

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, December 27, 2011

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Masterson motioned to approve the minutes of the Butler County Commission meeting of Tuesday, December 20, 2011, as written. Commissioner Woydziak seconded the motion. Motion carried 4-0.

CORRECTION TO ITEM #2 ON MINUTES OF DECEMBER 6, 2011

The Board corrected Item # 2 on minutes of December 6 to read Pleasant Township instead of Richland Township.

PUBLIC COMMENTS

There were no public comments.

ITEM #1 – CONSIDER APPROVAL OF REQUEST BY KEVIN NUTSCH FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 5.4 ACRES FROM A PARCEL CONTAINING APPROXIMATELY 80 ACRES.

Rod Compton/Director of Planning and Development, came before the Board to consider approval of a request by Kevin Nutsch for a Homestead Lot Split with APO in order to separate an existing Homestead and 5.4 acres from a parcel containing approximately 80 acres. The property is located the West Half of the West Half of the Northeast Quarter of Section 28, Township 29 South, Range 3 East of the 6th P.M., Butler County. The planning commission approved the request on December 6, 2011, with a 6 to 0 vote.

Commissioner Woydziak motioned to approve a request by Kevin Nutsch for a Homestead Lot Split with APO in order to separate an existing Homestead and 5.4 acres from a parcel containing approximately 80 acres. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #2 – CONSIDER APPROVAL OF REQUEST BY HAROLD BUCKLEY ON BEHALF OF WILLIAM PACE, D/B/A/THE BARN GUYS, FOR A CONDITIONAL USE PERMIT TO ALLOW THE PROPERTY TO OPERATE A CONTRACTOR’S BUSINESS.

Rod Compton, Director of Planning and Development, came before the Board to consider approval of a request by Harold Buckley on behalf of William Pace, D/B/A The Barn Guys, for a Conditional Use Permit to allow the property to operate a contractor’s business. The property is located on the north side of E Hwy 54 at 2414 E Hwy 54 approximately ½ mile east of SW Prairie Creek Rd. east of Andover. The prospective purchaser wants to relocate the headquarters of his business to this location in order to have more visibility. The Planning Commission approved the request on December 6, 2011.

Commissioner Masterson motioned to approve the request by Harold Buckley on behalf of William Page, D/B/A The Barn Guys, for a Conditional Use Permit to allow the property to operate a contractor's business. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #3 – CONSIDER APPROVAL OF REQUEST BY FRED AND PATSY RIERSON ON BEHALF OF RURAL WATER DISTRICT #6 FOR A CONDITIONAL USE PERMIT TO ERECT A 175 FOOT TALL WATER TOWER.

Rod Compton, Director of Planning and Development, came before the Board to consider approval of a request by Fred and Patsy Rierson on behalf of Rural Water District #6 for a Conditional Use Permit to erect a 175 foot tall Water Tower. The property is located on the northeast corner of the intersection of SW 160th St. and SW Haverhill Rd. The Planning Commission approved the request 6-0 on December 6, 2011.

Commissioner Woydziak motioned to approve a request by Fred and Patsy Rierson on behalf of Rural Water District # 6 for a Conditional Use Permit to erect a 175 foot tall Water Tower. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #4 – CONSIDER APPROVAL OF REQUEST BY EARL AND FRANCES WILEY TO REZONE 40 ACRES FROM AN AG-40 ZONING CLASSIFICATION TO A RR RURAL RESIDENTIAL ZONING CLASSIFICATION.

Rod Compton, Director of Planning and Development, came before the Board to consider approval of a request by Earl and Frances Wiley to rezone 40 acres from an AG-40 zoning classification to a RE Rural Estate zoning classification. The property is located approximately ¼ mile west of SW Tawakoni Rd. on the north side of SW130th St. The recommendation being forwarded is that of approval of a change to an RE classification because it was felt the site was appropriate for low density residential development, and was in conformance with the Comprehensive Plan because it was within the Urban Growth Area of the County and nearby densities and uses were similar to what would be allowed with the rezoning. Per statute a Notice of Public hearing was published in the official county newspaper and mailings were sent to property owners within 1,000 feet of the property for which the rezoning was requested. A public hearing was held.

Commissioner Woydziak motioned to approve a request by Earl and Frances Wiley to rezone 40 Acres from and AG-40 zoning classification to RE Rural Estate zoning classification. Commissioner Palmer seconded the motion. Motion carried 4-0.

ITEM #5 – PUBLIC HEARING-BUDGET AMENDMENTS FOR THE JAIL FUND, LOCAL SALES TAX FUND AND SPECIAL LIGHT DISTRICT FUND 2011 BUDGETS.

Chairman Harris opened the Public Hearing at 9:15 a.m. There were no public comments. Charmin Harris closed the Public Hearing at 9:18 a.m.

ITEM #6 – CONSIDER APPROVAL TO AMEND THE JAIL FUND, LOCAL SALES TAX FUND AND SPECIAL LIGHT DISTRICT FUND 2011 BUDGETS.

Brandon Kauffman, Finance Director, came before the Board, to consider approval to amend the Jail Fund, Local Sales Tax Fund and Special Light District Fund 2011 Budgets. Due to higher than anticipated revenues and lower expenditures, in order to transfer out the expected remaining cash, the Jail fund will need to be amended in order to transfer the funds to reserve. Due to higher than

expected project expenses, the local sales tax budget needs increased. The Special Light District needs amended due to an unplanned disbursement to the City of El Dorado.

Commissioner Masterson motioned to approve to amend the Jail Fund, Local Sales Tax Fund and Special Light District Fund 2011 Budgets. Commissioner Woydziak seconded the motion. Motion carried 4-0.

ITEM #7 – CONSIDER APPROVAL OF AN AGREEMENT FOR OFFENDER HOUSING SERVICES BETWEEN BUTLER COUNTY AND THE KANSAS DEPARTMENT OF CORRECTIONS AND ALLOW THE CHAIR TO SIGN.

Kelly Herzet, County Sheriff, came before the Board, to consider approval of an agreement for Offender Housing Services between Butler County and the Kansas Department of Corrections and allow the Chair to Sign. The Sheriff, Undersheriff and Detention Captain recommended the Board approve and sign the agreement because a contract with KDOC is very important to Butler County. It would maintain our inmate population with a reasonable income. The contract calls for KDOC to keep a minimum of 20 inmates a day with Butler County at \$40.00 a day which would bring the county a minimum of \$292,000 a year.

Commissioner Woydziak motioned to approve an agreement for Offender Housing Services between Butler County and the Kansas Department of Corrections and allow the Chair to Sign. Commissioner Harris seconded the motion. Motion carried 4-0.

ITEM #8 – CONSIDER APPROVAL OF A RESOLUTION CREATING A SPECIAL 911 FUND.

Will Johnson, County Administrator, came before the Board to consider approval of a Resolution creating a Special 911 Fund. The new resolution will abolish 94-021 and the funds will be transferred to a separate account to spend down according to statute. The funds are limited to equipment purchases related to the dispatch center only and can not be utilized for personnel costs. The County expects to see revenues similar to what we have received in the past and the change will not impact operations or budget. Estimated revenues for 2012 are \$240,000.

Commissioner Woydziak motioned to approve Resolution No. 11-50 creating a Special 911 Fund. Commissioner Masterson seconded the motion. Motion carried 4-0.

ITEM #9 – CONSIDER APPROVAL OF 2012 CEREAL BEVERAGE LICENSE FOR TRIPLE J CORNER.

Ron Roberts, County Clerk, came before the Board, to consider approval of the 2012 Cereal Beverage License for Triple J Corner. This License has been approved by the Sheriff.

Commissioner Woydziak motioned to approve the 2012 Cereal Beverage License for Triple J Corner. Commissioner Masterson seconded the motion. Motion carried 4-0.

COMMISSION ADDS & ABATES

Commissioner Palmer motioned to approve Adds & Abates #2511 dated December 27, 2011; Adds in the amount of \$1,971.82 and Abates in the amount of \$4,698.17. Commissioner Masterson seconded the motion. Motion carried 4-0.

APPROVAL OF VOUCHERS

Commissioner Palmer motioned to approve the vouchers for December 27, 2011, in the amount of \$315,389.06. Commissioner Harris seconded the motion. Motion carried 4-0.

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

Commissioner Woydziak : Wished everyone a Happy New Year.

Commissioner Masterson : Presented a REAP Report and Wished everyone a Happy New Year.

Commissioner Harris : Wished everyone a Happy New Year.

Commissioner Palmer : Discussed an email from Frank Miller. She also mentioned a inquiry from Jim Lytton about the possibility of getting rural water at his home at 9010 SW River Valley Road and wished everyone a Happy New Year.

Administrator Johnson : Stated he would reply to Mr. Miller's email. He then presented information about the County's Historical Societies

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:35 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.