

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, July 26, 2011**

**CALL TO ORDER**

Commission Vice-Chairman Dan Woydziak 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, County Administrator Will Johnson, Jr., and Clerk Recorder Tammy Bridges. Commissioner Bruce Harris was absent.

**APPROVAL OF MINUTES**

*Commissioner Masterson motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, July 19, 2011, as written. Commissioner Palmer seconded the motion. Motion carried 4-0.*

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #1 – CONSIDER APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW DAVID R. BIGLEY TO OPERATE AN EARLY CHILDHOOD LEARNING/DAYCARE FACILITY AND TO CONSTRUCT A SMALL STRUCTURE TO HOUSE A RETAIL FACILITY ON A ONE ACRE TRUST IN THE AG-40 AGRICULTURAL ZONING DISTRICT (CASE NO. CU-11-05) (RESOLUTION NO. 11-14)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by David R. Bigley for a Conditional Use Permit to allow operation of an early childhood learning center/day care facility and to construct a small structure to house a retail facility on a one acre tract in the AG-40 agricultural zoning district. The Butler County Planning Commission approved this request by a 6-0 vote at its meeting on July 5, 2011. It is Staff's opinion that the nature of the use proposed is such that it would not significantly impact any adjacent properties, at least at the level of intensity proposed. Staff with the City of Andover has suggested that this request should have been considered as part of a rezoning request, because it was felt the AG-40 Agricultural zoning classification is inappropriate for this property, and even this particular area.

*Commissioner Masterson motioned to find that the request is compatible with nearby uses; that it is consistent with the spirit and intent of the regulations; and that it would not represent an undue burden to transportation and service facilities in the area; and move to approve the request by David Bigley for a Conditional Use Permit to establish an early childhood learning center/day care and to allow the construction of a 12 ft. x 12 ft. structure for retail sales and authorize the Chairman to sign Resolution No. 11-14. The site for which the Conditional Use Permit is to be located is described as: Beginning 330 ft. West of the Southeast Corner of the Southeast Quarter of Section 21, Township 27 South, Range 3 East; thence West 132 feet; thence North 330 feet; thence West 27.89 feet; thence North 95.7 feet; thence East 159.89 feet; thence South 425.7 feet to the point of beginning. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

**ITEM #2 – CONSIDER APPROVAL OF A REQUEST BY ARTHUR D. PULLIAM TO REZONE 28.4 ACRES FROM AN AG-40 ZONING CLASSIFICATION TO AN RR**

**RURAL RESIDENTIAL ZONING CLASSIFICATION (CASE NO. RZ-11-05)  
(RESOLUTION NO. 11-13)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Arthur D. Pulliam to rezone 28.4 acres from AG-40 to RR Rural Residential. The property contains two residences and the applicant is requesting the rezoning in order to divide it into two separate lots so that each residence will be on a separate lot. The Butler County Planning Commission approved this request on July 5, 2011 by a 6-0 vote. The recommendation is that of approval because the rezoning would result in no new development, and because it would accurately reflect the actual use of the property.

*Commissioner Wheeler motioned to approve the request by Arthur D. Pulliam to rezone 28.4 acres described as: Beginning at the Northwest Corner of the Southwest Quarter of Section 10, Township 26 South, Range 6 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence East 1,444.05 feet; thence Southerly 878.88 feet; thence West 1,367.46 feet; thence North 884.73 feet to the beginning, from an AG-40 Agricultural classification to an RR Rural Residential classification for the reasons previously noted; and hereby authorize the Chair to sign Resolution 11-13 approving the rezoning. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**ITEM #3 – CONSIDER APPROVAL OF THE AWARD OF THE CONTRACT FOR THE MILLING AND BITUMINOUS SURFACING PROJECT THROUGH THE CITY OF BENTON AND ON SW 30<sup>TH</sup> STREET SOUTH OF BENTON**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of the award of contract for the milling and bituminous surfacing project through the City of Benton and on SW 30<sup>th</sup> St. south of Benton. Bids were received from three surfacing contractors. All bids were carefully evaluated and recalculated to verify accuracy of the bid amount. The lowest bid was received from Cornejo & Sons, LLC, Wichita, KS in the amount of \$542,396.90. This amount is below the engineer's estimate of \$553,000 and is included in the 2011-2015 CIP.

*Commissioner Masterson motioned to approve the Notice of Award of contract for Project No. BC 606 (2-3) 11 for milling and bituminous surfacing work on Main St. through Benton and on SW 30<sup>th</sup> St. south of Benton to Cornejo & Sons, LLC, Wichita, KS in the total amount of \$542,396.90 and authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

**ITEM #4 – CONSIDER APPROVAL OF THE PURCHASE OF 3 REPLACEMENT SKID STEER LOADERS ON AN ANNUAL BUY-BACK PROGRAM FOR THE DEPARTMENT OF PUBLIC WORKS**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of the purchase of 3 replacement skid steer loaders on an annual buy-back program for the Department of Public Works. This is the fourth year for the program and the net cost will be \$4,655.68 per unit.

*Commissioner Wheeler motioned to approve the purchase of 3 Bobcat S750 Skid Steer Loaders from White Star Machinery & Supply Co., Wichita, KS for a net purchase price of \$4,655.68 each including trade-in of 3 S300 Bobcat Skid Steer Loaders on a guaranteed buy-back program. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**ITEM #5 – CONSIDER APPROVAL OF THE PURCHASE OF A REPLACEMENT POWER WASHER FOR THE LANDFILL**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board for approval of the purchase of a replacement power washer for the landfill. This item is included in the CIP for this year. Proposals were received from:

Alkota	\$14,400
Pressure Washer Sales & Service	\$11,229
Superior Service Co.	\$11,625

The lowest proposal was from Pressure Washer Sales & Service in the amount of \$11,229.

*Commissioner Woydziak motioned to approve the purchase of a trailer mounted, hot water pressure washer from Pressure Washer Sales & Service for use at the landfill in the low bid amount of \$11,229. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**Additional Agenda Item**

Mr. Lutz asked for approval to solicit bids for a tandem axle chassis for a dump truck that was burned at the Augusta Shop. The insurance offer is \$80,000 with the insurance company keeping the truck or \$74,300 with the County keeping the truck. Staff is recommending accepting the offer for \$74,300. Commissioner Woydziak asked Mr. Lutz to check State Surplus and Purple Wave for pricing as well.

*Commissioner Woydziak motioned to approve Public Works to go out for bids for a tandem axle chassis for a dump truck. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**RECESS**

Commissioner Woydziak recessed the Board meeting at 9:43 a.m. for 8 minutes.

**RECONVENE**

Commissioner Woydziak reconvened the Board meeting at 9:51 a.m.

**ITEM #6 – WORK SESSION – QUARTERLY REPORT**

Will Johnson, Jr., County Administrator, and Brandon Kaufman, Finance Officer, came before the Board to discuss the Quarterly Report. The Board discussed the County's Standards & Poors rating of an A- and the Reserve Fund. No action was taken.

**ITEM #7 – WORK SESSION – FIRE DISTRICT BUDGETS**

Will Johnson, Jr., County Administrator, and Brandon Kaufman, Finance Officer, came before the Board to discuss Fire District Budgets. No action was taken.

**APPROVAL OF VOUCHERS**

*Commissioner Wheeler motioned to approve the vouchers for July 26, 2011, in the amount of \$158,400.90. Commissioner Masterson seconded the motion. Motion carried 4-0.*

**COMMISSION ADDS & ABATES**

*Commissioner Wheeler motioned to approve Adds & Abates #2493 dated July 26, 2011; Adds in the amount of \$416.50 and Abates in the amount of \$2,875.18. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

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

Commissioner Palmer asked for a review of the reimbursement from Flint Hills Services, the budget process, the Clerk and Treasurer salaries, pay ranges, and how many employees are within each pay range.

Administrator Johnson stated the City of Douglass has asked to modify their Law Enforcement Agreement from 4 officers to 3.

Administrator Johnson commented that the 4-H Fair starts Saturday, July 30.

**ADJOURNMENT**

*Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:24 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.*