

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, January 4, 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 Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges.

APPROVAL OF MINUTES

Commissioner Masterson motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, December 28, 2010 as written. Commissioner Wheeler seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

Shane Krause, 830 W. 4th, El Dorado City Commission, came before the Board and stated he was speaking for himself, not the city commission, about the city's mill levy being 2 mills higher than the city expected. Mr. Krause asked for the Board's support in an effort to try to change the mill levy so the taxpayers won't get billed the extra 2 mills. Commissioner Masterson noted that the budget isn't set in mills, it is set in dollars. Administrator Johnson stated CIC came up with some programming changes but needed a tape back to the original date that the taxes were certified. He noted that after certification and state approval, the tape was recycled. Administrator Johnson commented that these changes would cost around \$30,000 to republish the tax statements. He noted that to go back now would be costly, would cause a lot of confusion to the taxpayers, and potential issues with mortgage companies. Ron Roberts, County Clerk explained the process of sending out assessed values as well as a list of potential exemptions. Commissioner Masterson stated that in his view, Mr. Robert's office did all they could do. Administrator Johnson noted the need for better communication in the future to prevent these types of issues.

ITEM #1 – CONSIDER APPROVAL OF A REQUEST BY GERALD AND PATTY SIVITS FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 6.1 ACRES FROM THE REMAINDER OF A PARCEL CONTAINING 63.2 ACRES (PL-10-12)

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Gerald and Patty Sivits for a Homestead Lot Split with APO in order to separate an existing homestead and 6.1 acres from the remainder of a parcel containing 63.2 acres. The Planning Commission approved this request by a 6-0 vote. Staff feels that the use of the APO provision on this property is appropriate.

Commissioner Harris motioned to approve the Homestead Lot Split with APO described as follows, and authorize the Chair 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 a point 1,837.14 feet South of the Northeast Corner of the Northeast Quarter of Section 24, Township 23 South, Range 3 East of the 6th P.M., Butler County, Kansas; thence South 413.94 feet; thence Northwest 648 feet; thence North 413.94

feet; thence Southeast 648 feet to the point of beginning. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #2 – CONSIDER APPROVAL OF A REQUEST BY DONALD K. FROST, JR., TO VACATE A PORTION OF SOUTH DOREEN DRIVE IN THE CRESCENT HEIGHTS, REVISED SUBDIVISION, PLATTED IN 1952 (VC-10-05)

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Donald K. Frost, Jr., to vacate a portion of S. Doreen Drive in the Crescent Heights, Revised Subdivision, platted in 1952. The Planning Commission approved this request by a 6-0 vote. The portion of Doreen Dr. that the applicant is requesting to be vacated has never been constructed or opened, therefore, staff feels the vacation would not disrupt the traffic flow in the area or affect the delivery of emergency services.

Commissioner Masterson motioned to find that the public will suffer no loss or inconvenience; no emergency service delivery will be compromised; no property rights will be injured or endangered; and the requirement for legal notice has been satisfied and as such move to approve the request for a street vacation of a portion of S. Doreen Dr. known as Case #VC-10-05 and authorize the Chair to sign the Order of Vacation. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #3 – CONSIDER APPROVAL OF A REQUEST BY EUGENE BISHOP ON BEHALF OF ROGER AND THERESA GOBEL FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 10 ACRES FROM THE REMAINDER OF A PARCEL CONTAINING 78 ACRES

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Eugene Bishop on behalf of Roger and Theresa Gobel for a Homestead Lot Split with APO in order to separate an existing homestead and 10 acres from the remainder of a parcel containing 78 acres. The Planning Commission approved this request by a 6-0 vote. Staff feels that the use of the APO provision on this property is appropriate.

Commissioner Woydziak motioned to approve the Homestead Lot Split with APO 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: The South 328 feet of the East Half of the Southeast Quarter of Section 15, Township 25 South, Range 3 East of the 6th P.M., Butler County, Kansas. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #4 – WORK SESSION – COMMUNICATIONS PROJECT UPDATE

Jim Neese, Strategic Communications Director, came before the Board for an update on the Communications Project and budget. Administrator Johnson noted that collections of sales tax money are ahead of schedule. No action was taken.

ITEM #5 – CONSIDER TABLED APPROVAL OF 2011 LEGISLATIVE PRIORITIES

Will Johnson, County Administrator, came before the Board for discussion and approval of the 2011 Legislative Priorities.

Commissioner Masterson motioned to table the 2011 Legislative Priorities until next week. Commissioner Harris seconded the motion. Motion carried 5-0.

RECESS

Commissioner Harris recessed the Board meeting at 10:19 a.m. for 7 minutes.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:26 a.m.

APPROVAL OF VOUCHERS

Commissioner Masterson motioned to approve the vouchers for January 4, 2011 in the amount of \$205,347.25. Commissioner Woydziak seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

Commissioner Masterson motioned to approve Adds & Abates #2467 dated January 4, 2011; Adds in the amount of \$863.20 and Abates in the amount of \$45,032.50. Commissioner Harris seconded the motion. Motion carried 5-0.

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

Commissioner Woydziak motioned to reappoint Debbie Logsdon from Douglass and appoint Virgil Tingley, 14117 SW Meadowlark Rd., Rose Hill, to the Planning Commission Board. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Commissioner Wheeler asked Administrator Johnson about statements in the County Newsletter regarding texting while driving and smoking in county vehicles.

Commissioner Harris noted a comment from Judge Ward about swearing in activities next week.

Commissioner Harris reminded the Board of the retirement ceremony for Judge Sanders.

Commissioner Woydziak mentioned that he and Commissioner Harris attended the Numana event at the Civic Center.

Administrator Johnson asked for approval of Triple J Corner Cereal Malt Beverage license.

Commissioner Masterson motioned to approve the Cereal Malt Beverage License for Triple J Corner. Commissioner Harris seconded the motion. Motion carried 5-0.

Administrator Johnson presented the Board with information concerning membership dues to the Kansas Association of Counties.

Commissioner Palmer discussed the railroad property between the cities of Andover and Augusta.

Administrator Johnson noted the Planning Commission meets tonight and will be discussing a date to meet with the Commissioners to discuss sanitary codes.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:48 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.