

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, January 14, 2020

CALL TO ORDER

Commission Chairman Marc Murphy called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Ed Myers, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

INVOCATION

Pastor Voyt Lynn, First Baptist Church, Douglass, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from January 7, 2020, as written. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:02:31)

REORGANIZATION OF THE BUTLER COUNTY COMMISSION

Commissioner Myers stated he will not be seeking re-election to the Board of County Commissioners in 2020. Commissioner Myers stated he would be honored to serve as Vice Chair one last time and was honored for the opportunity to serve Butler County.

CONSIDER SELECTION OF CHAIRMAN

Commissioner Woydziak nominated Commissioner Murphy as Chairman of the Board for the 2020 year. Commissioner Wheeler seconded the motion. Motion carried 5-0.

CONSIDER SELECTION OF VICE CHAIRMAN

Commissioner Woydziak nominated as Commissioner Ed Myers Vice Chair of the Board for the 2020 year. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:07:30)

PUBLIC COMMENTS

Natalie Donges, Deer Grove RV Park Owner, came before the Board and requested a deviation from charges at the landfill in an effort to clean up the trailer park located at 3946 SW Haverhill Road. Ms. Donges recently purchased the property and displayed pictures of the current condition of the property to the Board. Ms. Donges stated the clean-up will be very extensive but she would like to restore the trailer park back to a viable condition. Ms. Donges stated there are at least ten to fifteen mobile homes that are destroyed and need to be taken to the landfill. Ms. Donges also stated she would like to make the trailer park a respectable place to live while also cleaning up Butler County. Commissioner Woydziak recommended a 50% reduction in charges at the landfill. Administrator Johnson stated he would bring a recommendation to the Board next week.

(00:19:45)

ITEM #2 – ADOPTION OF AMENDED ARTICLE 18 FLOODPLAIN REGULATIONS AND NEW FEMA FLOODPLAIN MAPS

David Alfaro, Community Development Director, came before the Board for approval of the proposed changes to Article 18 of the Butler County Floodplain Regulations and adoption of the new FEMA Floodplain Maps. In January of 2013 the Board amended Article 18 of the Butler County Floodplain Regulations to reflect the proposed changes at that time. In January of 2018 preliminary Flood Insurance Rate Maps (FIRM's) were presented for review by all residents of Butler County. Along with the new maps, some property owners were removed from the floodplain while others were included in the floodplain. Mr. Alfaro stated notices were sent out to those affected by the map changes and staff did not receive any requests to appeal the proposed changes. Since the County participates in the National Flood Insurance Program, it is a requirement by FEMA that new FIRM's be adopted once a study has been completed and the appeals time frame has expired. Along with the adoption of the new maps comes the opportunity to make changes, for the better, to the Regulations in article 18 of the Floodplain Regulations. Staff is proposing that the current Freeboard requirement of 1' above the Base Flood Elevation (BFE) be raised to 2' above the BFE. This will provide better flood protection to the impacted homeowner but also reduce the cost of Flood Insurance. At the same time another recommended change is the creation of a 50' buffer from any Special Flood Hazard Area (SFHA) as it relates to the installation of Septic Systems, meaning Septic Tanks and Lateral Lines. Currently the County Community Rating System for Butler County is an 8 but will soon be reduced to a 7, meaning all property owners required to have flood insurance will see a reduction in their flood insurance dues. Commissioner Myers asked for clarification on the cost of flood insurance and the rating of the County as a whole.

Kerstin McDonald, Floodplain Assistant, came before the Board and addressed Commissioner Myers questions about the current existing regulations for property owners.

Commissioner Masterson motioned to approve the proposed changes to Article 18 of the Butler County Floodplain Regulations and directed the Chair to sign Resolution #20-01. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:37:34)

ITEM #3 – RECEIVE BIDS FOR A FACILITIES MANAGEMENT PICKUP

Dan Ingalls, Facilities Management Director, came before the Board to receive and open bids for the purchase of a ½ ton pickup. Following are the bids received:

Parks Motors	Augusta, KS	2020 Dodge - 1500	\$26,930.00
John K. Fisher	El Dorado, KS	2020 GMC Sierra	\$29,560.00
Don Hattan	Wichita, KS	2020 Ford F-150	\$28,600.00
Don Hattan	Wichita, KS	2020 Chevy Silverado	\$28,400.00

Commissioner Woydziak motioned to accept the bids received and opened for the purchase of a new ½ ton pickup and authorized staff to review the bids and come back at a later time with a recommendation for action. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:40:30)

ITEM #4 – DISPOSITION OF REAL PROPERTY RESOLUTION

Will Johnson, County Administrator, came before the Board for approval of Resolution #20-04, a resolution notifying the public of the disposition of real property by Butler County, KS. South Central Mental Health (SCMH) financed the construction of an office at 2821 N. Brookside Dr.

in Augusta through the Butler County Public Building Commission with Revenue bonds. These bonds paid off last year and since part of the debt issuance required the leasing of the building through the County until the debt expired, we are now in the position to transfer the property back to SCM. Further, with the remodeling and moving of the Community Corrections/JJA Department into the old SCM building on West Central in El Dorado the County has agreed to donate the old County Attorney building at 214 W Central to SCM in exchange for them vacating the facility on West Central, which is owned by the County. In order to dispose of real property according to the policy public notification is required. This Resolution will serve as the public notice and the Commission will come back in two weeks and do a formal approval of a Quit Claim Deed on the Augusta facility. After Community Corrections vacates the 214 W. Central building the County will again bring a Quit Claim Deed for the transfer of the 214 W. Central property to SCM. Commissioner Myers asked how SCM staff felt about the facility in terms of whether this would enhance their services. Administrator Johnson stated staff felt it would be very functional and useful to them, ***“Commissioner Myers provided the following amendment to the sentence: although downtown parking can be inconvenient”*** ~~but that parking would be their downfall.~~

Commissioner Woydziak motioned to approve Resolution #20-04, a Resolution notifying the public of the disposition of real property by Butler County, Kansas. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:56:06)

RECESS

Commission Chairman Murphy recessed the meeting of the Board at 9:56 a.m. for 6 minutes.

Commission Chairman Murphy reconvened the meeting at 10:02 a.m.

(00:56:32)

ITEM #1 – PUBLIC HEARING FOR POSSIBLE ISSUANCE OF IRB’S OR EDX TAX EXEMPTION APPLICATION FOR MEARS FERTILIZER

David Alfaro, Community Development Director, came before the Board for approval of a Resolution or submittal for an EDX Application on the expansion of Mears Fertilizer. Mears Fertilizer is expanding their operations and is looking to the County as a possible conduit for the issuance of Industrial Revenue Bonds (IRB's) to finance the \$13,000,000 +/-project. The project is located within both the City of El Dorado and the County. The City of El Dorado approached County Staff about being the lead agency on the project, thus the request for the County to be the possible issuer. The issuance of IRB's also carries a tax abatement of up to ten years based upon the amount of job creation and/or capital investment, as well as a sales tax exemption on materials purchased with the IRB's. Staff has recommended a ten year abatement based upon capital investment. Another tax abatement possibility is Conventional Financing with Mears submitting an application for the approval of an EDX Tax Exemption. This process would also allow for a Tax Abatement for up to 10 years but the EDX process carries no guarantees for approval. Any and all costs associated with the process, filings, submittals and Legal Counsel will be paid for by Mears Fertilizer.

Sarah Steele, Gilmore & Bell, came before the Board and discussed the proposed project options with the Board and reviewed the documents presented to the Commission. Commissioner Myers asked for clarification on page ten of the cost benefit analysis. Commissioner Myers asked if this

project would include payment in lieu of taxes. Ms. Steele stated she was under the understanding that they would not be acquiring any real estate with the bond proceeds and the property tax exemption only applies to what is purchased with bond proceeds. The addition that Mears Fertilizer is constructing would be exempt 100% with no payment in lieu of taxes, but the real estate where it currently sits will stay on the Butler County tax role.

Commission Chairman Murphy opened the Public Hearing at 10:09 a.m.

No comments were received.

Commission Chairman Murphy closed the Public Hearing at 10:09 a.m.

Ms. Steele suggested approving the resolution of intent for the issuance of bonds and if Mears Fertilizer chooses not to pursue the bonds, they don't have to issue anything. Ms. Steele also noted that by taking this route, nothing precludes Mears Fertilizer from taking the EDX route but once they pursue the sales tax exemption they are committed to the IRB.

Commissioner Myers motioned to approve Resolution #20-03 a resolution expressing the intent to issue IRB's for the financing of the expansion of Mears Fertilizer and directed the Chair to sign the Resolution. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(01:15:20)

VOUCHERS

Commissioner Myers asked questions of the vouchers.

Commissioner Masterson motioned to approve vouchers for January 14, 2020, in the amount of \$328,589.18. Commissioner Myers seconded the motion. Motion carried 5-0.

(01:17:07)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2754 dated January 14, 2020; Adds in the amount of \$88.70 & Abates in the amount of \$88.70. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:17:54)

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

Commissioner Wheeler inquired about Fire District Board Member appointments. Administrator Johnson reviewed Fire District vacancies and term lengths.

Commissioner Myers attended the Wichita Economic Future Summit last week.

Commissioner Myers stated he attended the meeting between the City of El Dorado and the County last night at the Train Depot. Commissioner Myers discussed the topics of conversation at the meeting. It was noted that the City of El Dorado put forward tentative requests to the County to work together in addressing issues that the City feels are important. Commissioner Myers stated he sensed frustration from the City of El Dorado about the homeless population rising in El Dorado.

The Board will be traveling to Topeka for the Legislative Dinner on January 29th.

Administrator Johnson informed the Board that he made reservations for the NACO Legislative Conference.

(01:48:16)

ADJOURNMENT

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:54 a.m.
Commissioner Masterson seconded the motion. Motion carried 5-0.*