

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 26, 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 Randy Waldorf, Commissioner Mike Wheeler, Administrator Will Johnson, Jr., and Clerk Recorder Paula Stoskopf.

ITEM #1 – CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A BUILDING TO BE USED FOR ASSEMBLING AND SHIPPING OF CLAY TARGET LAUNCHERS LOCATED ¼ MILE WEST OF SW MEADOWLARK RD ON THE NORTH SIDE OF SW 50TH STREET (CASE NO. CU-08-01) (RESOLUTION NO. 08-02)

Rod Compton, Director of Planning & Zoning, came before the Board for consideration of a request by Larry Cero for a Conditional Use Permit to construct a building to be used for assembling and shipping of clay target launchers.

Commissioner Masterson motioned to approve the request by Larry Cero for a Conditional Use Permit to allow the construction of a building that would house the assembly and shipping operations of Atlas Trap Co. on the following described property and authorize the Chairman to sign Resolution No. 08-02. The property is described as: The West Half of the West Half of the Southeast Quarter of the Southeast Quarter of Section 29, Township 26 South, Range 3 East of the 6th P.M., Butler County, Kansas. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT TO UTILIZE AN EXISTING BUILDING AT 10686 SW 210TH ST. TO HOUSE A PRE-SCHOOL, A SHOP TO STORE AND REFURBISH THE OWNER'S ANTIQUE AND CLASSIC AUTOS, AND A CAST STONE BUSINESS (CASE NO. CU-08-02) (RESOLUTION NO. 08-03)

Rod Compton, Director of Planning & Zoning, came before the Board for consideration of a request by Jerry Vadnais for a Conditional Use Permit to utilize an existing building at 10686 SW 210th St. to house a pre-school, a shop to store and refurbish the owner's antique and classic autos, and a cast stone business.

Commissioner Waldorf motioned to approve the request by Jerry Vadnais for a Conditional Use Permit to allow an existing building on the following described property subject to the conditions listed below and authorize the Chairman to sign Resolution No. 08-03. The property is described as: Beginning 138.55 feet East of the Southwest Corner of the Southeast Quarter of the Southwest Quarter of Section 18, Township 29 South, Range 4 East; thence North 275 feet; thence East 475 feet; thence South 275 feet; thence West 475 feet to point of beginning. Commissioner Carpenter seconded the motion. Motion carried 5-0.

Suggested Conditions:

- (1) That all mold making and pouring of molds be carried out within a fully enclosed building.

- (2) That all equipment and materials (except aggregate and sand stockpiles) involved in the cast stone business be kept within a fully enclosed building.
- (3) That aggregate and sand stockpiles be kept within a fully enclosed solid fence 8' in height so as to not be visible from a public right of way or adjacent properties.
- (4) That all auto restoration, repair, or refurbishment be carried out within a fully enclosed building, and no vehicles, parts, or equipment shall be stored outside, and
- (5) That all necessary state permits be obtained prior to the opening of the pre-school.

ITEM #3 – CONSIDER A REQUEST TO REZONE APPROXIMATELY 17.4 ACRES FROM AN AG-40 TO RR RURAL RESIDENTIAL SOUTH OF 13TH ST. AND SW PRAIRIE CREEK (CASE NO. RZ-08-01) (RESOLUTION NO. 08-04)

Rod Compton, Director of Planning & Zoning, came before the Board for consideration of a request by Les Mangus to rezone approximately 17.4 acres from an AG-40 to RR Rural Residential. Mr. Mangus is requesting this rezoning in order to divide the property into two parcels so he can transfer ownership of one of the parcels to his son.

Commissioner Masterson motioned to approve the request by Les Mangus to rezone approximately 17.4 acres described as: That part of the Northwest Quarter of the Northwest Quarter of Section 16, Township 27 South, Range 2 East of the 6th P.M., Butler County, Kansas lying south of the abandoned BNSF railroad right of way from an AG-40 classification to an RR Rural Residential classification and hereby authorize the Chairman to sign Resolution 08-04 granting such change. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #4 – RECEIVE EMERGENCY MANAGEMENT STAFF TO DISCUSS SEVERE WEATHER AWARENESS WEEK AND CONSIDER APPROVAL OF A PROCLAMATION DECLARING THE WEEK OF MARCH 10-14, 2008 AS SEVERE WEATHER WEEK IN BUTLER COUNTY

Kathy Guy, Assistant Director of Emergency Management, came before the Board on behalf of Jim Schmidt, Director of Emergency Management/Homeland Security, to discuss the Severe Weather Awareness Week and request for such proclamation. Commission Chairman Dan Woydziak read the proclamation and requested a motion for approval.

Commissioner Masterson motioned to accept the Proclamation declaring March 10 –14, 2008 as Severe Weather Week in Butler County. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #5 – RECEIVE AND OPEN BIDS FOR JAIL TRANSPORT VANS

Sheriff Craig Murphy, Butler County, came before the Board to open and discuss bids for two jail transport vans. Several bids were solicited, only one bid received. Bid received from John K. Fisher for a GMC Savannah Passenger 3500 @ \$21,428.90/Unit. Total bid - \$42,857.80.

Commissioner Waldorf motioned to accept the bid and direct Staff to review the bid and bring back a recommendation at a later date. Commissioner Wheeler seconded the motion. Motion carried 5-0.

The Board took the opportunity to discuss current jail issues with the Sheriff.

ITEM #6 – CONSIDER TABLED APPROVAL TO PURCHASE AND IMPLEMENT MOBILE OFFICE “MOBILE O” SOFTWARE IN THE GIS/MAPPING DEPARTMENT AND THE APPRAISER’S OFFICE FROM MOBILE VIDEO AND CDW-G

Elysa K. Lovelady, Butler County Appraiser, came before the Board for approval to purchase and implement Mobile Office “Mobile O” Software in the GIS/Mapping Department and the Appraiser’s Office from Mobile Video and CDW-G. Full implementation would require 9 motion tablets and software at a total cost of \$60,409.91. Ms. Lovelady requested implementation of 5 motion tablets & software at this time. The cost would be \$34,220.00. Marcia McCoy, Register of Deeds, has agreed to fund the first 5 out of the Technology Fund. Implementation of the remaining tablets & software will be evaluated based upon budget and replacement timetables.

Commissioner Wheeler motioned to accept the proposal of Mobile Video to purchase and implement Mobile O software and purchase five motion tablets and accessories from CDW-G at a total cost not to exceed \$34,220.00 and to allow the Chair to sign the Mobile Office software application license. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #7 – RECEIVE AND OPEN BIDS FOR AN ORGANIZATIONAL AND PROCEDURAL OFFICE REVIEW FOR THE COUNTY APPRAISER’S DEPARTMENT

Elysa K. Lovelady, Butler County Appraiser, came before the Board to receive and open bids for an organizational and procedural office review for the Appraiser’s Department. The following bids were received: O’Conner Consulting Inc. - \$24,500; Team Consulting – not to exceed \$33,500.

Commissioner Waldorf motioned to receive the bids for organizational and procedural office review for the Appraiser’s Department and allow the County Appraiser to bring back a recommendation. Commissioner Masterson seconded the motion. Motion carried 5-0.

RECESS

Commissioner Woydziak recessed the Board meeting at 10:03 a.m. for 5 minutes.

RECONVENE

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

ITEM #8 – CONSIDER APPROVING ENGINEERING WORK RELATED TO 3 BRIDGE DECK REPAIR AND REHABILITATION PROJECTS PLANNED FOR 2008

Mike Craft, Assistance Director of Public Works, came before the Board on behalf of Darryl C. Lutz, P.E., Director of Public Works, for approval of engineering work related to 3 bridge deck repair and rehabilitation projects planned for 2008. Mr. Craft noted that F & T has advised to not do a deck repair on the Bird Creek Bridge, but rather replace it with a new bridge.

Commissioner Carpenter motioned to approve the engineering proposal of Finney & Turnipseed in the total amount of \$20,600 for engineering study and design work for bridge deck repair/rehabilitation work on 3 bridges in Butler County. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #9 – CONSIDER APPROVING WORK FOR CRUSHING AND SCREENING ASPHALT MILLINGS FOR 2008 HIGHWAY MAINTENANCE WORK

Mike Craft, Assistance Director of Public Works, came before the Board on behalf of Darryl C. Lutz, P.E., Director of Public Works, for approval of work for crushing and screening asphalt millings for 2008 County highway maintenance work.

Commissioner Carpenter motioned to approve the low bid from Brown & Brown, Inc., Salina, KS in the total amount of \$52,400 to crush & screen asphalt millings to be used for 2008 County highway maintenance work. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #10 – CONSIDER APPROVAL OF THE 2008 COUNTY-WIDE CLEANUP PROGRAM AND DESIGNATING APRIL 19 THRU APRIL 26 FOR COUNTY-WIDE CLEANUP

Mike Craft, Assistance Director of Public Works, came before the Board on behalf of Darryl C. Lutz, P.E., Director of Public Works, for approval of the 2008 County-wide cleanup program and designating April 19th thru April 26th for County-wide cleanup.

Commissioner Carpenter motioned to approve the 2008 Policy on County Cleanup Events and designate the week of April 19th through April 26th, 2008, for County-wide cleanup. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Mr. Craft informed the Board that notification had been received from Mike Longshaw, KDOT, concerning the closing of Highway 77 South of Augusta to redo the railroad tracks. This will take place during the month of March and last approximately one week. Traffic will be re-routed over to Santa Fe Lake Road and across.

Mr. Craft presented to the Board the bid tabulation sheet for five double wing rotary mowers. The following bids were received: Foley Equipment - \$93,250.00 / Wichita Tractor - \$59,910.00.

Commissioner Waldorf motioned to accept the low bid from Wichita Tractor for (5) double wing rotary mowers for \$59,910. Commissioner Masterson seconded the motion. Motion carried 5-0.

APPROVAL OF ADDS AND ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2338 dated February 26, 2008. Adds in the amount of \$0.00 and Abates in the amount of \$27,511.26. Commissioner Masterson seconded the motion. Motion carried 5-0.

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

Commissioner Wheeler informed the Board that BG Products will be holding an open house on Friday, February 29th @ 5:00 p.m.

Commissioner Carpenter noted the importance of individuals proofing documents before sending them out. Commissioner Waldorf agreed and stated that it reflects the competency of the organization. The Board concurred.

Commissioner Masterson requested an update from Administrator Johnson on the water situation with Benton City & Rural Water District #5. Mr. Johnson stated that at this point the City of

Benton is going to allow the RWD #5 to hook up the water for Spearman Estates. Administrator Johnson commented that RWD #5 will surely have to provide lines large enough to provide fire assistance if needed. The Board concurred that this a dangerous precedent to be set regarding who is allowed to provide water in certain areas.

Commissioner Waldorf noted that the Board will be attending meetings in Washington, D.C. next week and there will be no meetings next week.

Commissioner Woydziak reminded the Board of making arrangements to invite the Butler Football team to come & be recognized. Administrator Johnson noted there might be other teams in the County who should be recognized also. Mr. Johnson asked Matt Lawn, County Intern, to start making the arrangements.

Commissioner Woydziak expressed the need to take great caution in accepting verbal communications from Rod Giseler, KDHE, regarding solutions for the Dianna Harms sewer situation. He stated that all communications should be received in writing. The Board discussed with Darryl Lutz possible solutions for this problem. Mr. Lutz stated that Mrs. Harms had been given a solution to the problem some time ago. The solution was to reconfigure the upstairs lines to gravity drain and install an ejector pump in the basement to have the sewer lifted to the proper height. This solution was submitted to Mrs. Harms, the insurance claims adjuster and put on file in the Engineer's Office. At that time, however, Mrs. Harms indicated that she did not care for that answer to the problem. The Board agreed to have Staff continue to gather information and bring solutions back to the Board in two weeks.

Administrator Johnson answered voucher questions from the Board.

Administrator Johnson informed the Board that the Clydesdales would be coming back to El Dorado for Frontier Days again this summer.

Administrator Johnson stated that Tom Mack contacted him to see if Butler County would consider issuing GOB's for infrastructure costs on a development in Andover. Andover is currently at their debt limit. The Board concurred that this type of request should come from the city, not a developer.

Administrator Johnson stated that Fire District #2, Augusta, wanted the Board to be aware of their need to purchase six self-contained breathing apparatuses. The Board appreciated the notice.

Administrator Johnson noted to the Board the problems with EMS participating in the transporting of mental health issue individuals. EMS is incurring outstanding bills from these transports and it is becoming a potential problem. Staff will be investigating solutions to this problem.

Darryl Lutz informed the Board that WAMPO – Wichita Area Metropolitan Planning Organization would be making a formal presentation to the Board on March 10th regarding the SW Butler Road Project. This could be a potential source of funding for this project.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 11:28 a.m.

Commissioner Masterson seconded the motion. Motion carried 5-0.