

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, June 16, 2009

CALL TO ORDER

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

ITEM #1 – RECESS TO EXECUTIVE SESSION FOR CONSULTATION WITH AN ATTORNEY FOR THE BODY OR AGENCY, WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO PROTECT THE INTERESTS OF THE COUNTY

Attorney Norm Manley was scheduled for next week and Administrator Johnson asked the Board to table this item to Tuesday, June 23, 2009 as he recorded the date wrong.

Commissioner Woydziak motioned to table this item to Tuesday, June 23, 2009. Commissioner Harris seconded the motion. Motion carried 4-0.

ITEM #2 – CONSIDER AND MAKE RECOMMENDATION TO THE CITY OF AUGUSTA REGARDING WHETHER THE APPLICATION BY DAVID BERNDSEN TO REZONE PROPERTY AT 4599 SW 70TH STREET FROM AG-2 AGRICULTURAL TO R-6B RESIDENTIAL WOULD BE IN CONFORMANCE TO THE BUTLER COUNTY COMPREHENSIVE PLAN

Rod Compton, Planning and Zoning Director, came before the Board for a recommendation to the City of Augusta regarding whether the application by David Berndsen to rezone property at 4599 SW 70th St. from AG-2 Agricultural to R-6B Residential would be in conformance to the Comprehensive Plan. The property to be rezoned contains 9.42 acres and contains a residence and several outbuildings. Staff feels this zoning change would conform to the County's Comprehensive Plan because it would result in no discernible change to the area.

Commissioner Waldorf motioned to find that the above referenced rezoning would be in conformance with the Butler County Comprehensive Plan and authorize staff to forward a letter to the Augusta City Planning Commission stating this finding. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER AND MAKE RECOMMENDATION TO THE CITY OF AUGUSTA REGARDING WHETHER THE APPLICATION BY DAVID BERNDSEN TO REZONE PROPERTY AT 4351 SW 70TH STREET FROM AG-2 AGRICULTURAL TO R-6D RESIDENTIAL WOULD BE IN CONFORMANCE TO THE BUTLER COUNTY COMPREHENSIVE PLAN

Rod Compton, Planning and Zoning Director, came before the Board for a recommendation to the City of Augusta regarding whether the application by David Berndsen to rezone property at 4351 SW 70th St. from AG-2 Agricultural to R-6D Residential would be in conformance to the Comprehensive Plan. The property to be rezoned contains 31.2 acres and contains a residence and several outbuildings. Staff feels this zoning change would conform to the County's Comprehensive Plan because it would result in no discernible change to the area.

Commissioner Waldorf motioned to find that the above referenced rezoning would be in conformance with the Butler County Comprehensive Plan and authorize staff to forward a letter to the Augusta City Planning Commission stating this finding. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER AND MAKE RECOMMENDATION TO THE CITY OF AUGUSTA REGARDING WHETHER THE APPLICATION BY JIMMY COX TO REZONE PROPERTY AT 4852 SW 70TH STREET FROM R-6D RESIDENTIAL TO R-6B RESIDENTIAL WOULD BE IN CONFORMANCE TO THE BUTLER COUNTY COMPREHENSIVE PLAN

Rod Compton, Planning and Zoning Director, came before the Board for a recommendation to the City of Augusta regarding whether the application by Jimmy Cox to rezone property at 4852 SW 70th St. from R-6D Residential to R-6B Residential would be in conformance to the Butler County Comprehensive Plan. The property to be rezoned contains 5 acres and contains a residence and several outbuildings. Staff feels this zoning change would conform to the County's Comprehensive Plan because it would result in no significant change to the area.

Commissioner Waldorf motioned to find that the above referenced rezoning would be in conformance with the Butler County Comprehensive Plan and authorize staff to forward a letter to the Augusta City Planning Commission stating this finding. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #5 – CONSIDER APPROVAL OF A CONTRACT WITH KELLY LAW FIRM TO AID IN THE COLLECTION OF PERSONAL PROPERTY TAXES

Mark Detter, Finance Director, came before the Board for approval of a contract with Kelly Law Firm to aid in personal property collection. Mr. Detter stated we've agreed that collections will be based on percentage instead of a flat fee. County Counselor has reviewed the contract and questioned the timing of when the law firm will be eligible to collect delinquencies. The Counselor's opinion is that some of the taxes would be collected without any legal assistance. Staff examined the issue and found that a minimal amount of taxes are at issue under this scenario. Otherwise, the Counselor has approved the contract to form. Treasurer Ruth Fechter commented that the \$4,000 difference between the percentage and the flat fee is minimal and feels the flat fee would be the better way.

Commissioner Woydziak motioned to approve the contract with the Kelly Law Firm of Tonganoxie, KS for the purpose of aiding the County Treasurer in the collection of delinquent personal property taxes. Commissioner Harris seconded the motion. Motion carried 4-0.

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2397 dated June 16, 2009; Adds in the amount of \$0.00 and Abates in the amount of \$253.88. Commissioner Woydziak seconded the motion. Motion carried 4-0.

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

Commissioner Waldorf said he thought the Quad County meeting went very well yesterday and commented that the article about the inmate labor in the Wichita Eagle was very positive.

Commissioner Harris commented on the Recycling Meeting last night at Remington High School and said Mr. Lutz did a good job of presenting the information.

Commissioner Harris mentioned a letter he received from Lincoln Township regarding their financial records.

Commissioner Wheeler asked about the jail annexation.

Commissioner Wheeler commented about a lawsuit regarding the Johnson property in Douglass.

Commissioner Wheeler inquired about any damage in the County as a result of last night's storm. Administrator Johnson said he hadn't received a report of any substantial damages.

The Board discussed the budget hearing schedule for next week.

Administrator Johnson shared that the Kansas County Health Ranking has recently been released for all counties in Kansas. The counties were ranked on criteria such as health care, health behaviors, economic factors, and physical environment. Butler County is ranked 32 out of 105 counties, which is the upper middle section. Administrator Johnson said he thought it was a good place to be overall.

Administrator Johnson addressed a request by Commissioner Woydziak about utilizing an EEPG grant to equip vehicles with propane fuel. Administrator Johnson stated an Energy Audit through the KCC would be conducted of this building and asked that it also include vehicles.

Administrator Johnson invited the Board to visit the new Motor Vehicle Office on the second floor of the Courthouse. He commented that it was really nice and more functional than before.

ADJOURNMENT

***Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:50 a.m.
Commissioner Harris seconded the motion. Motion carried 4-0.***