

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 6, 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 – RECEIVE NORMAN MANLEY, COUNTY COUNSEL, TO DISCUSS LICENSING OF ENTERTAINMENT BUSINESSES IN BUTLER COUNTY

Administrator Johnson asked Rod Compton, Planning & Zoning Director, to give an overview of the existing regulations regarding an application for an adult entertainment business license. In 1998 the County passed a resolution establishing licensing requirements for any adult entertainment business. The County passed Resolution No. 06-44 in 2006 amending the zoning regulations to stipulate that a commercial zoning district is the only district that allows an adult entertainment business. It also stipulates that a Conditional Use Permit (CUP) has to be approved. Mr. Compton noted that the property is commercially zoned, but the owner does not have a CUP and has never applied for one.

Commissioner Masterson asked about having a liquor license and a cereal malt beverage license at the same time. Mr. Manley said the adult entertainment could not be going on when alcohol is being served.

The Board discussed the steps the applicant should follow which include filing for the CUP and going through the planning process with a public hearing. The planning commission will then make a recommendation to the County Commissioners, and they will vote based on that recommendation.

Mr. Manley said the first step ought not to be the application for the license, but rather the application for the CUP.

Mr. Ron Roberts asked about the application and \$1,000 that the applicant has already filed with the Clerk's Office. Mr. Manley said to hold his application and \$1,000 pending the outcome of the zoning case. Mr. Roberts stated that there is a 45-day time limit on responding. Mr. Compton noted that the earliest it can be considered by the Planning Commission would be the July meeting. Administrator Johnson will notify the applicant that the 45-day period will not be initiated until action from the Board on the zoning application.

Sheriff Murphy commented that the county might also have to deal with adult bookstores and massage parlors. Administrator Johnson stated that staff will work on development of policies for these businesses.

The Board discussed the College Acres sewer issue and a letter they received from the State requesting that the area be connected to the El Dorado sewer system by September 1, 2008.

ITEM #2 – CONSIDER APPROVAL OF TABLED MODIFICATION #6 OF THE CONTRACT WITH CSC, INC.

Administrator Johnson came before the Board for approval of Modification #6 of the contract with Computer Science Corporation (CSC) that was tabled on April 29, 2008. Administrator Johnson explained the numbers on the contract. This modification value will be \$276,999 which the Administrator has identified funding available for the project period which is April 2008 through December 31, 2008. Commissioner Masterson initiated discussion regarding the cost of this program and what other counties are doing.

Commissioner Waldorf motioned to approve modification #6 of the contract with CSC, Inc. in the amount of \$276,999 to be paid from the 0135 fund as recommended by the County Administrator. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #3 – REVIEW AND CONSIDER AUTHORIZATION OF THE 13TH DISTRICT COMMUNITY CORRECTIONS KDOC FY2009 COMPREHENSIVE PLAN GRANT APPLICATION, FOR SUBSEQUENT SUBMISSION TO THE KANSAS DEPARTMENT OF CORRECTIONS AND ALLOW THE CHAIR TO SIGN

Chuck McGuire, Community Corrections Director, came before the Board for approval of the 13th District Community Corrections KDOC FY2009 Comprehensive Plan Grant Application, for subsequent submission to the Kansas Department of Corrections. The total KDOC grant fund amount awarded to this agency in FY2008 was \$370,000. The current operations request for FY2009 is \$374,538. Mr. McGuire pointed out that the average daily population for adults in 2004 was 107 and in March 2008 it was 193, which shows a 13% increase per year since 2004. He said this is all state funding and there is no Butler County funding included.

Commissioner Waldorf motioned to approve the 13th District Community Corrections FY2009 Comprehensive Plan Grant Application and authorize the Chair to sign the approval page. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL TO PURCHASE A 2008 SPORTS UTILITY VEHICLE WITH A VALUE UP TO \$26,100

Roy Raney, Under Sheriff, came before the Board for approval to purchase a 2008 sports utility vehicle. The Narcotics division currently uses a 2003 Ford pickup with 130,000 miles on it. Bids were requested from all area automobile dealers, but none were received. The Sheriff's Department then visited each one in person and received the following bids:

Fenton Ford	2008 Explorer	\$23,927.00
Parks Chevrolet	2008 Trailblazer	\$25,233.83
Parks of Augusta	2008 Dodge Nitro	\$22,307.00
John K. Fisher	2008 Envoy	\$23,800.00
Steven Ford	2008 Explorer	\$26,100.00

Commissioner Waldorf suggested that staff put together a list of options wanted on the vehicle and compare the prices on the vehicles that were bid. The Commissioners were surprised that no bids were received, and staff had to physically visit the dealerships in order to receive a bid. Commissioner Woydziak asked Under Sheriff Raney to look at the state vehicle contract to compare prices. No action was taken.

Commissioner Wheeler left the meeting at 10:10 a.m. for an appointment.

RECESS

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

RECONVENE

Commissioner Woydziak reconvened the Board meeting at 10:15 a.m.

ITEM #5 – CONSIDER APPROVAL OF AN UPDATED TECHNOLOGY COMMITTEE POLICY

Scott Stoskopf, Computer Services Director, came before the Board for approval of an updated Technology Committee Policy. In September 1995, by request of the County Commission, Computer Services instituted a Technology Committee for large projects. The new policy defines the projects where the committee will be used.

Commissioner Masterson motioned to adopt the Technology Committee Policy as proposed by Computer Services. Commissioner Carpenter seconded the motion. Motion carried 4-0.

APPROVAL OF ADDS AND ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2347 dated May 6, 2008. Adds in the amount of \$49.72 and Abates in the amount of \$14,957.60. Commissioner Masterson seconded the motion. Motion carried 4-0.

David Alfaro, Economic Development Director, came before the Board for approval of the Chair to sign a letter to the Surface Transportation Board (STB) formally requesting abandonment of the Notice of Interim Trail Use (NITU) from Custer Lane in Augusta east into Severy.

Commissioner Carpenter motioned to allow the Chair to sign the letter to the Surface Transportation Board for the Kansas Eastern Railroad, Inc. Abandonment Exemption in Butler and Greenwood Counties. Commissioner Masterson seconded the motion. Motion carried 4-0.

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

Commissioner Masterson motioned to appoint Kim Quastad as Trustee of Bruno Township. Commissioner Waldorf seconded the motion. Motion carried 4-0.

Commissioner Masterson motioned to appoint Tom Thomas as Treasurer of Bruno Township. Commissioner Carpenter seconded the motion. Motion carried 4-0.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 10:35 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.