

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 27, 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.

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission Meetings of Monday, May 19, 2008 and Tuesday, May 20, 2008 as written. Commissioner Carpenter seconded the motion. Motion carried 5-0.

OTHER ITEMS OF BUSINESS

Commissioner Woydziak invited Mike Murphy, Richland Township Trustee, to address the Board. Mr. Murphy thanked the Board for the County's joint effort in repairing the road at the intersection of 200th & Indianola Road. He stated that these repairs had been needed for some time and the assistance was greatly appreciated.

ITEM #1 – CONSIDER APPROVAL OF REQUEST BY RON AND JANET LITTLE FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 3.42 ACRES FROM THE REMAINDER OF A 240 ACRE PARCEL

Rod Compton, Director of Planning & Development, came before the Board for approval of a request by Ron and Janet Little for a Homestead Lot Split with APO in order to separate an existing homestead and 3.42 acres from the remainder of a 240-acre parcel. The property is located at the southeast corner of the intersection of SE 130th Street and SE Stony Creek Road. The County Engineer has requested the dedication of 50 feet of right of way along SE Stony Creek Rd., and the applicants have submitted an easement for right of way agreement for that purpose.

Commissioner Woydziak motioned to approve the APO Lot Split, and authorize the Chairman to sign the Easement of Right of Way and the Agricultural Protection 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.

ITEM #2 – CONSIDER APPROVAL OF REQUEST BY WILLIAM AND RAMONA PARSONS FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 3.58 ACRES FROM THE REMAINDER OF AN 80 ACRE PARCEL

Rod Compton, Director of Planning & Development, came before the Board for approval of a request by William and Ramona Parsons for a Homestead Lot Split with APO in order to separate an existing homestead and 3.58 acres from the remainder of an 80-acre parcel. The property is located at the southwest corner of the intersection of SW 80th Street and SW Walnut Valley Road. The County Engineer has requested the dedication of 40 feet of right of way along SE 80th St., and the applicants have submitted an easement for right of way agreement for that purpose.

Commissioner Waldorf motioned to approve the APO Lot Split described as follows and authorize the Chairman to sign the Easement for Right of Way and the Agricultural Protection Overlay Agreement subject to the recording of the Agricultural Protection Overlay Agreement and survey of the residential site with the Register of Deeds. The Homestead Lot Split is described as: The West 227.85 feet of the North 683.55 feet of the Northwest Quarter of the Northeast Quarter of Section 15, Township 27 South, Range 5 East of the 6th P.M., Butler County, Kansas. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF REQUEST BY RICHARD WIEBE ON BEHALF OF EMMAUS MENNONITE CHURCH FOR A CONDITIONAL USE PERMIT TO ESTABLISH A CHURCH AND CEMETERY ON PROPERTY IN THE AG-80 ZONING DISTRICT

Rod Compton, Director of Planning & Development, came before the Board for approval of a request by Richard Wiebe on behalf of the Emmaus Mennonite Church for a Conditional Use Permit to establish a church and cemetery on approximately 20 acres of property in the AG-80 zoning district. The property is located on the Northeast Corner of the intersection of NW Meadowlark Road and NW 90th Street. Additional conditions recommended by Planning Staff were that an additional 20' of right of way be dedicated for NW Meadowlark Road and that an additional 5' of right of way be dedicated for NW 90th Street.

Commissioner Carpenter motioned to approve the request by Richard Wiebe on behalf of Emmaus Mennonite Church for a Conditional Use Permit to allow the establishment of a church and cemetery along with modifications to allow a 60' tall steeple and a sign with a maximum sign face of 100 sq. ft. and authorize the Chairman to sign Resolution No. 08-08 approving the request on property described as follows: Beginning at a point 40 feet North and 50 feet East of the Southwest Corner of the Southwest Quarter of Section 15, Township 24 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence North approximately 880 feet; thence East approximately 1,000 feet; thence South approximately 880 feet; thence West approximately 1,000 feet to the point of beginning; with the added condition of an additional 20' of right of way be dedicated for NW Meadowlark Road and that an additional 5' of right of way be dedicated for NW 90th Street. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF AMENDMENTS TO ZONING REGULATIONS TO RESTRICT CONSTRUCTION OF STRUCTURES AND FILL IN FLOODPOOL AREAS OF WATERSHED DAMS AT AN ELEVATION BELOW THE HEIGHT OF THE TOP OF THE DAM

Rod Compton, Director of Planning & Development, came before the Board for consideration of amending Article 17 of the Butler County Zoning Regulations to prohibit development in the upstream flood-pool area of a watershed Floodwater Retarding Dam (FRD) at an elevation below the elevation of the top of the dam. Commissioner Woydziak opened the floor for public comment concerning consideration of the amendment. The following individuals came before the Board to express their concerns regarding this issue: Sandy Koontz, Butler County Conservation District; Tom Dickson, President of Little Walnut/Hickory Watershed Board; Mike Murphy, Richland Township Trustee; Arlan Stackley, Upper Walnut Watershed; Daniel Deepe, Rock Creek Watershed #28; Tom Mack, Devlin Enterprises; Harold E. Taylor, Upper Walnut Watershed; Wayne Chambers, Little Walnut/Hickory Watershed; Jerry Staad, Richland Township.

Commissioner Woydziak closed the floor for public comment. The Board inquired of Mr. Compton what course of action should be taken regarding this issue. Mr. Compton stated that Planning Commission recommended denial of the proposed modifications. After much discussion, the Board concurred to deny the modifications.

Commissioner Masterson motioned to deny the modifications to the Butler County Zoning Regulations. Commissioner Carpenter seconded the motion. Motion carried 5-0.

RECESS

Commissioner Woydziak recessed the Board meeting at 10:16 a.m. for 5 minutes.

RECONVENE

Commissioner Woydziak reconvened the Board meeting at 10:23a.m.

Commissioner Carpenter dismissed himself from the Meeting at 10:24 a.m.

ITEM #5 – CONSIDER APPROVAL TO ALLOW THE BUTLER COUNTY SHERIFF’S OFFICE TO APPLY FOR THE 2008 EDWARD BYRNE MEMORIAL COMPETITIVE GRANT

Sgt. Kelly Alexander, Butler County Sheriff’s Office, came before the Board for approval to allow the Butler County Sheriff’s Office to apply for the 2008 Edward Byrne Memorial Competitive Grant. This is a yearly grant offered to law enforcement agencies by the Department of Justice for various areas of funding, including the purchase of equipment. The Sheriff’s Office wants to apply for this grant to purchase in-car camera systems for all road patrol vehicles. The grant does not require a local match of funds.

Commissioner Wheeler motioned to allow the Butler County Sheriff’s Office to apply for the 2008 Edward Byrne Memorial Competitive Grant to purchase in-car camera systems. Commissioner Waldorf seconded the motion. Motion carried 4-0.

ITEM #6 – RECEIVE AND OPEN HEALTH INSURANCE PROPOSALS

Administrator Johnson stated that only 2 bids were received back for the health insurance proposals. Those received were from PPK and BC/BS.

Commissioner Waldorf motioned to accept the health insurance proposal bids and to have Staff review them and return to the Board with a recommendation. Commissioner Wheeler seconded the motion. Motion carried 4-0.

ITEM #7 – WORK SESSION – BUDGET HEARING SCHEDULE

The Board concurred to have each Department Head come before the Board to present their own budget. Administrator Johnson noted that June 24 – 27 would be the week of Budget Hearings.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for May 27, 2008 in the amount of \$428,296.93. Commissioner Masterson seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2350 dated May 27, 2008. Adds in the amount of \$0.00 and Abates in the amount of \$2,035.32. Commissioner Masterson seconded the motion. Motion carried 4-0.

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

Commissioner Wheeler asked Mr. Johnson regarding notice of the Van Pool Option. Mr. Johnson stated that this is a service of the State for employees coming from the Wichita area and the extra seats were offered to any County employee interested. Not initiated by the County.

Commissioner Wheeler motioned to accept the resignation of Ron Peters, Hickory Township Trustee. Commissioner Masterson seconded the motion. Motion carried 4-0.

Commissioner Masterson requested an update on the Sewer District No. 8 issue. Mr. Johnson stated that the meeting went well last week. He noted that Darryl Lutz is drafting a letter of appeal to ask for a time extension. Mr. Johnson stated that the letter would be mailed to the City Commission today. Commissioner Woydziak will be attending the City Commission Meeting on July 7th with the City of El Dorado to ask them to allow College Acres to hook up to the city sewer without being annexed.

Administrator Johnson also updated the Board regarding the Fox Lake issue. The Township has agreed to consider selling the property.

Commissioner Carpenter rejoined the Meeting at 10:59 a.m.

Commissioner Waldorf asked for verification of the meeting with Prairie Travelers. Administrator Johnson stated that it would be on June 12th at 10:00 a.m.

Commissioner Woydziak addressed the rumor circulating in the Rose Hill area concerning the idea that the County is no longer interested in funding the Senior Centers. Commissioner Woydziak stated that this is not true.

Administrator Johnson introduced Mr. Jeff Weir to the Board. Mr. Weir will be the new intern for the County in the coming year. He earned his undergraduate degree from Friends University and his graduate degree at North Eastern in Boston, MA. The Board joined Mr. Johnson in welcoming Mr. Weir to the County.

Administrator Johnson noted to the Board that next week would be Matt Lawn's last week with the County. He is the current intern for the County. The Board, along with Mr. Johnson, thanked Mr. Lawn for all his hard work and wished him well with his future endeavors.

Administrator Johnson informed the Board that he had received a phone call from Peter Devries, Senate District 16 candidate, for permission to announce his candidacy on the Courthouse lawn this coming Friday @ 3:00 p.m. Mr. Johnson stated that he told Mr. Devries that the lawn is public property and could do so if he wished; however, holding his announcement here did not show endorsement from the County for his candidacy.

Administrator Johnson discussed with the Board property damage throughout the County due to the recent storms.

Administrator Johnson informed the Board that he had received the official letter of resignation from Dr. Kuhn's Office regarding services provided at the jail. Commissioner Wheeler inquired if there was to be an exit interview with Dr. Kuhn's regarding this resignation of services. The Board concurred that an exit interview should be conducted.

Administrator Johnson inquired of Mr. Lutz of any damage due to the extent of recent rains. Mr. Lutz noted that his office is in the process of assessing the situation and will be keeping an eye on the water levels today and tomorrow.

Administrator Johnson requested the Board to pass a Disaster Declaration in case it becomes necessary.

Commissioner Waldorf motioned to pass Resolution No. 08-09 and proclaim a State of Local Disaster Emergency for Butler County, Kansas, on Tuesday, May 27, 2008. Commissioner Masterson seconded the motion. Motion carried 5-0.

Administrator Johnson noted that he received a call from Brett McClure regarding the very complementary service he had received in the Motor Vehicle Office. Mr. Johnson stated that he went to the Motor Vehicle Office to pass along the compliment and to thank the employees for their provision of good customer service.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 11:27 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.