

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 15, 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 Bruce Harris, Commissioner Randy Waldorf, Commissioner Mike Wheeler, Commissioner Dan Woydziak, Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges.

APPROVAL OF MINUTES

Commissioner Harris motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, September 8, 2009 as written. Commissioner Waldorf seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – CONSIDER APPROVAL AND MAKE RECOMMENDATION TO THE CITY OF AUGUSTA REGARDING WHETHER THE APPLICATION BY ROBERT J. MCCALLA FOR A CONDITIONAL USE PERMIT (CUP) TO TEMPORARILY UTILIZE PROPERTY AS STAGING AREA (INCLUDING STORAGE OF EQUIPMENT AND SUPPLIES) FOR A PIPELINE CONSTRUCTION PROJECT

Rod Compton, Director of Planning & Development, came before the Board to make a recommendation to the City of Augusta if the following request would be in conformance to the Butler County Comprehensive Plan. Robert McCalla owns 12.8 acres of commercially zoned property within the Extra-Territorial area of the City of Augusta. He is requesting a CUP to use the property for a temporary (18 months) staging area (including storage of equipment and supplies) to support a cross-country pipeline construction project (the Keystone Pipeline). Staff feels the use as proposed would conform to the County's Comprehensive Plan. However, the final decision needs to be determined by the City of Augusta. Commissioner Waldorf noted he would be agreeable to this since it is a temporary request for 18 months.

Commissioner Waldorf motioned to find that the aforesaid Conditional Use Permit application would be in conformance with the Butler County Comprehensive Plan due to its temporary nature of the use of the property and authorize staff to send a letter to the Augusta City Planning Commission signifying the same. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL OF REQUEST BY EDGAR ASMANN FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 10 ACRES FROM THE REMAINDER OF A 40 ACRE PARCEL

Rod Compton, Director of Planning & Development, came before the Board to consider a request by Edgar Asmann for a Homestead Lot Split with APO in order to separate an existing homestead and 10 acres from the remainder of a 40-acre parcel. This matter was considered by the Butler County Planning Commission at its meeting on September 1, 2009, and approved the request by a 5 to 0 vote. The County Engineer has requested the dedication of 40 feet of right of way along

SW County Line Road, and the applicant has 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: Beginning at the Northwest Corner of Government Lot 3 (Northwest Corner of the Southwest Quarter) of Section 30, Township 29 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence East 559.46 feet; thence South 786.05 feet; thence West 559.5 feet; thence North 779.06 feet to the beginning. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioner Masterson noted Bruno Township has contacted him regarding property owners wanting the township to build roads in the Kellogg Heights area. Mr. Compton noted policy states a building permit would not be issued until the road in front of that property is improved to an acceptable standard to the County. Administrator Johnson said it is the responsibility of the developer to install the road, and since this development is so old, a benefit district would need to be formed to improve the road and assessed back to the property owners.

Commissioner Masterson discussed an issue of culverts that are being installed and then damaged during construction. Mr. Compton felt the best way to handle this would be to make sure the township installs the culvert before the Certificate of Occupancy is issued. Administrator Johnson suggested the township trustee contact Mr. Compton. Mr. Compton agreed to check that the culvert is in working order before issuing the Certificate of Occupancy.

ITEM #3 – CONSIDER APPROVAL TO AUTHORIZE THE COUNTY CLERK TO PLACE DELINQUENT ACCOUNTS OWED TO THE WEED DEPARTMENT ON THE TAX ROLLS AS SPECIFIED IN THE NOXIOUS WEED LAW

Riley Walter, Noxious Weed Department Director, came before the Board to recommend the County Clerk be authorized to place delinquent accounts owed to the Weed Department on the tax rolls as specified in the Noxious Weed Law. The two accounts involved are for herbicides purchased from the Weed Department and statements were signed by the purchasers that the amounts owed may be added to the tax rolls if not paid by year end. The amounts owed are small enough that they should not be a burden to either individual. The County Clerk has determined that only the County Commissioners can levy taxes and that they must authorize him to collect the amount owed to the Weed Department.

Commissioner Wheeler motioned to recommend that the County Clerk be authorized to spread delinquent accounts owed to the Weed Department on the tax rolls as specified in K.S.A. 2-1320. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL TO RENEW THE YEARLY SOFTWARE MAINTENANCE WITH ESRI IN THE AMOUNT OF \$13,000

Pamela Dunham, GIS Director, Butler County GIS/Mapping, came before the Board to recommend the Butler County Commissioners approve the expenditure of \$13,000 for yearly ESRI software maintenance. This agreement covers the software installed in the GIS Department, the Appraisal Department, Emergency Management, GIS Website and the Planning & Zoning

Department. It provides Butler County with the most current versions of the software, 24-7 technical support in case of problems and a free ESRI User Conference registration.

Commissioner Waldorf motioned to recommend approval to allow the GIS Director to renew the yearly software maintenance with ESRI in the amount of \$13,000 to come out of line item 01-19-6233-00. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #5 – WORK SESSION – COMMUNICATIONS PLAN

Administrator Johnson presented information on the Butler County website, www.bucoks.com, that Dave Probst, Communication Officer I, and Chris Davis, 911 Director, put together regarding the Communications Plan. Commissioner Waldorf suggested emphasizing the funding options on the website as well as the brochure and focusing on how the communications plan is paid for, i.e., sales tax or mill levy increase, and how it affects the citizens of Butler County.

Commissioner Masterson stated that the City of Andover approved the purchase of 20 new radios at half price for their public works department. He said it is the exact radio we are buying for the new communications system.

Jim Neese presented information to the Board and commented that Augusta and Leon have approved their Memorandums of Understanding (MOU's) and believes the Mayor of Rose Hill is preparing to sign their MOU. Mr. Neese is meeting with the City of Andover along with a Motorola Engineer tomorrow to discuss their concerns about the system. On Friday he is meeting with Sedgwick County to begin discussion on an Interlocal Agreement between the two counties regarding the Andover tower. The cost of that site is more than the others because it has to support two radio systems.

Administrator Johnson discussed the meeting schedule with the fire districts, school boards, and senior centers.

RECESS

Commissioner Masterson recessed the Board meeting at 10:12 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 10:17 a.m.

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2405 dated September 15, 2009; Adds in the amount of \$628.52 and Abates in the amount of \$4,050.78. Commissioner Woydziak seconded the motion. Motion carried 5-0.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for September 15, 2009 in the amount of \$513,705.26. Commissioner Harris seconded the motion. Motion carried 5-0.

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

Commissioner Harris asked about a proposed meeting with the City of El Dorado set for September 23. Administrator Johnson said the city cannot meet then and is to come up with another date and time.

Commissioner Masterson attended the REAP meeting and discussed affordable airfare numbers, a US Route 400 support resolution, and the local area layoff numbers that show 10% unemployment with 15,000 laid off in the local area. There was discussion regarding a municipal utility growth issue special committee report from the water resources. Commissioner Masterson noted that Mayor Brewer announced he is on a White House panel and speaks directly to the White House every other week and would convey concerns Butler County had regarding stimulus dollars or any other questions.

Commissioner Woydziak will be attending a conference on PSAP consolidation on Thursday, September 17, in Topeka from 9:00 a.m. to noon.

Commissioner Waldorf met with Pro Kleen last week and said it was very positive, and the County should be receiving a letter from them. Pro Kleen indicated that their business is growing and will possibly hire another 30 people.

Commissioner Woydziak asked about NIAR. Administrator Johnson met with them and said the project is delayed until they hire a new project manager.

Administrator Johnson noted the City of Augusta would be holding a notice of public hearing for proposed property tax exemption for Global Parts.

Administrator Johnson said he discussed township issues and operations with Representative Crum.

Administrator Johnson mentioned the Quad County meeting in Burton next Monday.

Administrator Johnson discussed going out to bid for two copiers.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 10:45 a.m.

Commissioner Woydziak seconded the motion. Motion carried 5-0.