

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 24, 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 Wheeler motioned to approve the minutes of the Butler County Commission Meeting of Tuesday, May 17, 2011 as written. Commissioner Masterson seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #2 – CONSIDER APPROVAL OF THE CONDITIONAL USE PERMIT TO ALLOW ROBERT AND KATHY HARRIS TO UTILIZE PROPERTY LOCATED IN THE AG-40 AGRICULTURAL ZONING DISTRICT TO OPERATE AN AGRI-TOURISM BUSINESS (CASE NO. CU-11-02)

Rod Compton, Planning & Zoning Director, came before the Board for approval of a Conditional Use Permit (CUP) to allow Robert and Kathy Harris to establish an operation known as Four Points Ranch and Petting Zoo. The property is located on the northeast corner of the intersection of SW 80th St. and SW Boyer Rd. approximately ¾ mile west of SW Haverhill Rd. The Planning Commission recommended denial by a 4-2 vote because it was felt it would represent an encroachment of an incompatible commercial use into a primarily rural agricultural area, and because it was felt the infrastructure (roads, water, and sewer) in the area was inadequate to handle the intensity of the proposed use.

Mr. Pat Hughes, Attorney for Mr. & Mrs. Harris, came before the Board to explain the purpose for the request, and spoke about the condition of 80th St. He asked the Board to determine an appropriate level of use for the property for Mr. and Mrs. Harris to expand the use of their operation.

Administrator Johnson noted if the Board wanted to modify the request, it would be Staff's recommendation to remand it back to the Planning Commission. Commissioners Woydziak and Harris were reluctant to approve without the township support. Commissioner Palmer mentioned the need to control the number of people that frequent the business and use the road. Commissioner Woydziak suggested discussing with the township board that the pumpkin patch and corn maze would probably create the most traffic, but would be a fairly limited timeframe.

Robert and Kathy Harris, 2900 SW 80th, came before the Board to address the township situation concerning the road. She noted their business is by reservation only and felt the road is accessible for the traffic flow they are projecting.

The Board agreed that working out an agreement with Spring Township on the road situation is paramount and will remand it back to the Planning Commission.

Commissioner Palmer motioned to send this item back to the Planning Commission for further recommendations and consider restrictions on the number of visitors and hours of operation to be included in the CUP. Commissioner Masterson seconded the motion. Motion carried 5-0.

Mr. Randall Whittaker, 8757 SW Boyer Rd., came before the Board to express opposition to the CUP. He said it's a good idea, but in the wrong place.

ITEM #1 – CONSIDER APPROVAL OF THE AFFILIATION AGREEMENT BETWEEN WICHITA STATE UNIVERSITY AND THE BUTLER COUNTY HEALTH DEPARTMENT AND ALLOW THE CHAIR TO SIGN

Carol Borger, Health Department Administrator, came before the Board for approval of the Affiliation Agreement between Wichita State University College of Health Professionals and the Butler County Health Department for Public Health Nursing experience. She informed the Board that Janice Powers would start as the new Health Department Administrator on June 20th.

Commissioner Woydziak motioned to approve the Affiliation Agreement between Wichita State University College of Health Professionals and the Butler County Health Department for Public Health Nursing experience and allow the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

Ms. Borger stated she appreciated working with the Board for the past 21 years as Health Department Administrator.

ITEM #3 – CONSIDER APPROVAL OF ACCEPTANCE OF DEDICATIONS FOR FINAL PLAT OF RALSTON SECOND ADDITION (CASE NO. PL-11-11)

Rod Compton, Planning & Zoning Director, came before the Board for approval of dedications for final plat of Ralston Second Addition. James and Tim Ralston are proposing to subdivide a 20 acre parcel of land into 3 parcels located at the southwest corner of the intersection of SW Tumbleweed Rd. and SW 57th St. The Planning Commission found that the plat complied with the requirements specified in the County Subdivision Regulations and approved it by a 6-0 vote. As per the requirements of the County Subdivision regulations, the applicant is dedicating 40 feet of right-of-way easement for SW Tumbleweed Rd. No additional right of way is necessary for SW 57th St. since an adequate amount was dedicated as part of the Ralston Addition on the north side of the road.

Commissioner Masterson motioned to accept the dedications shown on Ralston Second Addition Final plat and authorize the Chair to sign the plat with the provision that the plat be recorded in the office of the Butler County Register of Deeds by the zoning administrator, and that no building permits be issued for any lot until a proven acceptable water source is made available. Commissioner Woydziak seconded the motion. Motion carried 5-0.

ITEM #4 – CONSIDER APPROVAL OF ACCEPTANCE OF DEDICATIONS FOR DONALD AND VIRGINIA NITCHER LOT SPLIT (CASE NO. PL-11-10)

Rod Compton, Planning & Zoning Director, came before the Board for approval of acceptance of dedications for Donald and Virginia Nitcher lot split in order to divide the property into two lots so each residence would be on a separate lot. The Planning Commission approved the Lot Split.

Commissioner Woydziak motioned to accept the dedications submitted for the Donald and Virginia Nitcher lot split survey, and authorize the Chair to sign the dedication agreements. Commissioner Harris seconded the motion. Motion carried 5-0.

ITEM #5 – CONSIDER APPROVAL OF THE SFY 2012 GRANT CONDITIONS FOR THE BLOCK GRANT FUNDS FOR JUVENILE PROGRAMS WITHIN THE 13TH JUDICIAL DISTRICT AND ALLOW THE CHAIR TO SIGN

Ann Carpenter, Juvenile Justice Administrator, came before the Board for approval of the SFY 2012 grant conditions for the block grant funds for Juvenile Programs within the 13th Judicial District. Butler County is anticipated to receive \$635,153 in funding for SFY 2012 – \$19,144 for prevention programs and \$616,009 for core programs.

Commissioner Wheeler motioned to approve the SFY 2012 Grant Conditions for the block grant funds for juvenile programs within the 13th Judicial District and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #6 – CONSIDER APPROVAL OF THE RENEWAL OF THE TRITECH TECHNICAL SUPPORT AGREEMENT

Brandon Russell, Emergency Medical Services, came before the Board for approval of the Trittech Technical Support Agreement renewal. The cost of the renewal is \$3,375.20 for a one-year term.

Commissioner Masterson motioned to approve the agreement with TRITECH for technical support and authorize the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

RECESS

Commissioner Harris recessed the Board meeting at 10:08 a.m. for 5 minutes.

RECONVENE

Commissioner Harris reconvened the Board meeting at 10:13 a.m.

ITEM #7 – CONSIDER APPROVAL OF A CHANGE ORDER FOR THE LEON MAIN STREET SURFACING PROJECT TO INCREASE A PORTION OF THE SURFACING THICKNESS

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of a change order for the Leon Main Street surfacing project to increase a portion of the surfacing thickness. This change will increase the asphalt quantities by 673 ton at a unit cost of \$65.23 for net project cost increase of \$43,900. There is expected to be a cost under-run on other projects that will minimize the net impact to the County's CIP. Mr. Lutz noted some additional overlay work on the approach to the fire station.

Commissioner Palmer motioned to approve a change order for Project No. BC 881C (Leon) 10, the Leon Main Street asphalt surface overlay project to increase the thickness of asphalt overlay from 2" to 3" outside the downtown area which will increase the asphalt quantities by

approximately 673 tons for a net contract increase in the amount of \$43,900. Commissioner Wheeler seconded the motion. Motion carried 5-0.

ITEM #8 – CONSIDER APPROVAL OF CONTRACTS FOR CULVERT LETTING NO. 66 FOR THE CONSTRUCTION OF 12 REINFORCED CONCRETE BOX DRAINAGE STRUCTURES THROUGHOUT BUTLER COUNTY

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of contracts for culvert letting No. 66 for the construction of 12 reinforced concrete box drainage structures. Bids were received and opened on May 3, 2011 and the contract was awarded to Turnkey, Inc., on May 10th. This work is budgeted for in the 2011 Bridge Building Budget and is included in the 2010-2014 CIP and the 2011-2015 proposed CIP.

Commissioner Woydziak motioned to approve the contracts with Turnkey, Inc., Andover, KS for Culvert Letting No. 66 for the construction of twelve (12) reinforced concrete box structures throughout Butler County in the total low bid amount of \$351,450 and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

ITEM #9 – CONSIDER APPROVAL OF UTILITY AGREEMENTS RELATED TO THE SW BOYER ROAD RELOCATION PROJECT AT SW 55TH STREET

Darryl Lutz, P.E., Director of Public Works, came before the Board for approval of Utility Agreements related to the SW Boyer Road relocation project at SW 55th Street. Westar Energy, AT&T, and RWD No. 2 have lines that will need to be relocated to accommodate the road construction project. The cost of the easement is expected to be \$500 plus crop damage and relocating the water line is estimated to be \$10,586.

Commissioner Harris motioned to approve utility agreements with Westar Energy, AT&T, and Butler County Rural Water District No. 2 related to Project No. 8 C-0067-01, a Butler County federal aid project to relocate SW Boyer Rd and SW 55th St. and authorize the Chair to sign the dedication. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Commissioner Harris motioned to approve the estimated relocation cost of \$10,586 for the water line, \$500 for compensation for the easement, and approximately \$1,200 for crop damage. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Additional Agenda Items:

Mr. Lutz stated Wichita Area Metropolitan Planning Organization (WAMPO) was advised by the federal government that they are required to spend a certain percentage of federal aid dollars to replace off-system bridges (bridges on township roads, not major roads). We have an off-system bridge eligible for replacement within the MPO boundaries which is located on SW Prairie Creek Rd., north of SW 60th St. Mr. Lutz asked for approval to add the bridge over Dry Creek on SW Prairie Creek Rd. to the plan and to also submit a request to modify the road classification for the Dry Creek Bridge on SW 60th St. to make it eligible for MPO off-system bridge replacement funding and request funding for both of those projects.

Commissioner Masterson motioned to approve submitting an application to WAMPO to include the Dry Creek Bridge on SW Prairie Creek Rd. north of Andover for application for MPO off-system bridge money. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Mr. Lutz noted an emergency item regarding a hole in the deck of the Whitewater River Bridge on Thunder Rd. He stated it has been patched and is included in the 2014 CIP for a bridge deck replacement. Mr. Lutz believes it would not wait until 2014 and would like to move it to 2012. He proposed switching the bridge deck repair on the Walnut River Bridge on Haverhill Rd. with the Whitewater River Bridge on Thunder Rd. and move the Thunder Rd. project to 2012. Mr. Lutz stated he would like to solicit a proposal for an engineering agreement with Finney & Turnipseed and bring the agreement back to the commission at a later date for approval.

Commissioner Palmer motioned to accept the recommendation of Darryl Lutz, for emergency reasons, to accelerate the Thunder Rd. bridge deck project to 2012. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Mr. Lutz offered updates on the Bird Creek Bridge Project, and noted a request from the Augusta School District for a reduction in landfill fees for construction demolition waste after tearing down a school.

Mr. Lutz noted he would not be here next week, but will have an agreement regarding railroad closures on SW 55th St. and NE 80th St. as well as a construction engineering agreement for the Bird Creek Bridge project on the agenda for approval.

Commissioner Palmer asked for an update on 60th St. Mr. Lutz said the portion of costs between Northridge and the church will need to be determined and then construction can move forward.

ITEM #10 – CONSIDER APPROVAL TO ADOPT THE 2011-2015 CAPITAL IMPROVEMENT PLAN

Will Johnson, County Administrator, came before the Board for approval to adopt the 2011-2015 Capital Improvement Plan. The Plan includes 81 projects totaling \$38,971,000. The County Commission adoption of the CIP reflects general approval of an overall plan, but not approval of any individual project. Before a specific project is started, staff will return to the County Commission for project specific approval and present project details, including the financing.

Commissioner Woydziak motioned to approve the 2011-2015 Capital Improvement Plan. Commissioner Masterson seconded the motion. Motion carried 5-0.

APPROVAL OF VOUCHERS

Commissioner Wheeler motioned to approve the vouchers for May 24, 2011 in the amount of \$474,363.12. Commissioner Harris seconded the motion. Motion carried 5-0.

COMMISSION ADDS & ABATES

There were no Adds & Abates.

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

Commissioner Woydziak attended retirement receptions for Craig Murphy and Carol Borger and stated they were well attended and very nice.

Commissioner Masterson attended the round table with Clean Line Energy along with Administrator Johnson and David Alfaro, Economic Development Director.

Commissioner Palmer mentioned an email regarding railroad litigation and asked to discuss it at a later date. She also asked about NIAR. Administrator Johnson stated we should receive the check next week.

Administrator Johnson mentioned touring the Prison, specifically, Prison Industries where acrylic products are made by the inmates. He also discussed changing budget week from the week of June 27th to the week of June 20th, and noted the Quad County meeting would be in Butler County on Monday, June 20th.

Administrator Johnson stated a vehicle is budgeted for the Radio Tech position in the amount of \$27,000. In order to save money, he has found one at State Surplus in the amount of \$14,500 with a Blue Book value of \$16,470. Commissioner Palmer wanted to wait to see if one of the vehicles the County already owns could be utilized.

Commissioner Woydziak motioned to purchase the vehicle for \$14,500 to be used by the Radio Tech position. Commissioner Harris seconded the motion. Motion carried 4-1. Commissioner Palmer voted no.

Administrator Johnson brought up the animal control ordinance and noted they would discuss it at a later date.

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:18 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.

****Commissioners will be attending a luncheon at the Potwin Community Building starting at 11:45 a.m.****