

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, August 27, 2019**

**CALL TO ORDER**

Commission Chairman Marc Murphy called the Butler County Board of Commissioners to order at 9:25 a.m. Present were Commissioner Jeff Masterson, Commissioner Ed Myers, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

**INVOCATION**

Dr. Tim Mace, Emmaus Mennonite Church, Whitewater, presented the invocation.

**APPROVAL OF MINUTES**

*Commission Chairman Murphy provided the following amendment: change \$300,000 to 300,000 pounds in Public Comments.*

*Commissioner Woydziak motioned to approve the minutes of the Butler County Commission meeting from August 20<sup>th</sup> 2019, as amended. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:01:42)

**PUBLIC COMMENTS**

There were no public comments.

(00:02:28)

**ITEM #1 – ROAD VACATION REPORT OF VIEWERS FOR NE ELLIS ROAD SOUTH OF NE 150<sup>TH</sup> STREET – SYCAMORE TOWNSHIP**

Will Johnson, County Administrator, stated County Commissioners Masterson, Myers and Wheeler served as road viewers this morning to vacate a public road right-of-way for a portion of NE Ellis Road going South from NE 150th Street for one mile in Sycamore Township. It was the consensus of the Board to table this item for one week to review all of the information from the property owners.

*Commissioner Myers motioned to table this item for one week. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:04:40)

**ITEM #2 – MORTGAGE LOT SPLIT REQUEST FOR JOSHUA & BRIANA HOUSE ON PROPERTY LOCATED AT 9287 SE TETER ROAD, LEON**

David Alfaro, Community Development Director, came before the Board for approval of a Mortgage Lot Split request from Joshua and Briana House on property located at 9287 SE Teter Road. Joshua & Briana House own a tract of land that contains 87+/- acres and submitted a request for a 10+/- Acre Mortgage Lot Split with a 30+/- acre APO. The property is primarily used for farming activities and staff felt the request met the criteria for such split with the placement of an APO on the 30+/- acres. Mr. Alfaro stated all landowners located within a 1,000' radius of the property were contacted and staff did not receive any comments for or against the request. The request for the split was approved by the Planning Commission by a vote of 5-0.

*Commissioner Wheeler motioned to approve the request for a Mortgage Lot with an APO on property located at 9287 SE Teter Road, Leon as submitted by Joshua and Briana House and directed the Chairman to sign the APO Agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:06:40)

**ITEM #3 – HOMESTEAD LOT SPLIT FOR ARRINGTON FAMILY TRUST ON PROPERTY LOCATED AT 4193 SW 220<sup>TH</sup> STREET, DOUGLASS, KS**

David Alfaro, Community Development Director, came before the Board for approval of a request for a 10+/- acre homestead lot split with the placement of a 70+/- acre APO on property located at 4193 SW 220<sup>th</sup> Street, Douglass, submitted by the Arrington Family Trust. The property is primarily used for farming activities and staff felt the request meets all the necessary criteria.

*Commissioner Woydziak motioned to approve the request for a homestead lot split with the placement of a 70+/- acre APO on property located at 4193 SW 220<sup>th</sup> Street, Douglass submitted by the Arrington Family Trust. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:08:13)

**ITEM #4 – MASTERSON FAMILY REQUEST FOR A CHANGE IN ZONING FROM AG-80 TO AG-40 CLASSIFICATION**

*Commissioner Jeff Masterson stepped down from the bench.*

David Alfaro, Community Development Director, came before the Board for approval of a change in zoning from AG-80 to AG-40 on property located at 8099 SE 30<sup>th</sup> Street, El Dorado, KS owned by the Masterson family. The applicants are requesting to rezone 81+/- acres which will allow them to combine the 3 tracts which includes 2 existing home site, and ultimately split the 81+/- acres into two 40 acre parcels. The two 40 acres will then be placed on the market for sale. In its current state the 1.1 acre parcel, with a single family residence, is considered an Illegal Lot of Record as it does not meet the minimum acreage requirement for AG-80 zoning. The rezoning and the combining of the tracts and ultimately splitting the property into two 40 acre tracts, each with a single family residence on it, will make both tracts legal and allow for the existing residence to be rebuilt or repaired in the event of a disaster. As it sits today the house on the 1.1 acre tract is not eligible for rebuild or repair. As required by State Statute all landowners located within a 1,000' radius of the property were notified of the request and staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 5-0.

*Commissioner Woydziak motioned to approve the request for a change in zoning from AG-80 to AG-40 on property located at 8099 SE 30th St. El Dorado, KS and directed the Chairman to sign Resolution No. 19-20. Commissioner Myers seconded the motion. Motion carried 4-0.*

(00:11:35)

**ITEM #5- REQUEST FOR CHANGE IN ZONING FROM AG-40 TO RESIDENTIAL ESTATES (RE) AS SUBMITTED BY GREG AND JW JOHNSON, OWNERS OF THE PRAIRIE ROSE SUPPER CLUB, ON PROPERTY LOCATED AT 15231 SW PARALLEL BENTON, KS**

David Alfaro, Community Development Director, came before the Board for approval of a request for a change in zoning from AG-40 to RE submitted by Greg and JW Johnson on property located at 15231 SW Parallel Road, Benton. Greg & JW Johnson, owners of the Prairie Rose Supper Club, requested to change the zoning on 30 of the 77+/- acres they to allow them to potentially split the property into two 15 acre tracts and allow for the possible construction of one single family residence on each 15 acre tract. It is the intent of the applicants to sell the newly created tract(s) of land. As required by State Statute all landowners located within a 1,000' radius of the property were notified of the request and staff did not receive comments for or against the change. The Planning Commission approved the request by a vote of 5-0.

***Commissioner Masterson motioned to approve the request for a change in zoning from AG-40 to Residential Estates on property located at 15231 SW Parallel and directed the Chairman to sign Resolution No. 19-21. Commissioner Myers seconded the motion. Motion carried 5-0.***

(00:14:45)

**ITEM #6 – STANDS FARMS – JET DIESEL LLC REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR A DIESEL MECHANIC OPERATION ON PROPERTY LOCATED AT 9529 SE HIGHWAY 54 EL DORADO, KS**

David Alfaro, Community Development Director, came before the Board for approval of a CUP request submitted by Stands Farms- Jet Diesel LLC to allow for a diesel mechanic operation on property located at 9529 SE Highway 54, El Dorado. Commissioner Myers suggested adding conditions to the CUP such as widening of the driveway and stating all outside storage must be in a screened in area.

Jesse Newman, 9529 SE Hwy 54, came before the Board to address Commissioner Myers' concerns about adding conditions to the CUP. Mr. Newman stated he had no objection to adding the suggested conditions and he will not have any abandoned trucks or old tires on the site.

***Commissioner Woydziak motioned to approve the request submitted by Stands Farms-Jet Diesel LLC for the operations of a diesel mechanic operation on property located at 9529 SE Highway 54, El Dorado, KS and directed the Chairman to sign Resolution No. 19-28, with the modified conditions listed in the CUP. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

(00:26:07)

**ITEM# 7 – RODNEY MORGAN & AT&T MOBILITY REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR THE PLACEMENT OF 350' GUYED COMMUNICATIONS TOWER ON PROPERTY LOCATED IN THE 11800 BLOCK OF SE SQUIRE ROAD, BEAUMONT, KS**

David Alfaro, Community Development Director, came before the Board for approval of a request from Rodney Morgan and AT&T Mobility Request for a CUP for placement of 350' Guyed Communications Tower on property located in the 11800 Block of SE Squire Rd. Beaumont, KS. The tract of land contains 41+/- acres. The proposed Wireless Infrastructure is critical to ensure that all citizens have true access to advanced technology and information which ultimately will have economic benefits to the area. The site, when completed, will become part of AT&T's network that will provide coverage to the impaired service area that currently exists in that portion of Butler County. The site will also provide coverage to the area surrounding Beaumont and Highway 400. The Tower will be constructed for the possibility of at least three

other users to utilize as well. This particular location was chosen after a "Search Ring" was developed and issued by AT&T Frequency Engineers. As required by State Statute all landowners located within a 1,000' radius of the site were notified and staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 5-0. Commissioner Myers requested the following condition be added to the CUP, "if the tower should cease to be used as a communication facility it will be disassembled and the site will return to its original condition."

***Commissioner Myers motioned to approve the request for a CUP as submitted by Rodney Morgan and AT&T for the erection of a 350' guyed communications tower on property located in the 11800 block of SE Squire Road, Beaumont, KS and directed the Chairman to sign Resolution #19-29 with the above addition to the CUP. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

(00:37:45)

#### **NON-AGENDA ITEM**

David Alfaro, Community Development Director, came before the Board for approval of a Special Event Permit submitted by Westar Energy for the purpose of using existing temporary laydown yard area for transmission line construction at the intersection of NW 30<sup>th</sup> Street and Highway 196. Mr. Alfaro stated the site use will be temporary and will begin around September 15<sup>th</sup> and end December 31<sup>st</sup>, 2020.

***Commission Chairman Murphy motioned to approve the request for a Special Event Permit submitted by Westar Energy for the purpose of using existing temporary laydown yard area for transmission line construction at the intersection of NW 30<sup>th</sup> Street and Highway 196. Commissioner Myers seconded the motion. Motion carried 5-0.***

(00:39:23)

#### **ITEM #8 – REQUEST FOR PROPOSAL (RFP) FOR LEASE-PURCHASE, BANK DIRECT PURCHASE OR OTHER ANNUAL APPROPRIATION FINANCING FOR RESCUE SQUAD**

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board for approval to issue a RFP, analyze the results and to bring back a recommendation for issuing up to \$500,000 in debt for a new rescue squad heavy truck. The 2018-2022 CIP budgets \$100,000 in 2019 from the General Fund Reserve as the down payment as well as \$35,599 thereafter for debt service payments. On April 16, 2019, the Commission approved the purchase of a vehicle from Maintainer Custom Bodies at a price not-to-exceed \$486,465 and the purchase of Paratech Rescue Equipment through Conrad Fire Equipment at the price not to exceed \$49,954 for equipping the truck. Mr. Adkison stated that using a conservative estimate of 3.0% interest over a 10 year term yields an annual payment of approximately \$56,000. Commissioner Myers requested to extend the time to receive more RFP's.

***Commissioner Woydziak motioned to authorize staff to issue a RFP, analyze the results and bring back a recommended action and all necessary documents for issuing up to \$500,000 in debt for a new rescue squad truck. Commission Chairman Murphy seconded the motion. Motion carried 4-1. Commissioner Myers opposed.***

(00:43:53)

## **ITEM #9 – KAC VOTING DELEGATES**

Will Johnson, County Administrator, came before the Board for appointment of a voting delegate for the 2019 KAC Conference and two alternate delegates.

*Commissioner Masterson motioned to appoint Commissioner Dan Woydziak as the voting delegate for the 2019 KAC Conference and County Engineer Darryl Lutz as the first alternate and County Administrator Will Johnson as the second alternate. Commission Chairman Murphy seconded the motion. Motion carried 5-0.*

(00:45:04)

## **VOUCHERS**

*Commissioner Wheeler motioned to approve vouchers for August 27, 2019, in the amount of \$377,569.36. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(00:45:30)

## **COMMISSION ADDS & ABATES**

*Commissioner Woydziak motioned to approve Adds & Abates # 2739 dated August 27, 2019; Adds in the amount of \$0.00 & Abates in the amount of \$14,133.48. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:45:52)

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

Commissioner Masterson stated he will be out of town next week.

Commissioner Woydziak wished everyone a safe Labor Day Weekend.

Administrator Johnson reminded the Board about the City of Andover luncheon tomorrow.

Administrator Johnson stated he will be out of the office on Thursday afternoon.

The Western Tag Office will begin its remodel Friday, August 30<sup>th</sup>.

The court house will be closed for Labor Day Monday, September 2<sup>nd</sup>.

Administrator Johnson requested approval for rear-end repair work on a high-end loader in an amount not to exceed \$19,000.00.

*Commissioner Woydziak motioned to approve the request for repair work in an amount not to exceed \$19,000.00. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Commissioner Wheeler stated the Holly Frontier turn around will begin the middle of September and end the middle of November.

(00:54:00)

## **ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:19 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.*