziak seconded the motion. Motion carried 4-0.