

BUTLER COUNTY BOARD OF COMMISSIONERS
Monday, April 21, 2008

CALL TO ORDER

Commission Chairman Dan Woydziak 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, Administrator Will Johnson, Jr., and Clerk Recorder Paula Stoskopf. Commissioner Randy Waldorf was absent.

APPROVAL OF MINUTES

Commissioner Masterson motioned to approve the minutes of the Butler County Commission Meeting of Monday, April 14, 2008 as written. Commissioner Woydziak seconded the motion. Motion carried 3-0 with one abstention. Commissioner Wheeler abstained due to the fact that he was not present at the April 14th Meeting.

Commissioner Waldorf indicated in an e-mail to Administrator Johnson that on Item #2 on April 15th, the motion said "would/would not" and it should say, "would."

Commissioner Carpenter motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, April 15, 2008 with the change noted above. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #2 – CONSIDER APPROVAL TO AUTHORIZE THE CHAIR TO SIGN A PROCLAMATION RECOGNIZING THE ANDOVER CENTRAL HIGH SCHOOL GIRLS BASKETBALL TEAM, 2008 KANSAS 4A STATE CHAMPIONS AND COACH STANA JEFFERSON AND JOIN WITH ALL CITIZENS OF BUTLER COUNTY TO CONGRATULATE THEM ON THEIR ACHIEVEMENT

Administrator Johnson came before the Board to recognize Coach Stana Jefferson and the 2007-2008 Andover Central High School Girls Basketball Team who won the 2008 Kansas 4A State Championship with a 26-0 record. Commissioner Woydziak presented the coach and team with a certificate and congratulated them on their outstanding achievement.

Commissioner Masterson motioned to approve recognition of the Andover Central High School Girls Basketball Team and Coach Stana Jefferson, and join with all citizens of Butler County to congratulate them on their achievement. Commissioner Carpenter seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER APPROVAL TO AUTHORIZE THE CHAIR TO SIGN A PROCLAMATION RECOGNIZING CHRIS WATSON, ANDOVER CENTRAL HIGH SCHOOL, 2008 KANSAS 4A STATE CHAMPION AND JOIN WITH ALL CITIZENS OF BUTLER COUNTY TO CONGRATULATE HIM ON HIS ACHIEVEMENT

Administrator Johnson came before the Board to recognize Chris Watson, Andover Central High School, who won the Kansas 4A State Championship for wrestling in the 152 lb. weight class. Commissioner Woydziak presented Chris with a certificate and congratulated him on his outstanding achievement.

Commissioner Masterson motioned to approve recognition of Chris Watson as the Kansas 4A Wrestling State Champion for the 152 lb. weight class, and join with all citizens of Butler County to congratulate him on this achievement. Commissioner Carpenter seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVAL TO AUTHORIZE THE CHAIR TO SIGN A PROCLAMATION RECOGNIZING JAKE GENTZLER, ANDOVER CENTRAL HIGH SCHOOL, 2008 KANSAS 4A STATE CHAMPION AND JOIN WITH ALL CITIZENS OF BUTLER COUNTY TO CONGRATULATE HIM ON HIS ACHIEVEMENT

Administrator Johnson came before the Board to recognize Jake Gentzler, Andover Central High School, who won the Kansas 4A State Championship for wrestling in the 112 lb. weight class. Commissioner Woydziak presented Jake with a certificate and congratulated him on his outstanding achievement.

Commissioner Masterson motioned to approve recognition of Jake Gentzler as the Kansas 4A Wrestling State Champion for the 112 lb. weight class, and join with all citizens of Butler County to congratulate him on this achievement. Commissioner Carpenter seconded the motion. Motion carried 4-0.

ITEM #1 – CONSIDER APPROVAL TO AUTHORIZE THE CHAIR TO SIGN A PROCLAMATION RECOGNIZING THE BEREAN ACADEMY GIRLS BASKETBALL TEAM, 2008 KANSAS 2A STATE CHAMPIONS AND COACH KRISTIN WIEBE AND JOIN WITH ALL CITIZENS OF BUTLER COUNTY TO CONGRATULATE THEM ON THEIR ACHIEVEMENT

Administrator Johnson came before the Board to recognize Coach Kristin Wiebe and the 2007-2008 Berean Academy Girls Basketball Team who won the 2008 Kansas 2A State Championship with a 25-1 record. Coach Kristin Wiebe and the Team were unable to attend.

Commissioner Carpenter motioned to approve recognition of the Berean Academy Girls Basketball Team and Coach Kristin Wiebe, and join with all citizens of Butler County to congratulate them on their achievement. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #5 – RECEIVE RUTH BUMGARNER FROM CREATIVE COMMUNITY LIVING TO DISCUSS GRANT FUNDING

Ruth Bumgarner, Creative Community Living, and Linda Misasi, Executive Director of CCL, came before the Board to discuss grant funding. CCL is seeking \$40,000 in tax credits to expand their Day Services Programs. Part of the application process for these funds is to receive a local government endorsement. Commissioner Carpenter verified that Flint Hills Services is supportive of this request. Ms. Bumgarner confirmed that FHS is supportive. Commissioner Wheeler requested a list of the Board of Directors for CCL. Ms. Bumgarner stated she would e-mail the list to Sandy in Administration.

Commissioner Carpenter motioned to approve the endorsement of CCL to go out for tax credits for CSP Funds. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #6 – CONSIDER APPROVAL OF ACCEPTANCE OF DEDICATIONS FOR MACIEJ MARCINIAK LOT SPLIT

Rod Compton, Planning & Zoning Director, came before the Board for acceptance of dedications for Maciej Marciniak lot split. The applicant is proposing to separate the property into two parcels: one vacant parcel containing approximately 10 acres, and the other parcel with a residence containing approximately 10 acres. The Planning Commission approved the lot split 6-0.

Commissioner Masterson motioned to accept the dedications submitted for the Maciej Marciniak lot split survey and authorize the Chair to sign the dedication agreement. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #7 – CONSIDER REQUEST BY BRITT LIGGETT TO AMEND A CONDITIONAL USE PERMIT TO ALLOW AN EXISTING CUP TO BE EXPANDED TO ALLOW A BUSINESS OFFICE, EQUIPMENT STORAGE YARD (INCLUDING BUILDINGS AND MATERIAL STORAGE IN ADDITION TO THE USES ALLOWED UNDER THE EXISTING CONDITIONAL USE PERMIT)

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Britt Liggett to amend a Conditional Use Permit (CUP) to allow an existing CUP to be expanded to allow a business office, equipment storage yard (including buildings, and material storage in addition to the uses allowed under the existing CUP). Mr. Liggett owns 5.8 acres zoned AG-40 located at 262 NE Hwy 177 approximately 1¼ mile north of Hwy 54 on the east side of Hwy 177. Mr. Liggett recently purchased the property and has indicated that he would like to operate his business, Basement Technologies, from this location. It is part of the Driftwood Subdivision and was approved for a CUP on March 23, 1999, to allow a convenience store, gas station, car wash, and storage for RV's, boats, and trailers. The applicant has no intention of operating a convenience store, car wash, or for providing storage for RV's, boats, and trailers; however, he would like to retain the option of allowing those uses for future marketing purposes, should he decide to sell the property. Staff feels the use proposed would be appropriate for the area.

Commissioner Wheeler motioned to approve the request by Britt Liggett for a Conditional Use Permit to allow the property at 262 NE Hwy 177 to be used for an office and equipment and material storage yard, a convenience store, a car wash, and RV and boat storage yard subject to the conditions noted below and authorize the Chair to sign Resolution No. 08-07. Commissioner Carpenter seconded the motion. Motion carried 4-0.

Conditions recommended by the Planning Commission:

- (1) That all concrete rubble and other materials taken from job sites be screened so as to not be visible from the highway right of way or adjacent properties, and
- (2) That concrete rubble and other materials taken from job sites must be removed and disposed of properly at such a time it can no longer be hidden by the screening.

ITEM #8 – CONSIDER APPROVING THE PURCHASE OF SKID STEER LOADERS FOR THE PUBLIC WORKS DEPARTMENT BASED UPON BIDS RECEIVED

Mike Craft, Assistant Director of Public Works, came before the Board on behalf of Darryl Lutz, P.E., Director of Public Works, for approval of the purchase of skid steer loaders and accessory equipment based upon bids received on April 14, 2008. The lowest bid received was from White

Star Equipment for the Bobcat equipment. Mr. Craft recommended purchasing all three units with a guaranteed buy-back amount. Mr. Craft presented to the Board a list of the recommended optional attachments.

Commissioner Wheeler motioned to approve the purchase of 3 Bobcat 300 skid steer loaders with a guaranteed buy-back agreement and with recommended accessories from White Star Equipment, Wichita, KS. Commissioner Carpenter seconded the motion. Motion carried 4-0.

APPROVAL OF VOUCHERS

Commissioner Carpenter motioned to approve the vouchers for April 21, 2008 in the amount of \$348,222.63. Commissioner Masterson seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Masterson motioned to approve Adds & Abates #2345 dated April 21, 2008. Adds in the amount of \$0.00 and Abates in the amount of \$28,747.32. Commissioner Wheeler seconded the motion. Motion carried 4-0.

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

Commissioner Wheeler inquired of Mr. Johnson if the current jail count could be included in the information received along with the Commission Packets. Administrator Johnson stated that the count could be provided to the Board.

Commissioner Wheeler requested an update on the Johnson Property in Rosalia.

Commissioner Carpenter inquired of the letter from Ray Connell that Administrator Johnson provided to the Board regarding safety issues at the intersection of SW 50th & SW Purity Springs Rd. Mr. Johnson stated that it had been verified that this was a township road and that Darryl Lutz would be drafting a response to Mr. Connell.

Commissioner Wheeler motioned to recess the Board to Executive Session under the following exceptions to the Kansas Open Meetings Act, to discuss personnel matters of non-elected personnel and to discuss performance evaluation of non-elected personnel starting at 10:05 a.m. with the public session resuming at 10:15 a.m. Commissioner Carpenter seconded the motion. Motion carried 4-0. Those in attendance were Commissioners Carpenter, Masterson, Wheeler, Woydziak, and Administrator Johnson.

RECONVENE

Commissioner Woydziak reconvened the Board at 10:26 a.m. No action was taken as a result of Executive Session.

Administrator Johnson provided the Board with a copy of the Harms Holdharmless Agreement for review.

Commissioner Wheeler motioned to approve the Harms Holdharmless Agreement. Commissioner Carpenter seconded the motion. Motion carried 4-0.

ADJOURNMENT

*Commissioner Wheeler motioned to adjourn the meeting of the Board at 10:28 a.m.
Commissioner Carpenter seconded the motion. Motion carried 4-0.*

Following adjournment, the Board attended the Douglas Senior Center for lunch @ 11:30 a.m.