

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, March 22, 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 Woydziak motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, March 15, 2011 as written. Commissioner Masterson seconded the motion. Motion carried 4-0. Commissioner Wheeler abstained; he was absent on March 15.*

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #1 – CONSIDER APPROVAL OF A REQUEST BY MARY MELLOR TRUST FOR A HOMESTEAD LOT SPLIT & AGRICULTURAL PRESERVATION OVERLAY (APO) (CASE NO. PL-11-04)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Mary Mellor Trust for a Homestead Lot Split and Agricultural Preservation Overlay (APO) in order to separate an existing homestead and 10 acres from a parcel containing approximately 325 acres. The Planning Commission has recommended approval by a 5-0 vote.

*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: Beginning at the Northwest Corner of the Northeast Quarter of Section 12, Township 24 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence East 50.07 feet; thence South 1,344.92 feet; thence Southeasterly 358.63 feet; thence North 190.99 feet; thence Southeasterly 426.9 feet; thence South 683.96 feet; thence Northeasterly 506.82 feet; thence North 521.93 feet; thence Northwesterly 317.38 feet; thence North 1,394.99 feet to the beginning. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #2 – CONSIDER APPROVAL OF A REQUEST BY SHANNON HILL FOR A HOMESTEAD LOT SPLIT & AGRICULTURAL PRESERVATION OVERLAY (APO) (CASE NO. PL-11-05)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Shannon Hill for a Homestead Lot Split and Agricultural Preservation Overlay (APO) in order to separate an existing homestead and 10 acres from a parcel containing approximately 39.5 acres. The Planning Commission has recommended approval by a 5-0 vote.

*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: Beginning at the Northwest Corner of the Southwest Quarter of Section 1, Township 28 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence East 1,347.48 feet; thence South 462.24 feet; thence Northwesterly 798.93 feet; thence North 110.87 feet; thence West 559.99 feet; thence North 220 feet to the beginning. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #3 – CONSIDER APPROVAL OF A REQUEST BY FAYE PETERSON FOR A HOMESTEAD LOT SPLIT & AGRICULTURAL PRESERVATION OVERLAY (APO) (CASE NO. PL-11-06)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Faye Peterson for a Homestead Lot Split and Agricultural Preservation Overlay (APO) in order to separate an existing homestead and 10 acres from a parcel containing approximately 80 acres. The Planning Commission has recommended approval by a 5-0 vote.

*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: Beginning at the Southwest Corner of the Southwest Quarter of Section 34, Township 28 South, Range 5 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence North on the west line of said Southwest Quarter 804.12 feet; thence East 528.9 feet; thence South 804.5 feet; thence West 554.52 feet to the beginning. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #4 – CONSIDER APPROVAL OF A REQUEST BY DONNA M. NICKEL TRUST FOR A HOMESTEAD LOT SPLIT & AGRICULTURAL PRESERVATION OVERLAY (APO) (CASE NO. PL-11-07)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Donna M. Nickel Trust for a Homestead Lot Split and Agricultural Preservation Overlay (APO) in order to separate an existing homestead and 10 acres from a parcel containing approximately 154 acres. The Planning Commission has recommended approval by a 5-0 vote.

*Commissioner Masterson 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: Beginning at the Southeast Corner of the West Half of the Southeast Quarter of Section 24, Township 23 South, Range 4 East of the 6<sup>th</sup> P.M., Butler County, Kansas; thence West 372 feet; thence North 1,025 feet; thence East 372 feet; thence South 1,025 feet to the beginning. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #5 – RECEIVE AND OPEN SEALED BIDS FOR CRUSHING AND SCREENING ASPHALT MILLINGS TO BE USED IN BUTLER COUNTY'S HIGHWAY MAINTENANCE PROGRAM**

Mike Craft, Assistant Director of Public Works, came before the Board to receive and open sealed bids for crushing and screening asphalt millings. Bids received are as follows:

Heartstone, Inc., Wichita, KS	\$ 72,800
Ballou Pavement Solution, Salina, KS	\$104,000
Koss Construction Co., Topeka, KS	\$ 90,000

*Commissioner Masterson motioned to accept the bids received to crush and screen asphalt millings at 3 materials stockpile areas to be used for 2011 County highway maintenance work and to award the work to Heartstone, Inc., Wichita, KS in the amount of \$72,800.00. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

**ITEM #6 – CONSIDER APPROVING A NOTICE TO BRIDGE CONTRACTORS FOR THE BRIDGE REHABILITATION PROJECT ON THE EAST BRANCH WHITEWATER RIVER BRIDGE ON NW RIVER VALLEY RD. NORTH OF POTWIN**

Bronson Webb, Assistant County Engineer, came before the Board for approval of a Notice to Bridge Contractors for the bridge rehabilitation project on the East Branch Whitewater River Bridge on NW River Valley Rd. north of Potwin. The bridge deck on the existing bridge will be removed and replaced with a new bridge deck. The estimated cost of the project is \$390,000, and the bid opening date is Tuesday, April 19, 2011.

*Commissioner Woydziak motioned to approve the Notice to Bridge Contractors for a bridge rehabilitation of Bridge No. 5E5-24-4 over the East Branch Whitewater River on NW River Valley Rd. setting the bid opening date of Tuesday, April 19, 2011 at 10:00 a.m. and authorize the Chair to sign. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #7 – CONSIDER APPROVING A REQUEST FOR CONSTRUCTION PROJECT FOR THE PROPOSED FOURMILE CREEK BRIDGE REPLACEMENT PROJECT ON SW BUTLER ROAD**

Bronson Webb, Assistant County Engineer, came before the Board for approval of a Request for Construction Project for the proposed Fourmile Creek Bridge replacement project on SW Butler Rd. Last year, Butler County submitted this project to the Wichita Area Metropolitan Planning Organization (WAMPO) and was approved for funding in federal fiscal year 2014. Butler County now needs to submit the project to KDOT to obtain a federal aid project number.

*Commissioner Masterson motioned to approve the Request for Construction Project for the proposed federal aid project to replace the Fourmile Creek Bridge on SW Butler Rd. located approximately 0.4 miles south of Harry St. and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #8 – CONSIDER AUTHORIZING THE WEED DEPARTMENT TO SOLICIT BIDS FOR CHEMICALS FOR 2011**

Mike Craft, Assistant Director of Public Works, came before the Board for authorization for the Weed Department to solicit bids for the 2011 annual chemical purchases.

*Commissioner Wheeler motioned to authorize the Weed Department to solicit bids for chemical purchases for 2011. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Mr. Craft asked for approval to solicit bids for highway paint and reflective beads.

*Commissioner Wheeler motioned to allow the Department of Public Works to solicit bids for highway paint and reflective beads. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

Mr. Craft requested authorization for the Chair to sign a document to receive \$5,000 from KDHE through E-waste.

*Commissioner Woydziak motioned to authorize the Chair to sign the KDHE document for reimbursement of \$5,000 for the E-waste program. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

Mr. Craft discussed the Household Hazardous Waste program at the Landfill.

**ITEM #9 – CONSIDER APPROVING A UTILITY AGREEMENT RELATED TO THE BIRD CREEK BRIDGE PROJECT ON SE BLUESTEM RD.**

Bronson Webb, Assistant County Engineer, came before the Board for approval of utility agreements related to the Bird Creek bridge replacement project on SE Bluestem Rd. Agreements with Westar Energy, AT&T, and Cox Communications have already been approved and signed. The final agreement is with Butler County Rural Water District No. 1.

*Commissioner Wheeler motioned to approve the utility agreements with Butler County Rural Water District No. 1 related to KDOT Project No. 8 C-4548-01, the Bird Creek bridge replacement project on SE Bluestem Rd. and authorize the Chair to sign the agreement. Commissioner Harris seconded the motion. Motion carried 5-0.*

**ITEM #10 – CONSIDER ANNUAL APPROPRIATION TO THE ONE-SHOT TURKEY HUNT IN THE AMOUNT OF \$5,000 FOR SPONSORSHIP OF THE EVENT PORTFOLIO**

Will Johnson, County Administrator, came before the Board for approval of funding the Kansas Governor's Turkey Hunt in the amount of \$5,000 to be paid from the Economic Development Fund.

*Commissioner Harris motioned to approve funding of the Kansas Governor's Turkey Hunt in the amount of \$5,000 to be paid from the Economic Development Fund. Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #11 – CONSIDER APPROVAL OF RESOLUTION REGULATING OPEN BURNING WITHIN BUTLER COUNTY**

Will Johnson, County Administrator, came before the Board for approval of a resolution regulating open burning within Butler County. The resolution includes changes made by the State of Kansas restricting burning in April. Ranchers who are burning for agricultural purposes on properties in excess of 40 acres will need to notify local PSAPs or Fire Departments of their intention to burn. Properties less than 40 acres will be subject to the same provisions, which we have been regulating for several years. Administrator Johnson stated Ray Marbut, Fire District #2, will be writing newspaper articles regarding the resolution.

*Commissioner Woydziak motioned to approve Resolution 11-04, a resolution regulating open burning within Butler County, and allow the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

#### **RECESS**

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

#### **RECONVENE**

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

#### **ITEM #12 – WORK SESSION – TABLED SANITARY CODE CHANGES**

Rod Compton, Planning & Zoning Director, came before the Board to discuss the proposed changes to the Sanitary Code and the Planning Commission's recommendation for each proposal. Commissioner Palmer asked for a review of Statute 19-4716. The Board agreed with the recommended changes. Mr. Compton will update the Sanitary Code, send it to KDHE for tentative approval, schedule a public hearing, and bring it back for adoption. No action was taken.

#### **ITEM #13 – WORK SESSION – CAPITAL IMPROVEMENT PLAN**

Brandon Kauffman, Finance Director, came before the Board to discuss the Capital Improvement Plan. No action was taken.

#### **APPROVAL OF VOUCHERS**

*Commissioner Harris motioned to approve the vouchers for March 22, 2011 in the amount of \$143,285.82. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

#### **COMMISSION ADDS & ABATES**

*Commissioner Harris motioned to approve Adds & Abates #2477 dated March 22, 2011; Adds in the amount of \$318.28 and Abates in the amount of \$9,793.68. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

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

Commissioner Woydziak stated that he will attend the CERT dinner and the Vitality Walk this evening.

Commissioner Palmer noted the meeting with the Augusta Mayor and City Manager regarding the Senior Center went well and will have more updates at a later time.

Administrator Johnson informed the Board that the City of El Dorado would be holding a public hearing regarding an IRB for B G Products in the amount of \$64,000,000.

Administrator Johnson commented that the City of Augusta approved the NRP program and stated the City of Benton is also looking at an NRP program.

Administrator Johnson asked Commissioner Harris to sign a letter of condolence for Wayne White who recently passed away. Mr. White served on the Joint Corrections Advisory Board.

Administrator Johnson is modifying the job description for the Health Department Administrator.

Administrator Johnson discussed the radio technician position and who would oversee that position. He further discussed developing a position of Department of Public Safety as a single point of contact for EMS, 9-1-1, Emergency Management, and the Fire Districts. The Board discussed the costs associated with the communication plan and the shared tower site with Sedgwick County.

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:30 a.m.*

*Commissioner Wheeler seconded the motion. Motion carried 5-0.*

***\*\*CERT Volunteer Appreciation Dinner at 6:30 p.m. at the Haverhill School\*\****