

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 29, 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 Paula Stoskopf.

PUBLIC COMMENTS

Bob Cook, Bob Cook Homes @ 121 S. Water; Derby, KS, came before the Board to discuss a home he built at 16970 SW 210th Street. Mr. Cook stated he had received his permits, but it was discovered after the completion of the home that the placement of the driveway had not been approved. After much discussion, it was the consensus of the Board to allow the driveway to remain in the current location due to many factors out of Mr. Cook's control. The Board will verify the need of a culvert with Darryl Lutz, County Engineer.

ITEM #1 – CONSIDER APPROVAL OF THE 13TH DISTRICT COMMUNITY CORRECTIONS FY2009 KDOC YEAR END OUTCOMES REPORT AND AUTHORIZE THE CHAIR TO SIGN

Chuck McGuire, Community Corrections, came before the Board for approval of the FY2009 KDOC Annual Program Report for the 13th Judicial District. This report is also presented to the 13th District Joint Corrections Advisory Board and given signatory approval. Much of the analysis in FY2009 is based on methods utilized to reduce revocations of assigned offenders.

Commissioner Harris motioned to approve the 13th District Community Corrections FY2009 KDOC Year End Outcomes Report and authorize the Chair to sign the approval page to be submitted to KDOC. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL OF THE 13TH DISTRICT COMMUNITY CORRECTIONS KDOC FY2010 REIMBURSED CARRYOVER BUDGETS AND AUTHORIZE THE CHAIR TO SIGN

Chuck McGuire, Community Corrections, came before the Board for approval of the FY2010 KDOC Reimbursed Carryover Line Item and Narrative Budgets. The carryover reimbursed fund amount for FY2010 is \$21,190.41. This amount, as well as any reimbursed fees obtained in FY2010, is used to cover expenses that the FY2010 KDOC Adult Supervision grant budget, \$350,000 (\$11,578 less than FY2009), is short of covering. It is also utilized for any unforeseen expenses such as vehicle repair and employee benefit increases during the year.

Commissioner Woydziak motioned to approve the 13th District Community Corrections FY2010 KDOC Reimbursed Carryover Budgets and authorize the Chair to sign the approval page to be submitted to KDOC. Commissioner Waldorf seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF THE ACCEPTANCE OF DEDICATIONS OF ROAD RIGHT-OF-WAY FOR THE STUMPFHAUSER MEADOWS SUBDIVISION

Rod Compton, Planning and Zoning Director, came before the Board for approval of dedications of road right of way for the Stumpfhauser Meadows Subdivision. On August 25, 2009, the Board

of Commissioners approved Mr. Stumpfhauser's request to rezone approximately 31.6 acres located on the southwest corner of the intersection of SW 40th St. and SW Prairie Creek Rd. from AG-40 to RR Rural Residential. Mr. Stumpfhauser has now submitted a plat for a subdivision dividing the parcel into 3 lots. The Planning Commission approved the plat as presented subject to the developer meeting the County Engineer's requirement of dedicating 50 feet of road right of way along both SW 40th St. and SW Prairie Creek Rd. The plat indicates the required dedications. Mr. Compton noted concerns raised by the Commissioners at the time of the rezoning request regarding what appeared to be one sewage lagoon serving two different residences. Since that meeting, staff has conferred with the applicant, inspected the property, and found that there are two separate existing lagoons. The property lines are such that each of the existing residences will have a lagoon on their lot. The remaining lot would be subject to obtaining a sewer permit at the time it is to be built upon.

Commissioner Masterson motioned to accept the dedication of rights of way for SW 40th St. and SW Prairie Creek Rd. as shown on the plat for Stumpfhauser Meadows Subdivision located in the Northeast Quarter of the Northeast Quarter of Section 29, Township 26 South, Range 3 East of the 6th P.M., Butler County, Kansas, and authorize the Chair to sign the plat accepting said dedications. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF THE REQUEST BY DAVID RUSH ON BEHALF OF HIGH SIERRA CRUDE OIL AND MARKETING FOR A CONDITIONAL USE PERMIT FOR A CRUDE OIL UNLOADING FACILITY IN THE AG-40 ZONING DISTRICT

Rod Compton, Planning and Zoning Director, came before the Board for consideration of an application by David Rush on behalf of High Sierra Crude Oil and Marketing for a Conditional Use Permit for a crude oil unloading facility in the AG-40 zoning district. Mr. Rush owns approximately 75 acres located on the northwest corner of the intersection of SW Boyer Rd. and SW 20th St. (aka Towanda-Kechi Rd). He is proposing to sell or lease a 2 acre tract approximately 3/8 of a mile west of Boyer Rd. on the North side of SW 20th St. to High Sierra Crude Oil and Marketing to establish a crude oil unloading facility. The facility would be used for off-site lease crude to be unloaded into 400 barrel holding tanks while being metered through a lact unit on location for the purpose of being sold to Frontier Refinery. The proposal submitted calls for up to 14 holding tanks, although they are planning to install 4 or 5 at this time. The Planning Commission voted 5-0 in their meeting of September 1, 2009, to recommend approval of this request. The County Engineer has indicated that the road is not in the ideal form that he would like to see for a road serving these types of facilities, but that it is already serving a significant amount of truck traffic. It is staff's feeling that establishing such a facility at this location would be compatible to other uses in the area, and would be consistent with the intent and purpose of the zoning regulations. Staff has recommended the following condition be added: (1) That no more than 14 holding tanks be allowed on the site.

Commissioner Waldorf motioned to approve the request by David Rush and High Sierra Crude and Marketing for a Conditional Use Permit to establish a crude oil unloading facility on the following described property: Beginning at a point 388 feet East of the Southwest Corner of the Southeast Quarter of Section 8, Township 26 South, Range 5 East of the 6th P.M., Butler County, Kansas; thence North 436 feet; thence East 200 Feet; thence South 436 feet; thence West 200 feet to the beginning subject to the condition noted above, and authorize the Chair to sign Resolution No. 09-42. Commissioner Harris seconded the motion. Motion carried 5-0.

Commissioner Wheeler requested Mr. Compton to submit to the Board the attendance calendar for the Planning & Zoning Board.

Commissioner Woydziak asked Mr. Compton if any changes need to be made in policies and procedures to prevent another situation occurring as did with Mr. Cook. Mr. Compton stated that policies are in place, they just need to be watched more closely within his office, the Engineer's office, and in communication with the townships.

Administrator Johnson and Commissioner Harris dismissed themselves from the meeting at 9:45 a.m. to attend the funeral of Bradley C. Brown, Butler County EMS employee.

ITEM #5 – CONSIDER APPROVAL OF THE ANNUAL PEOPLEWARE AGREEMENT

Scott Stoskopf, Computer Services Director, came before the Board for approval of the Annual Peopleware Agreement and allow Computer Services to pay the annual payment of \$66,009.00. This agreement allows our users to call the vendor for help and lets us receive upgrades and enhancements throughout the year. This agreement is included in the Computer Services, Deeds Technology, and Motor Vehicle annual Budgets under Contractual Services.

Commissioner Woydziak motioned to authorize the Chair to sign the Annual Peopleware Agreement and allow Computer Services to make the payment of \$66,009.00. Commissioner Waldorf seconded the motion. Motion carried 4-0.

RECESS

Commissioner Masterson recessed the Board meeting at 10:03 a.m. for 5 minutes.

RECONVENE

Commissioner Masterson reconvened the Board meeting at 10:08 a.m.

ITEM #6 – CONSIDER APPROVAL OF RESOLUTION THAT FORMALLY SIGNIFIES OUR COMPLIANCE WITH KAR 56-2-2 ADDRESSING THE REQUIREMENTS FOR STAFFING, OPERATIONS AND SUPPORT OF THE BUTLER COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT

Jim Schmidt, Emergency Management Director, was unable to attend the meeting.

Commissioner Woydziak motioned to table Agenda Item #6 to Tuesday, October 6, 2009. Commissioner Waldorf seconded the motion. Motion carried 4-0.

ITEM #7 – CONSIDER APPROVAL OF THE RECOMMENDATIONS OF STAFF TO SOLICIT RFP'S FOR ENGINEERING SERVICES FOR THE WHITE WATER RAIL ROAD BRIDGE REMOVAL/REPAIR PROJECT

David Alfaro, Director BCED, came before the Board for approval of the recommendations of staff to solicit RFP's for engineering services for design, plans and permitting work for the removal or renovation of the Rail Road Bridge spanning the White Water River west of Augusta.

Commissioner Waldorf motioned to approve the recommendation of Staff to solicit RFP's for Engineering Services for the White Water Rail Road Bridge Removal/Repair Project. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #8 – WORK SESSION – ECONOMIC DEVELOPMENT PROJECTS

David Alfaro, Director BCED, addressed the letter of requests from Pro-Kleen with the Board. Staff will draft a letter of response to be signed by the Butler County Chairman. Commissioner Waldorf stated that he felt an equitable solution had been met for both the County and Pro-Kleen.

Mr. Alfaro reported that IT Global, the E-Waste facility, will be seeking their CUP at the Planning Commission meeting next Tuesday, October 6th.

COMMISSION ADDS & ABATES

Commissioner Waldorf motioned to approve Adds & Abates #2407 dated September 29, 2009; Adds in the amount of \$0.00 and Abates in the amount of \$79,928.08. Commissioner Woydziak seconded the motion. Motion carried 4-0.

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

Commissioner Masterson informed the Board that the City of Andover is implementing a limited Neighborhood Revitalization Program.

ADJOURNMENT

Commissioner Waldorf motioned to adjourn the meeting of the Board at 10:42 a.m. Commissioner Woydziak seconded the motion. Motion carried 4-0.