

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

**PUBLIC COMMENTS**

There were no public comments.

**ITEM #1 – CONSIDER APPROVAL TO ADOPT RESOLUTION 11-28 WHICH IS A DOCUMENT ESTABLISHING BUTLER COUNTY’S INTENT TO PARTICIPATE WITH A CONSORTIUM OF COUNTIES AND OTHER PUBLIC ENTITIES TO APPLY FOR A HUD (U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT) SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT**

Joe Yager, CEO REAP, came before the Board to discuss Butler County participating with a consortium of counties and other entities to apply for a HUD Sustainable Communities Regional Planning Grant. Commissioner Woydziak asked Mr. Yager what the benefit to Butler County would be. Mr. Yager stated the County would benefit by working together across jurisdictions to include planning efforts for housing, transportation, and water infrastructure, which would eliminate redundancies. Mr. Yager stated this is a planning grant not an implementation grant. There was discussion about providing these same efforts on our own without having to take money from the Federal Government. Commissioner Palmer stated this grant is an EPA grant through the Federal Government that has earmarks and criteria of the Obama Administration. She stated she can’t understand in this day and time why we would ask the federal government to come in and create our sustainable communities, and noted she would vote against it. Commissioner Harris said since it’s a planning grant and not an implementation grant, he believes we should proceed and approve it. Commissioner Palmer commented that it’s not a planning grant; it is providing data and information about this area to a centralized Federal Government EPA. Commissioner Masterson noted he is not comfortable approving at this time because he would like to see what Sedgwick County does. It has been approved by the City of Wichita, but hasn’t come before Sedgwick County yet. He noted that Wichita and Sedgwick County are going to be responsible for most of the matching dollars or in-kind contributions, and is not prepared to support it until he sees what they do. Commissioner Wheeler noted he would like to wait until next week in order to receive more information.

*Commissioner Woydziak motioned to table this item until Tuesday, October 4, 2011.  
Commissioner Masterson seconded the motion. Motion carried 5-0.*

**ITEM #2 – CONSIDER APPROVAL AND ACCEPTING THE RIGHT-OF-WAY DEDICATIONS FOR THUNDER ROAD RELATED TO THE AUGUSTA LEVEE PROJECT**

Darryl C. Lutz P.E., Director of Public Works, came before the Board for approval and acceptance of the right of way dedications for Thunder Rd. related to the Augusta Levee Project.

The right of way is being dedicated from a portion of railroad property currently owned by Butler County.

*Commissioner Woydziak motioned to approve the dedication and acceptance of 2 tracts of road right-of-way from Butler County for the purpose of raising and reconstructing a portion of Thunder Road related to the Augusta Levee Project and authorize the Chair to sign the right-of-way easement documents. Commissioner Palmer seconded the motion. Motion carried 5-0.*

**ITEM #3 – RECEIVE MR. RAMON CRISS TO DISCUSS SOLID WASTE PROPOSAL**

Mr. Ramon Criss, 1855 Ridge Rd., El Dorado, came before the Board to discuss entering into an agreement with Butler County to handle and process all solid waste entering the landfill using a baling process. Mr. Harley Miles, 5051 E. Lincoln, Wichita, attended the meeting and was available for questions. Administrator Johnson will meet with Mr. Criss and Mr. Miles to review the proposal in more detail. The Board received the proposal and no action was taken.

**ITEM #4 – CONSIDER APPROVAL OF THE REQUEST BY DONALD AND LINDA BRYAN FOR A HOMESTEAD LOT SPLIT WITH APO IN ORDER TO SEPARATE AN EXISTING HOMESTEAD AND 10 ACRES FROM A PARCEL CONTAINING APPROXIMATELY 40 ACRES (CASE PL-11-16)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Donald and Linda Bryan for a Homestead Lot Split with APO in order to separate an existing homestead and 10 acres from a parcel containing approximately 40 acres. The Planning Commission approved this request by a 6-0 vote, and Staff is recommending approval.

*Commissioner Masterson 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 APO agreement, easement for right-of-way agreements, and survey of the residential site with the Register of Deeds. The Homestead Lot Split is described as: The South 660 feet of the West 660 feet of the Southwest Quarter of the Northeast Quarter of Section 10, Township 26 South, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Kansas. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**ITEM #5 – CONSIDER APPROVAL OF A REQUEST BY KEVIN CHASE, CINDY CHASE, CRAN CHASE AND KANDI CHILCOTT TO UTILIZE A 480 ACRE TRACT OF LAND TO OPERATE A CORPORATE/PRIVATE EVENT AND RETREAT CENTER ON PROPERTY IN THE AG-80 AGRICULTURAL ZONING DISTRICT (CASE CU-11-07) (RESOLUTION 11-29)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Kevin Chase, Cindy Chase, Cran Chase, and Kandi Chilcott to utilize a 480-acre tract of land to operate a corporate/private event and retreat center on property zoned AG-80. The Planning Commission approved this request by a 6-0 vote with the following conditions: (1) That KDHE approval be obtained for the water well serving the facility, and (2) That no amplified music can be played after 12:00 a.m. Mr. Compton noted that according to the County's Sanitary Code, a permit is required from KDHE only if the well qualifies as a public water supply. To meet the definition of a public water supply, a well or system must supply water to more than 25 people 60 or more days a year. Unless and/or until the facility meets or exceeds that threshold, there is

no requirement to have approval from KDHE. Mr. Kevin Chase, 9628 E. 71<sup>st</sup> St. S., Derby, KS, came before the Board to address questions about the sewage system.

*Commissioner Harris motioned to approve the request by Kevin Chase and Cran Chase for a conditional use permit to establish a Corporate/Private event and Retreat Center on their property subject to conditions noted previously, amending that to read that the amplified sound will be shutdown by 12:00 a.m. and will maintain a level of operation that falls below the KDHE requirement of public water system and authorize the Chair to sign Resolution 11-29. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

## **RECESS**

Commissioner Harris recessed the Board meeting at 10:11 a.m. for 7 minutes.

## **RECONVENE**

Commissioner Harris reconvened the Board meeting at 10:18 a.m.

### **ITEM #6 – CONSIDER APPROVAL OF A REQUEST BY KEVIN ESTES D/B/A/BRASS N BULLETS TO AMEND AN EXISTING CONDITIONAL USE PERMIT TO ALLOW THE MANUFACTURE OF AMMUNITION (CASE CU-11-08) (RESOLUTION 11-30)**

Rod Compton, Planning & Zoning Director, came before the Board for approval of a request by Kevin Estes d/b/a Brass N Bullets (an online and mail order service) to amend an existing CUP to allow the manufacture of ammunition. The Planning Commission approved this request by a 6-0 vote subject to the following conditions: (1) All appropriate federal and state licenses and/or approvals must be obtained and maintained; (2) No on-site retail sales may occur. Staff is recommending approval of the request.

*Commissioner Palmer motioned to approve a request by Kevin Estes d/b/a Brass N Bullets to amend an existing Conditional Use Permit to allow the manufacture of smokeless powder ammunition in addition to the uses allowed under the previous Conditional Use Permit on his property subject to the conditions noted previously, and authorize the Chair to sign Resolution 11-30. The site for which the CUP is to be located is described as: The Northwest Quarter of the Northeast Quarter of Section 27, Township 28 South, Range 4 East of the 6<sup>th</sup> P.M., Butler County, Kansas. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

### **ITEM #7 – CONSIDER APPROVAL OF AN AGREEMENT FOR PAVING A SHORT SECTION OF SW 60<sup>TH</sup> STREET, GOING WEST FROM OHIO STREET RELATED TO A ZONING CONDITION ON 2 ADJACENT PROPERTIES**

Darryl C. Lutz, P.E., Director of Public Works, introduced Pastor Paul Andrews and Bob Hubbard, Treasurer, of Life Church of the Plains. Pastor Andrews came before the Board to discuss concerns with the cost of paving a section of SW 60<sup>th</sup> Street and the entrance to the Church. Mr. Lutz noted the cost for construction is \$45,563 (which includes the entrance to the Church) to be split (\$22,781.50) between Northridge Developers and Life Church of the Plains. The agreement requires both property owners to make a down payment of one half (\$11,390.50) of the construction cost for the proposed work. The County will build the project and then bill the property owners for the final amount due.

*Commissioner Woydziak motioned to approve the agreement with Northridge Developers and Life Church of the Plains for paving approximately 500 ft. of SW 60<sup>th</sup> Street, going west from*

*Ohio Street in conjunction with separate conditional use cases for adjacent properties with the cost not to exceed \$45,563.00, which includes the entrance to Life Church of the Plains parking lot and authorize the Chair to sign. Commissioner Palmer seconded the motion. Motion carried 5-0.*

Mr. Lutz stated he would like to have the work completed by the end of October 2011.

**ITEM #8 – RECEIVE A REPORT REGARDING THE RFP PROCESS FOR BENEFICIAL UTILIZATION OF LANDFILL GAS AT THE BUTLER COUNTY LANDFILL**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to present a report regarding the RFP process for beneficial utilization of landfill gas at the Butler County Landfill. It was the consensus of the Board to proceed with the RFP and allow Mr. Lutz and Staff to conduct the review process with the assistance of the County Administrator or Finance Director. No action was taken.

**ITEM # 9 – RECEIVE AND OPEN SEALED BIDS FOR A NEW TANDEM AXLE TRUCK CHASSIS TO REPLACE A DUMP TRUCK FOR THE PUBLIC WORKS DEPARTMENT**

Darryl C. Lutz, P.E., Director of Public Works, came before the Board to receive and open sealed bids for a new tandem axle truck chassis to replace a dump truck that caught fire and was destroyed. Bids were received from:

Kansas Truck Center, Wichita, KS	\$ 97,995
Kenworth, Wichita, KS	\$135,654
Roberts Truck Center, Wichita, KS	\$100,605
Doonan Truck & Eqpt., Wichita, KS	\$126,100

*Commissioner Masterson motioned to accept the bids received for a diesel powered, tandem axle truck chassis and to authorize the Director of Public Works to tabulate the bids received, to evaluate the equipment proposed, and to return at a later date with a recommendation for action. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

**COMMISSION ADDS & ABATES**

*Commissioner Wheeler motioned to approve Adds & Abates #2502 dated September 27, 2011; Adds in the amount of \$386.58 and Abates in the amount of \$1,239.54. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

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

The Board discussed a letter to legislators and utility committees about Keystone Pipeline.

Administrator Johnson presented a list of Economic Development outstanding loans and balances.

**ADJOURMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:23 a.m. Commissioner Harris seconded the motion. Motion carried 5-0.*

**\*\*12:15 p.m. Lunch with Congressman Pompeo  
at the Hereford House, 1400 W. Terradyne, Andover\*\***