

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, November 27, 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 Recorder Paula Stoskopf.

**ITEM #1 – CONSIDER APPROVAL OF RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,300,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 2007 (DRISCO, L.L.C.)**

Paula Langworthy, representing Triplett, Woolf & Garretson, came before the Board for approval of Resolution No. 07-43 which will authorize the issuance of Industrial Revenue Bonds, Series 2007. This is for the purpose of purchasing, acquiring, constructing and equipping a rock, gravel, petroleum coke and sand storage and transfer facility. This will be located at 2249 SW Ohio St. Rd. in Butler County, Kansas, in the unincorporated area of the County, but will be within three miles of the City of Towanda, Kansas.

*Commissioner Wheeler motioned to adopt Resolution No. 07-43 authorizing issuance of \$1,300,000 in taxable Industrial Revenue Bonds, Series 2007 (Drisco, L.L.C.). Commissioner Masterson seconded the motion. Motion carried 5-0.*

Item #2 tabled until 9:30. Attorney Tim Connell was scheduled to arrive at that time.

**ITEM #3 – CONSIDER ACCEPTANCE OF DEDICATIONS FOR FINAL PLAT OF HENRY CHINN SUBDIVISION (CASE NO. PL-07-12)**

Rod Compton, Director of Planning & Development, came before the Board for Acceptance of Dedications for Final Plat of Henry Chinn Subdivision. The Planning Commission is the approving body for plats; however, any proposed dedications have to be accepted by the Board of County Commissioners. The applicant has met dedication requirements of the County Engineer. Public hearing requirements were met and comments from nearby property owners were received.

*Commissioner Woydziak motioned to accept the dedications shown on the Henry Chinn Subdivision Final plat 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 only after acceptable construction of the interior road or submittal of an acceptable bond or letter of credit insuring that such road will be constructed; 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 5-0.*

**ITEM #4 – CONSIDER APPROVAL OF REQUEST BY EARL KOEHN FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 10 ACRES FROM THE REMAINDER OF A 120-ACRE PARCEL (CASE NO. PL-07-10)**

Rod Compton, Director of Planning & Development, came before the Board for consideration of a Homestead Lot Split with APO in order to separate an existing homestead and 10 acres from the remainder of a 120-acre parcel. The property is located at NE Teter Road. & NE 170<sup>th</sup> Street. Staff feels that the use of the APO provision on this property is appropriate. The residence has been in place for many years, and the remainder of the property is used for agricultural purposes. The resulting impact of the approval of the request will be unseen. The only thing that will happen is that the existing homestead can be sold. The applicant will be submitting a dedication of right of way document that will meet the requirements of the County Engineer. The acceptance of this dedication will need to be approved by the Board of County Commissioners. A public hearing regarding this matter was held on November 6, 2007.

*Commissioner Wheeler motioned to approve the APO Lot split located in the West Half of the Northwest Quarter of Section 8, Township 23 South, Range 6 East of the 6<sup>th</sup> 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 Carpenter seconded the motion. Motion carried 5-0.*

*The above motion was amended by Commissioner Wheeler and seconded by Commissioner Carpenter to include the additional 40 feet of right of way along NE 170<sup>th</sup> Street and NE Teter Road. Motion passed 5-0.*

**ITEM #2 – CONSIDER APPOINTMENT OF TWO COUNTY COMMISSIONERS FOR FENCE VIEWING ALONG WITH A TIME AND DATE FOR THE VIEWING AT THE REQUEST OF SAM AND MARY WRIGHT AND MARK AND PAMELA G. WRIGHT PURSUANT TO K.S.A. 29-201 FOR PROPERTY LOCATED AT SW SHUMWAY ROAD AND SW 220TH**

Tim Connell, Attorney, came before the Board for the appointment of two Commissioners for fence viewing along with a time and date for viewing at the request of Sam and Mary Wright and Mark and Pamela G. Wright pursuant to K.S.A. 29-201 for property located at SW Shumway Road and SW 220<sup>th</sup>. The viewers are required to view the disputed fence in accordance to K.S.A. 29-304 and make a determination and assign to each party in writing, his equal share or part of such fence to be kept up and made in good repair. The assignment of responsibility shall be filed in the Register of Deeds and shall be obligated thereafter to maintain their respective portions of the fence. Failure to comply with the mandate of the viewers can then be disputed in District Court.

*Commissioner Wheeler motioned to approve the application for fence viewing and appoint Commissioners Woydziak and Waldorf to serve as fence viewers and direct that a viewing be held on the fence described by the legal description in the application on the day of December 18, 2007 at 8 a.m. and that said viewing will be held at the mid point of the fence so referenced. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

Tim Connell informed the Board that he would give notice to the landowners of this date and time.

**ITEM #5 – CONSIDER APPROVAL OF THE RECOMMENDATION FROM THE EMS DEPARTMENT TO ACCEPT THE LOW BID FROM LINWELD OXYGEN TO SUPPLY MEDICAL OXYGEN FOR THE EMS DEPARTMENT**

Brandon Russell, EMS Department, came before the Board on behalf of Grant Helferich, Director of EMS, for acceptance of the low bid from Linweld Oxygen to supply Medical Oxygen for the EMS Department. Bids were received from three vendors. Young's Welding Supply, Linweld, and AirGas. Upon reviewing all bids, low bid for Medical Oxygen was from Linweld.

*Commissioner Carpenter motioned to approve the low bid from Linweld for Medical Oxygen for the EMS Department. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #6 – CONSIDER APPROVING AN AGREEMENT WITH KDOT TO RECEIVE EMERGENCY FLOOD RELIEF FUNDS FOR DEBRIS REMOVAL AND SCOUR REPAIR WORK ON A FEDERAL AID BRIDGE RELATED TO SUMMER FLOODING**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of an agreement with KDOT to receive Emergency Flood Relief Funds for debris removal and scour repair work on a federal aid bridge related to summer flooding. Upon execution, this agreement would allow Butler County to proceed with the proposed work and to request reimbursement. Only project sites that have \$5,000 or more in damage costs are eligible for cost reimbursement through this program. 100% of Butler County's cost for repair work at this site is reimbursable under this agreement.

*Commissioner Masterson motioned to approve the agreement with KDOT to receive Emergency Flood Relief Funds in the not to exceed amount of \$13,600 for debris removal and scour repair work at the Whitewater River bridge on Thunder Road located southwest of Augusta. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

Darryl Lutz also came to the Board with an after the fact request on an equipment purchase. He had the opportunity to purchase a used 1984 International bucket truck from Federal Surplus Supply for \$6,500. This is an extremely good price for such a vehicle and he felt justified in making the purchase. Mr. Lutz contacted Administrator Johnson prior to the purchase and both agreed to take the opportunity. Mr. Lutz purchased the truck with the arrangement that it could be turned back if the Board did not concur with the purchase.

*Commissioner Woydziak motioned to approve \$6,500 for the purchase of a 1984 International Bucket Truck. Commissioner Carpenter seconded the motion. Motion carried 5-0.*

The Board took the opportunity with Mr. Lutz to discuss different road conditions throughout the County and what plans were for some of the repairs and maintenance.

Staff members came before the Board to discuss the resolution to handling the printing of the combined tax statements. It was the consensus of the Board, that the County should contact the 54 property owners, who received the combined statements, by letter. Staff agreed that a letter would be sent to all 54 property owners along with a break down of taxes for each parcel. In addition the 8 property owners with 10 or more parcels would receive a phone call explaining the combined statements. Commissioner Waldorf thanked Staff for working quickly to resolve this matter.

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

Administrator Johnson issued to the Board the KAC Legislative Policy that has been adopted.

Administrator Johnson issued papers to the Board to assign the Chairman to respond on behalf of the Board regarding the Baker lawsuit.

Administrator Johnson noted that today was the United Way Fair Share Givers Luncheon for those employees who have participated in the program.

Administrator Johnson informed the Board that he had met with the City Managers regarding animal shelter issues in the County.

Administrator Johnson reminded the Board that this Friday is the Planning & Zoning Board Appreciation Dinner.

Commissioner Woydziak had questions regarding the County's policy on date stamping time sensitive documents received. Mr. Johnson said that he would verify how that is processed.

Commissioner Woydziak stated that Dan Armstrong, Fire Chief, Butler County FD #3, would be retiring April 1, 2008. He stated that maybe with the hiring of a new Chief, now would be the appropriate time to combine this fire district into the City of Rose Hill. The Board concurred that this would be something to pursue.

Commissioner Wheeler shared his concerns regarding the Retreat located east of El Dorado. Administrator Johnson stated that this is a concern of many residents and is being reviewed.

#### **APPROVAL OF ADDS AND ABATES**

*Commissioner Wheeler motioned to approve Adds & Abates #2326 dated November 27, 2007. Adds in the amount of \$8,883.10 and Abates in the amount of \$36,061.62. Commissioner Masterson seconded the motion. Motion carried 5-0.*

#### **APPROVAL OF VOUCHERS**

*Commissioner Wheeler motioned to approve the vouchers for November 26, 2007 in the amount of \$651,248.22. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

Commissioner Carpenter expressed concern regarding the number of meal vouchers. He requested Administrator Johnson to review the matter. Mr. Johnson will e-mail the Board the results of his findings from the vouchers.

#### **ADJOURNMENT**

*Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:05 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.*