

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, May 23, 2000**

The Butler County Board of Commissioners was called to order by Commission Chairman, Randy Doll. Present were Commissioners Neal Parrish and Linsey Cutsinger along with County Administrator, Jay Newton and County Clerk, Mary K. Walker.

**APPROVAL OF MINUTES**

Commissioner Doll moved to approve the minutes of Monday, May 15, 2000 as amended. Commissioner Cutsinger seconded the motion that carried 3-0.

**RESOLUTION 00-22 -- ALCOHOL SAFETY ACTION PROGRAM**

Commissioner Parrish moved to adopt Resolution 00-22 authorizing the placement of persons convicted of driving under the influence of alcohol or drugs, pursuant to K.S.A. 8-1567, in an Alcohol Safety Action Program operated by The Counseling Center of Butler County. Commissioner Cutsinger seconded the motion that carried 3-0.

**PLANING AND ZONING MATTERS**

**Pleasant Prairie Addition Final Plat**

Commissioner Parrish moved to accept the final plat of Pleasant Prairie Addition (Case #PL-00-10) located one mile north and two miles east of Andover, Kansas. Commissioner Cutsinger seconded the motion that carried 3-0.

**Res. 00-23**

Commissioner Cutsinger moved to approve Resolution 00-23 (Case RZ-00-06) rezoning land located at 1009 E. 8<sup>th</sup> Street, Douglass, Kansas from Agricultural to Rural Residential. Commissioner Parrish seconded the motion that carried 3-0.

**Res. 00-24**

Commissioner Doll moved to approve Resolution 00-24 (Case RZ-00-07) rezoning land located one-eighth mile south of SW 150<sup>th</sup> on Indianola Road, Augusta from Agricultural to Rural Residential. Commissioner Cutsinger seconded the motion that carried 3-0.

**Res. 00-25**

Commissioner Parrish moved to approve Resolution 00-25 (Case RZ-00-09) rezoning land located one-eighth mile south on 160<sup>th</sup> Street on the east side of Purity Springs Road from Agricultural to Rural Residential. Commissioner Cutsinger seconded the motion that carried 3-0.

**Res. 00-26**

Commissioner Parrish moved to approve Resolution 00-26 (Case RZ-00-09) rezoning land located adjacent to the City of Potwin from Agricultural to Rural Residential. Commissioner Cutsinger seconded the motion that carried 3-0.

**Res. 00-27**

Commissioner Doll moved to approve Resolution 00-27 (Case RZ-00-11) rezoning land located south of NW 60<sup>th</sup> Street on Diamond Road, south of Potwin, Kansas from Agricultural to Rural Residential. Commissioner Cutsinger seconded the motion that carried 3-0.

**Res. 00-28**

Commissioner Parrish moved to approve Resolution 00-28 (Case RZ-00-12) rezoning land located at 9143 SW 110<sup>th</sup>, Augusta, Kansas from Agricultural to Rural Residential. Commissioner Cutsinger seconded the motion that carried 3-0.

**Res. 00-29**

Commissioner Cutsinger moved to approve Resolution 00-29 (Case RZ-00-14) rezoning land located east of El Dorado between Highway 54 and SE 20<sup>th</sup> Street on SE Ellis from Agricultural to Rural Residential. Commissioner Parrish seconded the motion that carried 3-0.

**Res. 00-30**

Commissioner Parrish moved to approve Resolution 00-30 (Case RZ-00-13) rezoning land located at the SE corner of the intersection of SE 60<sup>th</sup> Street and Bluestem Road, 6206 SE Bluestem Road, Leon, Kansas from Agricultural to Rural Residential. Commissioner Cutsinger seconded the motion that carried 3-0.

**Case RZ-00-01**

Commissioner Cutsinger moved to deny the rezoning of land located at 2888 SW Butler Road, Benton, Kansas from Agricultural to Rural Residential. Commissioner Parrish seconded the motion that carried 3-0.

**Case CU-99-16**

Commissioner Cutsinger stated that he had received a lot of input from Butler County citizens including the applicant, residents adjacent to this tract of land and other residents in the county but that this would not affect his decision regarding this matter. He stated his decision would be based upon the guidelines used for each zoning case.

Commissioner Cutsinger moved to deny Conditional Use application CU-99-16 to establish a landfill to be located near SW 50<sup>th</sup> Street between Haverhill Road and Kickapoo Road based on the following reasons:

- (1) The rezoning of this tract of land is not compatible with adjacent land on the south that is zoned as Rural Residential
- (2) The application for a private landfill goes against the Butler County Solid Waste Management Plan
- (3) The proposed area is adjacent to land south of the landfill that was created in 1995 to be a buffer area or zone to protect the surrounding landowners.
- (4) The applicant did not adequately prove that the conditional use would not adversely affect the surrounding properties
- (5) There would not be a relative gain to our public health, safety and welfare.  
The applicant did not prove that this conditional use would outweigh the hardship by not changing the status of this property.
- (6) The proposed use is not necessary because of the changing conditions in our affected area. The Butler County Sanitary landfill is adequate for at 30 years into the future.
- (7) Staff has recommended to deny the application.

Commissioner Parrish seconded the motion that carried 3-0. Application Denied.

**WHITEWATER RIVER BRIDGE PROJECT**

Commissioner Parrish moved to approve the force account agreement between Butler County and KDOT for construction engineering on the Whitewater Bridge Project on SW 40<sup>th</sup> (8C-3516-01) in the amount of \$41,128.81 and authorize the Commission to sign. Commissioner Cutsinger seconded the motion that carried 3-0.

**ROCK CREEK BRIDGE REHABILITATION PROJECT**

Commissioner Parrish moved to approve the force account agreement between Butler County and KDOT for construction engineering on the Rock Creek Bridge Rehabilitation Project on South Haverhill Road (8C-3590-01) in the amount of \$45,356.77. Commissioner Cutsinger seconded the motion that carried 3-0.

**BERM CONSTRUCTION AGREEMENT - Dr. Farney property on SW 70<sup>th</sup>**

County Engineer, Darryl Lutz spoke with the Board regarding construction of a berm to give flood prevention to the residence of Dr. Ted Farney. The property is located in an area next to the Whitewater River where a new bridge is being constructed. The construction of the bridge will increase flood plain elevation and this berm would give the residence flood protection. In addition to the berm construction, the county will also provide a gasoline-powered *sump* ?? pump to Dr. Farney.

Commissioner Doll moved to approve the agreement between Butler County and Dr. Ted and Mary Farney regarding the flood issues along the Whitewater river road project and authorize the County Engineer to proceed with signatures from the Farneys. Commissioner Parrish seconded the motion that carried 3-0.

**BRIDLEWOOD 1<sup>st</sup> ADDITION PROPERTY CONTRACTS**

- (1) Commissioner Doll moved to approve the Real Estate purchase contract dated May 15, 2000 between **Mark and Tamara Collins** and Butler County to purchase **Lot 15**, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (subject to clear title), purchase amount of \$226,260.00 and to authorize the Chair to sign. Commissioner Parrish seconded the motion that carried 3-0.
- (2) Commissioner Doll moved to approve the Real Estate purchase contract dated May 16, 2000 between **Alan T. and Candice V. Smucker** and Butler County to purchase **Lot 9**, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (subject to clear title), purchase amount of \$258,900.00 and authorize the Chair to sign. Commissioner Cutsinger seconded the motion that carried 3-0.
- (3) Commissioner Doll moved to approve the Real Estate purchase contract dated May 17, 2000 between **National Plastics Color, Inc.** and Butler County to purchase **Lot 4**, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (subject to clear title), purchase price of \$217,182.00 and to authorize the Chair to sign. Commissioner Parrish seconded the motion that carried 3-0.
- (4) Commissioner Doll moved to approve the Real Estate purchase contract dated May 18, 2000 between **James D. McDaniel and Medrith E. McDaniel** and Butler County to purchase **Tract 1 and Tract 2**, legal description as indicated on the Title Commitment,

Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (subject to clear title), purchase price of \$60,900.00 and to authorize the Chair to sign. Commissioner Parrish seconded the motion that carried 3-0.

(4) Commissioner Doll moved to approve the Real Estate purchase contract dated May 15, 2000 between **Terry K. and Donna K. Heckart** and Butler County to purchase **Lot 16 and part of Lot 15**, legal description as indicated on the Title Commitment, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (subject to clear title), purchase price of \$160,000.00 and to authorize the Chair to sign. Commissioner Parrish seconded the motion that carried 3-0.

(5) Commissioner Doll moved to approve the Real Estate purchase contract dated May 18, 2000 between **Bradley A. and Melanie L. Hatt** and Butler County to purchase **the west 25 feet of Lot 5 and all of Lot 6**, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (legal description as contained in the Title Commitment), subject to clear title, purchase price of \$245,000.00 and to authorize the Chair to sign. Commissioner Cutsinger seconded the motion that carried 3-0.

(6) Commissioner Doll moved to approve the Real Estate purchase contract dated May 19, 2000 between **Phillip M. Hobbs Sr. and Mary A. Simmons** and Butler County to purchase **Lot 5, except the west 25 feet**, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (legal description as contained in the Title Commitment), subject to clear title, purchase price of \$198,594.00 and to authorize the Chair to sign. Commissioner Parrish seconded the motion that carried 3-0.

(7) Commissioner Doll moved to approve the Real Estate purchase contract dated May 22, 2000 between **Donald A. and Susan H. Funke** and Butler County to purchase **Lot 13A, a Re-plat of Lots 13 and 14**, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (legal description as contained in the Title Commitment), subject to clear title, purchase price of \$121,400 and to authorize the Chair to sign. Commissioner Cutsinger seconded the motion that carried 3-0.

(8) Commissioner Doll moved to approve the Real Estate purchase contract dated May 15, 2000 between **Larry A. and Becky A. Schuessler** and Butler County to purchase **Lot 3**, Bridlewood 1<sup>st</sup> Addition, Andover, Kansas (legal description as contained in the Title Commitment), subject to clear title, purchase price of \$170,800 and to authorize the Chair to sign. Commissioner Parrish seconded the motion that carried 3-0.

Emergency Management Director, Jim Schmidt stated that Butler County's Weather Radio (located at Beaumont, Kansas) for the U.S. Weather Alert System is the first of its kind to be certified in the entire U.S.

**RECESS**

Commissioner Cutsinger moved to recess. Commissioner Doll seconded the motion that carried 3-0.

**RECONVENE**

Commissioner Doll reconvened the meeting at 10:30 AM.

Commissioner Cutsinger moved to approve the amended WIC contract between Butler County and the Kansas Department of Health and Environment for the period July 1, 1999 to September 30, 2001. Commissioner Parrish seconded the motion that carried 3-0.

**WSU SCHOOL OF NURSING AGREEMENT**

Commissioner Parrish moved to approve the agreement between Butler County and WSU School of Nursing providing for clinical placement of WSU nursing students and authorize the Butler County Health administrator to sign. Commissioner Cutsinger seconded the motion that carried 3-0.

**BU CO EMS - HUTCHINSON COMM. COLLEGE AGREEMENT**

Commissioner Cutsinger moved to approve the agreement between Butler County and the Hutchinson Community College EMS Education program providing of placement of HCC, EMS students and authorize the Chair to sign. Commissioner Parrish seconded the motion that carried 3-0.

**RESOLUTION 00-31**

Commissioner Parrish moved to approve Resolution 00-31 establishing a Butler County Council On Aging for Butler County, Kansas re-sending all previous resolutions relating to the Butler County Council on Aging. Commissioner Cutsinger seconded the motion that carried 3-0.

**RECESS**

Commissioner Cutsinger moved to recess. Commissioner Doll seconded the motion that carried 3-0.

**RECONVENE**

Commissioner Doll reconvened the meeting at 11:15 AM.

**RESOLUTION 00-32 - Judicial Center**

Commissioner Cutsinger moved to approve Resolution 00-32 declaring the intent to issue bonds or other debt financing of the county in a principal amount which shall not exceed \$24,000 for the purpose of paying certain costs of constructing and equipping a jail facility and acquiring a jail site and judicial center. Commissioner Parrish seconded the motion that carried 3-0.

**ADJOURNMENT**

Commissioner Doll moved to adjourn. Commissioner Parrish seconded the motion that carried 3-0.