

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, April 24, 2018**

**CALL TO ORDER**

Commission Chairman Dan Woydziak called the Butler County Board of Commissioners to order at 9:02 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**

Chaplain David Griffis, Hope Community Church, Andover, presented the invocation.

**APPROVAL OF MINUTES**

*Commissioner Myers provided the following amendment: strike the repeated name, Jamie Downs, from Item #2.*

*Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from Tuesday, April 17, 2018 with the above amendment. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:03:02)

**PUBLIC COMMENTS**

Myrna Rogers, 1135 Euclid Street, Augusta, came before the Board to discuss 2018 Butler County Government Day. Mrs. Rogers requested aid to fund meals for the day and to supply each attending student a copy of the bylaws of the United States Constitution. Commission Chairman Woydziak stated the Board is willing to cover the expenses as requested and fully intends to continue to support Government Day. Mrs. Rogers stated she greatly appreciates the County's continued support of Government Day.

(00:06:08)

**ITEM #1 – CONFIRM LANGUAGE OF RESOLUTION FOR A CONDITIONAL USE PERMIT (CUP) FOR CEDAR POINT ROCK QUARRY SOUTH OF AUGUSTA**

Will Johnson, County Administrator, came before the Board for approval of the final language in Resolution #18-08. On March 27th, the County Commission approved Resolution No. 18-08, a Resolution allowing a CUP on certain property in Butler County, Kansas - Cedar Point Rock Quarry South of Augusta on a 3-2 vote. The County Commission approved the revised Resolution which included additional conditions. The changes to the Resolution were minor, but with the nature of the CUP, staff and legal counsel recommended the Commission review and approve the final language included in the Resolution. Commissioner Wheeler suggested removing the condition that stated the Planning Commission would revoke the CUP if any violation of the conditions occurred. Commission Chairman Woydziak and Commissioner Masterson disagreed with Commissioner Wheeler's suggestion.

*Commissioner Murphy motioned to approve the final language of Resolution No. 18-08, a Resolution allowing a Conditional Use Permit on Certain Property in Butler County, Kansas - Cedar Point Rock Quarry South of Augusta. Commissioner Masterson seconded the motion. Motion carried 3-2. Commissioner Wheeler and Commissioner Myers opposed.*

Commission Chairman Woydziak noted the Board has revoked a CUP for a rock quarry west of El Dorado in the past.

(00:09:53)

**ITEM #2 – BANNON REVOCABLE TRUST HOMESTEAD LOT SPLIT WITH APO**

David Alfaro, Community Development Director, came before the Board for approval of a request from Ronald Bannon Revocable Trust for a Homestead Lot Split with APO on property located at 15819 SW Hunter Road, Augusta. Ronald & Helen Bannon Rev. Trust own a tract of land containing 64+/- acres and they proposed to split a 5.5 acre tract from the 64 +/- acres with the placement of a 35.8 acre APO on a portion of the remaining property. The property is primarily used for farming activities and staff felt the request met the criteria for such a split. All landowners within a 1,000' radius of the property were notified of the request and staff did not receive any comments.

*Commission Chairman Woydziak motioned to approve the request for a Homestead Lot Split with the placement of an APO on property owned by Ronald and Helen Bannon Revocable Trust and directed the Chair to sign the APO Agreement. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:11:36)

**ITEM #3 – REQUEST FOR A MORTGAGE LOT SPLIT WITH APO ON PROPERTY OWNED BY GREENE BROTHERS LTD LOCATED AT 4999 NW HIGHWAY 77 EL DORADO, KS**

David Alfaro, Community Development Director, came before the Board for approval of a Mortgage Lot Split with APO on property owned by Greene Brothers LTD located at 4999 NW Highway 77 El Dorado, KS. Greene Brothers LTD own a tract of land containing 100+/- acres and have proposed a lot split of 6+/- acres and the placement of a 34+/- APO on a portion of the remaining property. The property is primarily used for farming activities and staff felt the request met the criteria for such a split. The request was approved by the Planning Commission by a 3-0 vote. Commissioner Myers noted the attendance at the Planning Commission meeting was low when this request was approved.

*Commissioner Myers motioned to approve the request for a Mortgage Lot Split with the placement of an APO on property owned by Greene Brothers LTD and directed the Chair to sign the APO Agreement. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:16:34)

**ITEM #4 – REVIEW 2017 AUDIT**

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board and introduced Tara Laughlin, of Allen, Gibbs & Houlik, L.C. (AGH) to review and present the results of the 2017 Butler County Audit. Ms. Laughlin thanked Mr. Adkison and staff for always being well prepared for the audit. Mr. Adkison stated Kansas State Law requires an annual audit of all County accounts to be performed by an independent certified public accounting firm. The County's financial statements are designed to provide information needed by interested parties to gain an understanding of the government's financial positions and cash flows. The County received an unmodified opinion on the financial statements, the highest level of opinion that can be received for an audit.

*Commissioner Wheeler motioned to receive and file the 2017 Audit. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:28:34)

**ITEM #5 – QUARTERLY INVESTMENT OF IDLE FUNDS REPORT AS OF MARCH 31, 2018**

Ruth Fechter, Butler County Treasurer, came before the Board and presented the Commissioners with the Quarterly Investment of Idle Funds Report as of March 31, 2018. No action was taken.

(00:31:20)

**NON-AGENDA ITEM**

Ruth Fechter, Butler County Treasurer, came before the Board and informed the Commissioners that the Court House would no longer be providing Driver's License services as of April 27, 2018. Mrs. Fechter stated Chris Grove, Driver's License Administrative Assistant, has given her two weeks' notice and Mrs. Fechter felt she no longer has the resources or expertise to continue providing Driver's License services. Mrs. Fechter also stated due to the requirements of the new Real ID Driver's License and the new state-wide Driver's License computer system, she doesn't feel the department has the expertise to continue the services.

Chris Grove, Driver's License Administrative Assistant, explained the Real ID process and the requirements to the Board. Commissioner Masterson stated he doesn't agree with Mrs. Fechter's decision and felt Mrs. Fechter should train other employees to run the Driver's License department. No action was taken.

(00:43:28)

**ITEM #16 – BUTLER COMMUNITY COLLEGE (BCC) FUNDING RESOLUTION**

Will Johnson, County Administrator, came before the Board to discuss approval of Resolution #18-09, a resolution of support for a reduction of the Butler Community College Property Tax Levy. The County Commission for the last 10 years has advocated for a different funding structure for Community Colleges to spread the impact of the taxes levied on the people who utilize the college instead of simply its location. Recently the College increased its mill levy by almost 2 mills which equated to over a 10% increase in taxes levied. This has resulted in a larger number of people advocating for change. The property tax levied by BCC on Butler County taxpayers adds nearly 60% to the tax levied by the county itself, while nearly 80% of Butler College students reside outside Butler County. Representative Williams has been working aggressively to find a middle ground to help resolve this issue in Butler County and lower the burden of taxes paid by our county residents for the Community College. The college currently serves almost 80% out of county students and this has been the norm for several years. Around 2006, the legislature abolished out-of-county funding by counties, thus the burden on Butler County grew. Administrator Johnson stated this Resolution does not enforce any action, but makes a bold request that the Board of Trustees and Administration look at ways they can lower the burden to our tax payers so we are more competitive on our western boundary. Dr. Kim (*amended on May 1, 2018, by Commissioner Masterson to correct the spelling from Kroll to Krull*), BCC President, came before the Board and thanked the Commission for considering the resolution and discussed the importance of finding a solution for a reduction of the BCC property tax levy. Dr. *Krull* stated she would like the Commissioners to meet with the Board of Trustees to discuss the resolution further.

*Commissioner Wheeler motioned to table approval of Resolution No. 18-09, a Resolution of support for a reduction of the Butler Community College Property Tax Levy, until staff brings back a recommended date to meet with the Butler County Community College Board of Trustees. Commissioner Myers seconded the motion. Motion carried 5-0.*

(01:03:33)

**ITEM #6 – REPLACE FAILED MICROWAVE RADIO CONNECTION BETWEEN ANDOVER KTA TOWER AND WESTERN OFFICE**

William McCoy, Computer Services, came before the Board for approval to replace the failed ExAlt microwave (radios) connecting the KTA tower and the Western Office with Ceragon radios at a onetime cost of \$21,450.

*Commission Chairman Woydziak motioned to approve the purchase of the Ceragon radios for the KTA to the Western Office link from Electronic Technology, Inc. at a cost not-to-exceed \$21,450.00. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:11:10)

**ITEM #7 – APPROVAL OF THE FY19 KDOC-JS COMP PLAN AND BUDGET TO FUND JUVENILE PRGRAMS THROUGH JUNE 30, 2019 IN THE AMOUNT OF \$533,615.58 FOR CORE PROGRAMS AND \$40,073.00 FOR PREVENTION PROGRAMS, TOTALING \$573,688.48**

Ann Carpenter, Community Corrections Director, came before the Board for approval of the FY19 KDOC-JS Comp Plan and budget to fund juvenile programs through June 30, 2019 in the amount of \$533,615.58 for core programs and \$40,073.00 for prevention programs, totaling \$573,688.48. Mrs. Carpenter noted this grant provides the majority of funding for Community Corrections Juvenile services programs such as supervision, immediate interventions, and partial funding for juvenile intake and also funds prevention programs at \$13,358 each.

*Commission Chairman Woydziak motioned to approve the FY19 KDOC-JS Comp Plan and budget to fund juvenile programs through June 30, 2019 in the amount of \$533,615.58 for core programs and \$40,073.00 for prevention programs, totaling \$573,688.48. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(01:18:11)

**NON-AGENDA ITEM**

Ann Carpenter, Community Corrections Director, came before the Board for approval to send a budget adjustment report to the State in the amount of \$58,937.71.

*Commissioner Masterson motioned to approve the requested budget adjustment report for submission to the state of Kansas in the amount of \$58,937.71. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(01:21:06)

**ITEM #8 – APPROVAL OF THE FY19 BEHAVIORIAL HEALTH GRANT (BHG) APPLICATION**

Ann Carpenter, Community Corrections Director, came before the Board for approval of the BHG application for the amount of funding of \$11,340 to pay for behavioral health services for adult clients of Community Corrections. Mrs. Carpenter stated this competitive grant served 21 clients last year and of the 21, 3 were revoked, 1 absconded and 1 had their case closed

unsuccessfully. Mrs. Carpenter noted 16 clients were considered successful by either continuing with supervision or were successfully discharged.

*Commissioner Wheeler motioned to approve the Behavioral Health Grant application in the amount of \$11,340 for FY19 and authorized the chair to sign. Commission Chairman Woydziak seconded the motion. Motion carried 5-0.*

(01:23:59)

**ITEM #9 – APPROVAL OF THE FY19 ADULT COMMUNITY CORRECTIONS COMPREHENSIVE PLAN AND BUDGET**

Ann Carpenter, Community Corrections Director, came before the Board for approval of the FY19 Adult Community Corrections Comprehensive Plan and budget in the amount of \$420,722.87 for funding from July 1, 2018 to June 30, 2019. Mrs. Carpenter noted there are no match requirements for this grant. The funding is flat and until the department can be housed in one location there would be necessary financial inefficiencies.

*Commissioner Wheeler motioned to approve the FY19 Adult KDOC block grant for the amount of \$420,722.87 and authorized the chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:28:36)

**ITEM #11 –ANNUAL CONTRACTED HIGHWAY STRIPING FOR COUNTY PAVED ROADS**

Mike Craft, Assistant Public Works Director, came before the Board for approval to award the bid for annual contracted highway striping for County paved roads to RoadSafe Traffic Systems, El Dorado, KS in the low bid amount of \$99,779.00.

*Commissioner Wheeler motioned to approve the award of bid for 2018 highway striping work for Butler County to RoadSafe Traffic Systems, El Dorado, KS in the total price of \$99,779.00 which included the cost of a follow vehicle based upon being the lowest and best price for the work requested. Commissioner Myers seconded the motion. Motion carried 5-0.*

(01:31:20)

**ITEM #15 – 2018 BARRICADE ORDER PURCHASE APPROVAL**

Mike Craft, Assistant Public Works Director, came before the Board for approval to purchase Type III barricades for use by the Highway Department for use for project road closures. Staff proposed to purchase 48 barricades which is enough to handle up to 12 road closures. Eight sets would be used for the annual culvert letting program and four sets would be used by the County for our own road closures. Staff received three bid proposals and the lowest bid was received from McConnell & Associates, Wichita, KS in the amount of \$8,592.00 including delivery.

*Commissioner Masterson motioned to approve the purchase of 48 Type III barricades for the highway division of the Public Works Department from McConnell & Associates, Wichita, KS in the low bid amount of \$8,592.00 including delivery. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(01:33:32)

**ITEM #14 –2018 BRIDGE REPLACEMENT AND REPAIR PROJECTS – NOTICE TO BRIDGE CONTRACTORS**

Will Johnson, County Administrator, came before the Board for approval of a Notice to Bridge Contractors to advertise for sealed bids for planned 2018 bridge repair projects and a bridge replacement project in Butler County. The Department of Public Works has identified several bridges maintained by the County that are in need of repairs, rehabilitation, or replacement. Three bridges identified for work in the CIP are ready to go to bid. The bridges include a short span bridge replacement project on SW 180th Street over a tributary to Muddy Creek, a bridge rehab project on SW 40th Street over a small stream located west of Fulton Road south of Towanda and a bridge deck mill, patch and overlay project on NE 150th Street over the Walnut River east of the City of Cassoday.

*Commissioner Wheeler motioned to approve the separate Notices to Bridge Contractors for 2018 bridge work for Project No. BR 5N8-29-5(18), a short span bridge replacement project on SW 180th over a tributary to Muddy Creek; BR 28N2-26-4(18), a bridge abutment rehabilitation project on SW 40th over a small tributary; and, BR 21N3-23-7(18), a bridge deck repair project on NE 150th St. over the Walnut River setting the letting date of Tuesday, May 22, 2018 at 10:00 a.m. and authorized the Chair to sign the Notices. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:35:37)

**ITEM #12 –REVIEW AND APPROVE THE UPDATED DRUG AND ALCOHOL POLICY AS PRESENTED, WRITTEN BY THE MENTAL HEALTH CONSORTIUM, EFFECTIVE FOR BUTLER COUNTY DEPARTMENT ON AGING AND THE 5311 RURAL TRANSPORTATION PROGRAM**

Crystal Noles, Department on Aging Director, came before the Board for approval of the updated Drug and Alcohol Policy, written by The Mental Health Consortium, effective for Butler County Department on Aging and the 5311 Rural Transportation Program. The Department on Aging is required by federal regulation for the 5311 Rural Transportation funding to participate in drug and alcohol education and testing for all employees in safety sensitive positions, including drivers and dispatchers of all FTA/DOT funded vehicles.

*Commissioner Murphy motioned to approve the updated Drug and Alcohol policies as presented and authorized the Chair to sign. Commissioner Myers seconded the motion. Motion carried 5-0.*

(01:37:06)

**ITEM #13 –INTERLOCAL AGREEMENT FOR FEDEREAAL TRANSIT ADMINISTRATION (FTA) PASS THROUGH FUNDS, UNDER SECTION 5307**

Crystal Noles, Department on Aging Director, came before the Board for approval of the Interlocal Agreement for Federal Transit Administration (FTA) pass through funds, under Section 5307. The FTA made a determination in 2003 that Andover is part of the Wichita Metropolitan Area, and that rides generated in that city must be provided by Wichita Transit Authority (WTA) instead of the rural transportation project funded by Kansas Department of Transportation. Ms. Noles stated WTA is not able to provide service to the City of Andover and therefore has been sub-contracting with Butler County Transit Service to provide service to the City of Andover, since 2004. WTA receives federal dollars to sub-contract this service to Butler County using Section 5307 Federal Funds. A nearly identical Interlocal agreement has been in place since August 2004. Ms. Noles informed the Board of an upcoming transportation study that

is being performed by the City of Wichita regarding surrounding cities around Wichita that have limited forms of transportation.

***Commission Chairman Woydziak motioned to authorize the Chair to sign the Interlocal Agreement, between the City of Wichita and Butler County, for the fiscal year 2018. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(01:51:32)

**RECESS**

Commission Chairman Woydziak recessed the meeting of the Board at 10:54 a.m. for five minutes.

Commission Chairman Woydziak reconvened the meeting of the Board at 10:59 a.m.

(01:51:35)

**ITEM #10 –2018-2022 CIP**

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board for approval of the proposed 2018-2022 Capital Improvement Plan (CIP) projects. The Proposed 2018-2022 CIP totals \$52,073,530 or \$3,578,425 more than the prior year. Primary funding is derived from operational transfers and the primary project categories are roads and bridges. The Commission discussed the 2018 Sheriff Vehicle replacements. Commissioner Wheeler offered to sell the Smith Building to the County as an alternative to spending around \$620,000 to remodel the South Central Mental Health building.

***Commissioner Murphy motioned to adopt the 2018-2022 CIP. Commission Chairman Woydziak seconded the motion. Motion carried 5-0.***

(02:05:58)

**VOUCHERS**

***Commissioner Wheeler motioned to approve vouchers for April 24, 2018 in the amount of \$351,650.02. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(02:06:16)

**COMMISSION ADDS & ABATES**

***Commissioner Masterson motioned to approve Adds & Abates #2685 dated April 24, 2018; Adds in the amount of \$1,025.54 and Abates in the amount of \$5,899.74. Commissioner Murphy seconded the motion. Motion carried 5-0.***

(02:06:37)

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

Commission Chairman Woydziak reminded the Board of the El Dorado Senior Center luncheon following the meeting.

Commissioner Murphy inquired about a Resolution for Joe Linot.

(02:09:41)

**ADJOURNMENT**

***Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:17 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.***