

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, August 25, 2009

CALL TO ORDER

Commission Chairman Jeff Masterson called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Randy Waldorf, Commissioner Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Bruce Harris was absent.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – CONSIDER APPROVAL TO ACCEPT THE DEDICATIONS SUBMITTED FOR THE EDWARD WADE LOT SPLIT SURVEY AND AUTHORIZE THE CHAIR TO SIGN THE DEDICATION AGREEMENT

Rod Compton, Planning and Zoning Director, came before the Board for approval to accept the dedications submitted for the Edward Wade lot split survey. Mr. Wade owns approximately 14 acres and is requesting to divide the property into two lots, one containing 8 acres and the other containing 6 acres. The Planning Commission approved the lot split with a variance to allow the proposed 8-acre lot to have less than 270 feet of frontage onto SW 60th St. by a 5 to 0 vote.

Commissioner Waldorf motioned to accept the dedications submitted for the Edward Wade lot split survey, and authorize the Chair to sign the dedication agreements. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #2 – CONSIDER APPROVAL OF THE REQUEST FOR A HOMESTEAD LOT SPLIT WITH APO FOR JAMES ENTZ IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 4.76 ACRES FROM THE REMAINDER OF AN 80 ACRE PARCEL

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request from James Entz for a Homestead Lot Split and Agricultural Preservation Overlay (APO). Mr. Entz would like to separate an existing farmstead including 4.76 acres from the remainder of the property. The property is zoned AG-80 so the applicants are required to place an APO on the remainder of the property. At the meeting on August 4, 2009, the Planning Commission approved this request by a 5 to 0 vote.

Commissioner Woydziak motioned to approve the APO lot split described as follows, and authorize the Chair 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: Beginning at a point 665 feet North of the Southeast corner of the South Half of the Northeast Quarter of Section 16, Township 25 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence West 588.53 feet; thence Northwest 122.68 feet; thence Northwest 152.5 feet; thence Northeast 215.26 feet; thence Southeast 146.87 feet; thence East 400 feet; thence South along the East line of said Northeast Quarter 300 feet to the beginning. Commissioner Waldorf seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER APPROVAL OF A REQUEST BY GREGORY GEORGE TO REZONE APPROXIMATELY 15 ACRES FROM AN AG-40 TO AN RR RURAL RESIDENTIAL ZONING CLASSIFICATION

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Gregory George to rezone property from AG-40 to Rural Residential. The property contains two residences. One residence is located on a separate legal non-conforming parcel of approximately 5 acres. The other residence is located on the remainder of the property. The owner wants to subdivide 15 acres at the front of the property into two parcels. The Planning Commission has recommended approval by a 5 to 0 vote. Commissioner Waldorf stated concerns about not having an ingress and egress for the parcel containing 10 acres. Rod Compton noted the lot lines would be cleaned up through the platting process.

Commissioner Woydziak motioned to approve the request by Gregory George to rezone approximately 15 acres described as: Beginning at the Northwest Corner of the West Half of the Northeast Quarter of Section 27, Township 28 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence South approximately 770 feet; thence East approximately 860 feet; thence Northwesterly along the western edge of an existing driveway approximately 770 feet; thence West approximately 795 feet to the point of beginning from an AG-40 classification to an RR Rural Residential classification and hereby authorize the Chair to sign Resolution No. 09-33 granting such change. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVAL OF REQUEST BY LASZLO STUMPFHAUSER TO REZONE APPROXIMATELY 31 ACRES FROM AN AG-40 TO AN RR RURAL RESIDENTIAL ZONING CLASSIFICATION

Rod Compton, Planning and Zoning Director, came before the Board for approval of a request by Laszlo Stumpfhauser to rezone approximately 31 acres from AG-40 to RR Rural Residential. The property contains two residences. The applicant is requesting the rezoning in order to subdivide the property into three lots. Two of the lots would contain the existing residences, and the third would be eligible for a building permit for a residence. The City of Benton indicated they had no objections and the Planning Commission approved this request by a 5 to 0 vote. The Board discussed the lagoon system for both residences.

Commissioner Masterson motioned to approve the request by Laszlo Stumpfhauser to rezone approximately 31 acres described as: Beginning at the Northeast Corner of the Northeast Quarter of the Northeast Quarter of Section 29, Township 26 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence South 1,321.72 feet; thence West 1,060.57 feet; thence North 920.63 feet; thence East 50 feet; thence North 400 feet; thence East 1,010.57 feet to the point of beginning, from an AG-40 classification to an RR Rural Residential classification and hereby authorize the Chair to sign Resolution No. 09-34 granting such change. Commissioner Wheeler seconded the motion. Motion carried 4-0.

Commissioner Masterson and Mr. Compton discussed a letter from a property owner in Wagon Wheel.

Commissioner Wheeler asked for an attendance calendar for the Planning Commission meetings.

RECESS

Commissioner Masterson recessed the Board meeting at 9:50 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 9:55 a.m.

ITEM #5 – CONSIDER TABLED ITEM TO APPROVE A CHANGE ORDER FOR THE LANDFILL LEACHATE RECIRCULATION LINE EXTENSION PROJECT AT THE BUTLER COUNTY LANDFILL

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a change order for the landfill leachate recirculation line extension project at the Butler County Landfill. The final change order includes additions, deductions, and modification to planned work. The final costs are net additions of \$24,261.33 and net reductions of \$21,231.36 for a net total project overrun of \$3,029.97.

Commissioner Waldorf motioned to approve the change order for a net increase in project cost of \$3,029.97 to Remediation Services, Inc., Chanute, Kansas for Project No. LF-LREXP-08, the leachate recirculation system expansion project for the landfill. Commissioner Woydziak seconded the motion. Motion carried 4-0.

Mr. Lutz commented the landfill leachate recirculation line extension project was suppose to be sales tax exempt. He said the project was almost finished then realized that a sales tax exemption certificate had not been ordered. They called Topeka and they issued one for that date and refused to issue a certificate from the contract date. The State is requiring the County to pay the sales tax and then file for a refund. Mr. Lutz said it would be about \$3,000 worth of sales tax.

ITEM #6 – CONSIDER AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO PURCHASE A RUBBER TIRED EXCAVATOR FROM STATE SURPLUS SUPPLY

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval to purchase a used rubber-tired excavator from State Surplus Supply in the amount of \$13,000. Butler County has budgeted in its equipment plan up to \$225,000 for a new unit.

Commissioner Woydziak motioned to authorize the Director of Public Works to purchase a 1994 Case Cruz-Air rubber tired hydraulic excavator from Kansas Surplus Supply for a not to exceed price of \$13,000. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #7 – CONSIDER AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SOLICIT MATERIALS TESTING SERVICES FOR THE SW 210TH ST. ROAD RECONSTRUCTION PROJECT FOLLOWING KDOT'S QUALIFICATIONS BASED SELECTION PROCESS

Darryl Lutz, P.E., Director of Public Works, came before the Board for authorization to solicit materials testing services for the SW 210th St. road reconstruction project following KDOT's qualifications based selection process. Mr. Lutz is requesting to solicit, receive, and open Letters of Interest and Statements of Qualifications for this project. Staff will follow KDOT's criteria to select a firm. Mr. Lutz recommended appointing three people to evaluate the proposals and qualifications; he suggested himself, a staff member and a commissioner. Once a firm is selected, a detailed proposal for services will be requested and submitted to the County Commissioners for approval.

Commissioner Woydziak motioned to authorize the Director of Public Works to proceed with soliciting firms for materials testing services for Project No. 8C-3687-01, the SW 210th St.

reconstruction project west of Douglass, and allow staff to select a materials testing firm based on KDOT's selection criteria. Commissioner Waldorf seconded the motion. Motion carried 4-0.

Commissioner Woydziak agreed to sit on the selection committee.

Commissioner Woydziak discussed potholes on Butler/Rose Hill Rd. with Mr. Lutz. Commissioner Woydziak also noted that the trees need trimmed on Butler/Rose Hill Rd. between 190th and 200th.

Commissioner Masterson asked if there was an update on the entry monument for Stearman Estates that was built in the right of way. Mr. Lutz commented he has received no response and will be leaving the barricades up until we hear from them.

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2402 dated August 25, 2009; Adds in the amount of \$4,214.12 and Abates in the amount of \$4,249.78. Commissioner Woydziak seconded the motion. Motion carried 4-0.

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

Commissioner Masterson reported on the workshop he attended at the City of Andover where the trash issue and sales tax for the communications plan was discussed. City Staff and public safety were looking for City Council's support of a ½ cent sales tax for 10 years because they don't think the ¼ cent will cover the \$12.9 million. The Mayor of Andover was very resistant to the idea of having a sales tax for that length of time. Commissioner Woydziak stated, in theory, if the economy bounces back and more money is collected in a normal economy where the County experiences growth, the likelihood is it would take 6 or 7 years.

Commissioner Woydziak spoke to Chief Sage about the meeting regarding the sales tax issue.

Administrator Johnson gave an update on the railroad property regarding the bridge between Augusta and Andover. The County will be eligible for funding for tearing down the bridge only because 200 yards downstream is a county bridge and there is potential for damage. Administrator Johnson asked staff to include costs for decommissioning the bridge and costs for repairing the bridge when the RFQs and RFPs are written.

Administrator Johnson said the Butler County Emergency Communications Association (BCECA) meeting went well yesterday, and a motion was made to support the County Commission in their sales tax endeavor.

Administrator Johnson said Tour Butler will be applying for wind farm funds for one Butler County sign to be located at Hwy 254 and the County line.

Administrator Johnson noted the unemployment rates for Butler County were up from 7.5% in June to 8.3% in July.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:50 a.m. Commissioner Wheeler seconded the motion. Motion carried 4-0.