

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, July 29, 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 Tammy Bridges.

ITEM #1 – CONSIDER REQUEST BY MICHAEL AND PATRICIA HOLMES FOR A CONDITIONAL USE PERMIT TO ESTABLISH AND OPERATE A BREEDING KENNEL AND DOG TRAINING FACILITY ON PROPERTY THAT IS PRESENTLY ZONED RR RURAL RESIDENTIAL

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Michael and Patricia Holmes for a Conditional Use Permit to establish and operate a breeding kennel and dog training facility. The property is located adjacent to the Benton City Limits at the southeast corner of the intersection of SW 30th St. and SW Meadowlark Rd. The Planning Commission recommended approval by a 4 to 3 vote. Some felt the type of use proposed was not appropriate near development, which is less than ½ mile away. The Benton City Commission felt it was far enough away from the developed area of the City and would not create problems. County Staff recommended approval to the Planning Commission with the following conditions: (1) The kennels and training areas should be screened in such a manner that the dogs would not be distracted or agitated by activities occurring on adjacent public rights of way or adjacent properties; (2) That all aspects of the facility be carried out in accordance with the statement of kennel description and components and site plan submitted with the application.

Mr. Michael Holmes presented pictures of the breed of dog, Chinese Shar-Pei, and a description of the temperament of the dog. Mrs. Holmes spoke about the training and number of dogs that would be allowed at the facility according to state regulations.

Commissioner Masterson motioned to approve the request by Michael and Patricia Holmes for a Conditional Use Permit to establish a breeding kennel and dog training facility to be limited to 20 adult dogs kenneled at the facility at any one time on property described as the Northwest Quarter of the Northwest Quarter of Section 22, Township 26 South, Range 3 East of the 6th P.M., Butler County, Kansas subject to the following conditions: kennels and training areas are to be screened in such a manner that the dogs would not be distracted or agitated by activities occurring on adjacent public rights of way or adjacent properties and all aspects of the facility be carried out in accordance with the statement of kennel description and components and site plan submitted with the application, and authorize the Chair to sign Resolution No. 08-12 approving the request. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL TO SURPLUS AN EPSON SVGA PORTABLE PROJECTOR TO FLINTHILLS SERVICES, INC. CSP FOR THEIR USE

Kathy Guy, Emergency Management Assistant Director, came before the Board for approval to surplus an Epson SVGA Projector to Flinthills Services, Inc. CSP for their use.

Commissioner Wheeler motioned to donate the 2000 ELP-5550 Epson SVGA Ultraportable Projector to Flinthill's Services, Inc. CSP as surplus equipment. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF AGREEMENT WITH KANSAS MEDICAL ASSISTANCE PROGRAM

Grant Helferich, EMS Director, came before the Board for approval of an agreement with Kansas Medical Assistance Program. The provider agreement is periodically updated and a new signature is required.

Commissioner Wheeler motioned to approve the agreement with Kansas Medical Assistance Program and authorize the Chair to sign. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL OF THE 2008 MUTUAL AID AGREEMENT BETWEEN MCCONNELL AIR FORCE BASE AND FIRE DISTRICT #3

Danny Armstrong, Fire District #3, came before the Board for approval of the 2008 Mutual Aid Agreement between McConnell Air Force Base and Fire District #3.

Commissioner Waldorf motioned to approve the 2008 Agreement for Mutual Aid in fire protection and hazardous materials incident response between McConnell Air Force Base Fire & Emergency Services and Butler County Fire District #3, Rose Hill. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER ACCEPTING ROAD RIGHT-OF-WAY RELATED TO THE RECENT LOT SPLIT CASE FOR THE EMMAUS MENNONITE CHURCH NEAR BRAINERD

Darryl Lutz, P.E., Public Works Director, came before the Board for acceptance of road right-of-way dedications related to the proposed site for the new Emmaus Mennonite Church.

Commissioner Waldorf motioned to approve accepting right-of-way dedications from the Richard S. & Margaret E. Wiebe Joint Revocable Trust for required right-of-way along the east side of NW Meadowlark Rd. north of NW 90th St. and along the north side of NW 90th St. east of NW Meadowlark Rd. related to an approved lot split case for the Emmaus Mennonite Church and authorize the Chair to sign the easement documents. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER ACCEPTANCE OF A DEED FOR ROAD RIGHT-OF-WAY RELATED TO AN ACCESS ROAD AT THE SW QUADRANT OF SE 50TH ST. AND U.S. 77 SOUTH OF EL DORADO

Darryl Lutz, P.E., Public Works Director, came before the Board for acceptance of a road right-of-way quit-claim deed from the Secretary of Transportation related to an access road at SE 50th and US 77 south of El Dorado.

Commissioner Wheeler motioned to approve accepting road right-of-way quit-claim deed from the Secretary of Transportation for an access road extending south from SE 50th St. along the east side of US 77 Highway. Commissioner Carpenter seconded the motion. Motion carried 5-0.

ITEM #7 – CONSIDER APPROVAL OF CONTRACT WITH CONCO CONSTRUCTION IN THE AMOUNT OF \$113,200 FOR REPAIR OF THE COURTHOUSE STEPS

Will Johnson, County Administrator, came before the Board for approval of the contract with Conco Construction in the amount of \$113,200 for replacement of the Courthouse stone steps.

Commissioner Wheeler motioned to approve the contract with Conco Construction, Inc. in the amount of \$113,200 for replacement of the Courthouse Stone front steps. Commissioner Carpenter seconded the motion. Motion carried 5-0.

APPROVAL OF ADDS AND ABATES

Commissioner Carpenter motioned to approve Adds & Abates #2358 dated July 29, 2008. Adds in the amount of \$19.84 and Abates in the amount of \$1,406.82. Commissioner Waldorf seconded the motion. Motion carried 5-0.

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

There were no other items.

ITEM #8 – WORK SESSION – TOWN HALL MEETING

Jim Neese, Computer Sciences Corporation, Jim Schmidt, Emergency Management Director, and Chris Davis, 9-1-1 Director, came before the Board to discuss the town hall meeting regarding the new interoperable communications system. Administrator Johnson and the Board discussed a ¼ cent sales tax designated to pay for this system. This meeting is for Butler County, school districts, fire districts, and cities and will be held on Thursday, July 31, 2008 at 6:30 p.m. in the Commission Room on the 4th floor of the Courthouse. The Board of County Commissioners will not be in session.

Commissioner Waldorf left the meeting at 10:45 a.m.

Administrator Johnson presented the commissioners with additional budget information.

ADJOURNMENT

Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:00 a.m. Commissioner Carpenter seconded the motion. Motion carried 4-0.