

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 27, 2018

CALL TO ORDER

Commission Chairman Dan Woydziak called the Butler County Board of Commissioners to order at 9:01 a.m. Present were Commissioner Jeff Masterson, Commissioner Marc Murphy, Commissioner Ed Myers, Commissioner Mike Wheeler, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

INVOCATION

Pastor Mark Sommerville, Family Worship Center, El Dorado, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from Tuesday, February 20, 2018 as written. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:01:20)

PUBLIC COMMENTS

Chad Pore, EMS Director, presented the Commission with a plaque of an article from EMS World Magazine about Butler County's EMS low-top transit ambulance.

(00:04:38)

ITEM #1 – HOMESTEAD LOT SPLIT WITH APO REQUEST BY STEWART KOEHN AT 5803 NW 150TH, BURNS, KS

David Alfaro, Community Development Director, came before the Board for approval of a request from Stewart and Karen Koehn for a Homestead Lot Split on 8+/- acres with the placement of an APO on 71+/- acres on property located at 5803 NW 150th Street, Burns, KS. The property is primarily used for farming activities and Staff felt the request meets the criteria. The Planning Commission approved the request by a 5-0 vote. All property owners within 1,000' radius of the property were notified and no comments were received.

Commissioner Myers motioned to approve the request from Stewart and Karen Koehn for a Homestead Lot Split on 8+/- acres with the placement of an APO on 71+/- acres on property located at 5803 NW 150th Street and directed the Chair to sign the APO Agreement. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:06:12)

ITEM #2 – REQUEST FOR A HOMESTEAD LOT SPLIT W/ APO BY KEVIN POLK ON PROPERTY LOCATED AT 16620 SW 130TH ROSE HILL, KS

David Alfaro, Community Development Director, came before the Board for approval of a request from Kevin Polk for a 5 acre Homestead Lot Split with the placement of a 35 acre APO on the remaining property located at 16620 SW 130th Street, Rose Hill, KS. The property is primarily used for farming activities and Staff felt the request meets the criteria. The Planning Commission approved the request with a 5-0 vote. All property owners within a 1,000' radius of the property were notified and one landowner questioned what was being done with the land. Once the landowner was made aware he was comfortable with the request.

Commissioner Woydziak motioned to approve a request from Kevin Polk for a Homestead Lot Split on 5 acres with the placement of an APO on 35 acres on property located at 16620 SW 130th Street Rose Hill, KS and directed the Chair to sign the APO Agreement. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:10:03)

ITEM #3 – CONSIDER SMALL 3-LOT PLAT FOR SEGLEM FARMS AS SUBMITTED BY DONNA WILKINSON

David Alfaro, Community Development Director, came before the Board for approval of a request of a small 3 lot plat from Donna Wilkinson with the development located at 1682 SW 100th Street, Augusta, KS. Donna Wilkinson owns a tract of land containing approximately 70 acres and has submitted a Small Plat consisting of 2, 1.5 acre lots with the remaining 67 acres to remain as on large tract. Ms. Wilkinson's original request consisted of 2, 3 acre lots but when presented to the Planning Commission Ms. Wilkinson changed her mind and wanted 2, 1.5 acre lots. Ms. Wilkinson was then required to submit a request for a Variance as the smaller tracts are not allowed in Rural Residential zoned areas. On January 2, 2018 a request for a Variance was discussed and approved by the Planning Commission by a unanimous vote. On February 6th the Planning Commission then reviewed and discussed the Small Plat with 2-1.5 acre lots as submitted and approved the request by a vote of 5-0.

Commissioner Murphy motioned to approve the Small Plat as proposed by Donna Wilkinson for Seglem Farms located at 1682 SW 100th Street, Augusta, KS, and directed the Chairman to sign the Final Plat. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:16:50)

ITEM #4 – REQUEST FOR A CHANGE IN ZONING FROM DAVID SIMMS FROM AG-40 TO RURAL RESIDENTIAL (RR) ON PROPERTY LOCATED AT 13790 SW PRAIRIE CREEK RD, ROSE HILL, KS

David Alfaro, Community Development Director, came before the Board for approval of a request from David Simms to rezone 3+/- acres from AG-40 to RR on property located at 13790 SW Prairie Creek Road, Rose Hill, KS. This would allow Mr. Simms daughter to build a new single family residence on the newly created tract of land. Staff felt the request met all 12 required factors when reviewing the request and there are significant tracts of RR zoned properties within the immediate area. Mr. Alfaro noted a neighbor by the name of Donald McKinney, located directly to the North of the proposed area, appeared at the Planning Commission meeting and opposed the request because he felt it would be located in his front yard and doesn't want to look out and see the new home. The Planning Commission approved the request by a vote of 5-0.

Commissioner Woydziak motioned to approve the request for a change in zoning by David Simms from AG-40 to RR on 3 acres of property located at 13790 SW Prairie Creek Road and directed the Chair to sign Resolution #18-02. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:20:22)

ITEM #6 – SPECIAL EVENT PERMIT FOR A BARN SALE FOR MERCEDES CAMAC AT 4446 SW 210TH ST, DOUGLASS, TO BE HELD ON APRIL 21 FROM 8 A.M. TO 6 P.M.

David Alfaro, Community Development Director, came before the Board for approval of a Special Event Permit at 4446 SW 210th Street, Douglass, to allow Mercedes Camac to hold a Barn Sale and allow vendors to set up tables to sell their crafts and antiques on April 21, 2018 from 8 a.m. to 6 p.m. Mr. Alfaro noted this is a one-time event and parking for the event will be on site and should not create a traffic issue. *Amended on March 13, 2018 to strike the following sentence from this item and move it to Item #7: Commissioner Myers stated he felt uncomfortable with the request because of the beer garden and could not support the event if alcohol is involved.*

Commissioner Woydziak motioned to approve the request for a Special Event Permit for a Barn Sale at 4440 SW 210th Street, Douglass, to be held on April 21, 2018 from 8 a.m. to 6 p.m. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:27:28)

ITEM #7– TABLED SPECIAL EVENT PERMIT- CEREAL MALT BEVERAGE (CMB)

Will Johnson, County Administrator, came before the Board for approval of the tabled CMB Special Event Permit for the Vintage Villa Barn Sale on April 21, 2018. *Amended on March 13, 2018 by Commissioner Myers to add the following sentence from Item #6: Commissioner Myers stated he felt uncomfortable with the request because of the beer garden and could not support the event if alcohol is involved.*

Commissioner Woydziak motioned to approve a CMB Special Event Permit for the Vintage Villa Barn Sale on April 21, 2018. Commissioner Murphy seconded the motion. Motion carried 4-1. Commissioner Myers opposed.

(00:28:47)

ITEM #5 – RECESS TO EXECUTIVE SESSION FOR CONSULTATION WITH AN ATTORNEY FOR THE BODY OR AGENCY, WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP, TO PROTECT THE INTERESTS OF THE COUNTY

Commissioner Woydziak motioned to recess to Executive Session under the following exception to the Kansas Open Meetings Act starting at 9:30 a.m. with the public session resuming at 9:50 a.m., this 27th day of February 2018 for consultation with an attorney for the body or agency, which would be deemed privileged in the attorney-client relationship, to protect the interests of the County. Present were Commissioner Jeff Masterson, Commissioner Marc Murphy, Commissioner Ed Myers, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, Human Resources Director Melissa Riley, Sheriff Kelly Herzet, and Attorney Michael Seck. Commissioner Masterson seconded the motion. Motion carried 5-0.

No action was taken as a result of the Executive Session.

(00:30:28)

ITEM #8– SHERIFF VEHICLE REPLACEMENT FOR 2018

Tony Wilhite, Butler County Undersheriff, came before the Board requesting approval to purchase 15 Dodge Charger patrol vehicles from Davis Moore, Wichita, KS. Mr. Wilhite stated Davis Moore submitted a bid with the price of each vehicle being \$23,300.00 and a grand total of \$349,313.00 which is cheaper than any other bid received. Mr. Wilhite noted they are only two

deputies short on the road and also gave the Board a list of the vehicles and their mileage that would be replaced. Commission Chairman Woydziak noted the Detention Facility is not bringing in enough revenue due to the on-going low inmate count and felt reluctant to purchase new vehicles because of the revenue shortfall. Commission Chairman Woydziak also noted the County would not continue to take money out of the General Fund without a resolution to fix the problem at the Detention Facility. Commissioner Myers prepared a graph of the 2018 jail deficit and the projections for the end of the year. It was noted that the Detention Facility is currently looking at an end of year deficit of \$435,000 if the low inmate trend continues. Commissioner Myers stated the County needs to find a way to save money and be more efficient and discussed switching to a five year car cycle. Mr. Wilhite stated he understands the budget concerns but felt it is important to stay on a four year car cycle. Commissioner Masterson felt the current jail budget justified the Board in deferring the car purchase but felt they should work together with the Sheriff's Office to fix the problem. Mr. Wilhite stated there are fewer inmates now than there used to be due to other Counties building bigger facilities which creates more competition and also noted the Sheriff's Office is open to ideas from the Board on how to get more inmates. Commission Chairman Woydziak noted he understands there are not as many inmates available but until the jail starts bringing in more revenue he would not support purchasing new vehicles right now. Commissioner Masterson stated he could not support the purchase of new vehicles right now. Commission Chairman Woydziak requested a report of every 4-6 weeks on how the jail is doing. The Board came to the consensus to purchase two vehicles from Davis Moore to keep two available spare cars for the road deputies.

Commissioner Woydziak motioned to purchase two Dodge Chargers from Davis Moore and to table the purchase of 13 Dodge Charger patrol vehicles for 30 days. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:31:13)

ITEM #9 – CONTRACT AMENDMENT NO. 9 CONTRACT AMENDMENT BETWEEN BUTLER COUNTY AND CBM MANAGED SERVICES

Tony Wilhite, Butler County Undersheriff, came before the Board requesting approval of contract Amendment No. 9 with CBM Managed Services. Butler County has had a contract for food service with CBM since March of 2009. This contract with CBM has been renewed yearly. The only increases we have seen with them are the CPI increase. According to the latest Amendment, the increase requested is an approximate 1.700% which is in line with the 2017 Consumer Price Index for Food. With the acceptance of Amendment 9, the cost per meal is \$1.57 when the inmate count is 201 or more. The price increases to \$1.68 when the meal count is between 171 and 200 and increases to \$1.88 when the meal count has dropped to 170 and below. CBM has requested an increase of 1.70% increase in price for March 2018 through March 2019.

Commissioner Woydziak motioned to approve Amendment No. 9 to Food Service Contract between Butler County and CBM Managed Services. Commissioner Masterson seconded the motion. Motion carried 5-0.

Sheriff Kelly Herzet informed the Commissioners that the Leon Police Department has reached out to the Sheriff's Office about starting a contract with their police department.

(01:36:52)

RECESS

Commission Chairman Woydziak recessed the Board meeting at 10:57 a.m. for 5 minutes.

RECONVENE

Commission Chairman Woydziak reconvened the Board meeting at 11:02 a.m.

(01:36:59)

ITEM #10 – 2018 SEVERE WEATHER AWARENESS WEEK PROCLAMATION

Keri Korthals, EMA, came before the Board requesting the Chair sign the proclamation declaring the week of March 5th-9th as Severe Weather Awareness Week in Butler County. Each year the National Weather Service, in cooperation with the State of Kansas, media partners, and local Emergency Management agencies, dedicates one week in March to severe weather education and awareness activities for our citizens. As part of this Severe Weather Awareness Week public training is held, storm sirens are tested, and severe weather drills are conducted.

Commissioner Masterson motioned to declare the week of March 5th-9th 2018 as Severe Weather Awareness Week in Butler County. Commissioner Myers seconded the motion. Motion carried 5-0.

(01:41:18)

ITEM #11 – PURCHASE OF NEW ELECTRONIC POLL BOOKS

Don Engels, County Clerk, came before the Board to inform the Commissioners that the Butler County Elections Department would be purchasing new electronic poll books from KnowINK Innovative Election Solutions. No action was taken.

(01:54:16)

ITEM #12 – 2018 BUTLER COUNTY ANNUAL COUNTY-WIDE CLEANUP PROGRAM

Darryl Lutz, Director of Public Works, came before the Board for approval of the 2018 Butler County Annual County-Wide cleanup program and to designate April 21st- April 28th for County-Wide cleanup week. Each year Butler County sponsors a County-wide cleanup program for cities and for the County at-large. The program is aimed at giving citizens an opportunity to clean up their properties and dispose of accepted waste at the landfill for a reduced nominal cost.

Commissioner Masterson motioned to approve the 2018 Policy on County Cleanup events and designated the week of April 21st-April 28th, 2018, for County-Wide Cleanup. Commissioner Myers seconded the motion. Motion carried 5-0.

(01:55:28)

NON AGENDA ITEM: ROAD RIGHT-OF WAY – NW MEADOWLARK & NW 60TH DRAINAGE IMPROVEMENT

Darryl Lutz, Public Works Director, came before the Board requesting approval to purchase and accept a dedication of 0.08 acres of road right-of way from Joseph Brothers, Inc., for a drainage project at NW Meadowlark Road and NW 60th Street in the amount of \$500 for land and damages.

Commissioner Myers motioned to accept the dedication of 0.08 acres of right-of-way from Joseph Brothers, Inc., in the amount of \$500.00 for County waterway improvement work along the south side of NW 60th Street going east from NW Meadowlark Road and authorized

the Chair to sign the document. Commissioner Woydziak seconded the motion. Motion carried 4-0.

(01:59:11)

ITEM #13 – REINSTATEMENT OF PROPERTIES TO THE BENTON NRP PROGRAM

Will Johnson, County Administrator, came before the Board requesting a one-time approval to reinstate Fred and Kristy Bruns and Travis and Jaza Winzer to the Benton NRP Program as the result of delinquent tax payment. Administrator Johnson stated the City of Benton is the only NRP Program that does not have a one-time allowance for reinstatement back into the NRP Program for delinquent tax payments. The Bruns and Winzers both were delinquent on their taxes and petitioned the City of Benton for reinstatement and the City approved their requests. Administrator Johnson noted all other programs allow for reinstatement and staff felt comfortable with the one time request.

Commissioner Masterson motioned to approve the request of a one-time reinstatement of Fred and Kristy Bruns and Travis and Jaza Winzer to the Benton NRP Program as the result of a delinquent tax payment. Commissioner Murphy seconded the motion. Motion carried 5-0.

(02:00:12)

VOUCHERS

Commissioner Masterson motioned to approve vouchers for February 27, 2018 in the amount of \$286,317.87. Commissioner Murphy seconded the motion. Motion carried 5-0.

(02:01:03)

COMMISSION ADDS & ABATES

Commissioner Masterson motioned to approve Adds & Abates #2678 dated February 27, 2018; Adds in the amount of \$412.74 and Abates in the amount of \$50,186.34. Commissioner Murphy seconded the motion. Motion carried 5-0.

(02:01:26)

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

Commissioner Myers stated he would not be attending the Leon Senior Center luncheon.

Commission Chairman Woydziak stated there will be no Commission meeting next week due to a lack of quorum.

Administrator Johnson noted he would be traveling to Topeka tomorrow.

(02:02:46)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:27 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.

The Commissioners attended a luncheon at the Leon Senior Center following the meeting.