

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, January 24, 2023**

(00:00:25)

**CALL TO ORDER**

Commission Chair Kelly Herzet called the Butler County Board of Commissioners meeting to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Marc Murphy, Commissioner Darren Jackson, Commissioner Dan Woydziak, County Administrator Will Johnson and Clerk Recorder Jennifer Currier.

(00:00:31)

**INVOCATION**

Commissioner Masterson presented the invocation.

(00:01:24)

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes from the January 17, 2023, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 4-0-1. Commissioner Murphy abstained due to not in attendance.*

(00:01:50)

**PUBLIC COMMENTS**

Following is a list of citizens who spoke to the Board about an incident that occurred with a Sheriff Deputy on June 26, 2019:

- Kenneth Stringer - 124 S Elm St Whitewater, Kansas 67154
- Linnea Nicholson - PO Box 163 Whitewater, Kansas 67154
- Roger Kornfeld – 16737 NW 110<sup>th</sup> St Whitewater, Kansas 67154
- Starla Poe - 313 N Emporia St El Dorado, Kansas 67042
- Mark Poe – 313 N Emporia St El Dorado, Kansas 67042
- Elias Nicholson – 2598 SW 50<sup>th</sup> St El Dorado, Kansas 67042
- Micheal Busenitz – 14310 NW 70<sup>th</sup> St Whitewater, Kansas 67154

(00:18:49)

**ITEM #1 – AUGUSTA NITU DEVELOPMENT PRESENTATION**

Josh Shaw, City Manager of Augusta, came before the Board to present the City of Augusta's Notice of Interim Trail Use (NITU) development as required by K.S.A. 58-3213. Butler County acquired rail property between Andover and Augusta in 2001 for the purpose of securing a corridor between the two cities for possible utility placement and/or possible public trail use. The salvage value of the property was determined to be beneficial and the County designated salvage revenues be utilized to create an economic development fund. The rail property was salvaged in 2004 for approximately \$350,000 and was left vacant and unused for several years. During such time as it was not being used a lawsuit was filed with the Department of Justice (DOJ) for revocation of property ownership back to the adjoining property owners; as a result property owners were compensated for the right-of-way (ROW). The County then requested from the

Cities of Andover and Augusta their interest in transferring ownership of the property within their city boundaries and the area between the cities. Augusta took ownership of the property within its City limits and the NITU. The City of Andover took over responsibility of the NITU within the City limits of Andover and then extended its management responsibility to US 400. The County continues to hold a NITU of the ROW between the Whitewater River and US 400. At a meeting in November of 2021 the County Commission directed staff on a 3-2 vote to work with Legal Counsel to draft a document to transfer the remaining section of ROW to the City of Augusta. On February 1, 2022 the submission of Statement of Willingness to Assume Financial Responsibility to the Surface Transportation Board (STB) transferring the NITU to the City of Augusta for the railroad property located between mile post 485.2 (Whitewater River) and 488.35 (north right of way line US 400); the STB approved the transfer in December of 2022. The City of Augusta is required submit the final project plan to the County Commission in accordance to KSA 58-3213. The section of the statute reads as follows:

KSA 58-3213 (3) submit the final project plan to the county commission of each county where a portion of the trail is to be located outside of city limits and make subsequent reports to such county commission as to the status of trail development or operation, or both, at intervals determined by the commission and consider all recommendations the commission has regarding the trail.

Paul Harrison, 1125 N Linda Cir, Wichita, Kansas, and Kim Austin, 12979 SW 97<sup>th</sup> St Andover, Kansas, stated their excitement for the trail to be completed.

Nick McClure, 10243 SW River Valley Rd, Augusta, Kansas, stated his opposition of the trail going through his property.

*Commissioner Masterson motioned to receive and file all documents presented by the City of Augusta. Commission Chair Herzet seconded. Motion carried 5-0.*

(00:46:30)

**ITEM #2 – REQUEST TO REZONE A TRACT OF LAND IN THE ETJ OF THE CITY OF EL DORADO FROM AGRICULTURAL RESIDENTIAL DISTRICT (A-R) TO RESIDENTIAL SUBURBAN (R-S)**

David Alfaro, Community Development Director, came before the Board for approval to recommend to the City of El Dorado that they support the requested change. Britt Moore recently petitioned the City of El Dorado to change the zoning on a tract of land located at 1827 SE 20<sup>th</sup> St, within the ETJ of the City of El Dorado, from an A-R zoning to R-S. If approved, the zoning classification requested would allow Mr. Moore the possibility of splitting the 135+/- acres into six separate tracts of land. Those lots would range in size from seven to twenty acres in size. Access to the site is either from SE 20<sup>th</sup> St, an unpaved township road, or off SE 30<sup>th</sup> St, a paved road, to Teter Rd, a gravel township road. Staff has not heard from the Township on their position about the issue. Other areas of concern are the impact on utilities in the area. Rural water is in the area and either lagoons or septic systems would be used to handle the waste disposal. Everygy will also be the electric supplier. In this particular case the County is required to make a recommendation back to the City of El Dorado and the City will then include the

recommendation in the deliberation of the request. County Staff has not received any indication as to whether or not City Staff support the requested change.

Commissioner Jackson stated he has received several calls concerning the requested change in zoning and inquired if the Township has been notified of such request. Mr. Alfaro stated he did not think the Township had been notified of the request.

*Commissioner Woydziak motioned to deny the request for a change in Zoning from A-R to R-S and direct Staff to pass on such recommendation to the City of El Dorado. Commissioner Jackson seconded. Motion carried 5-0.*

Administrator Johnson, Mr. Alfaro and the Board discussed Data Mining equipment being removed from property located at NE 110<sup>th</sup> and HWY 77.

*Commissioner Woydziak motioned to appoint Marsha Francis, 1702 N Tanglewood Rd Rose Hill, Kansas, to the Butler County Planning Board. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:06:25)

**ITEM #5 – 2022 LEACHATE RECIRCULATION SYSTEM EXPANSION - BID AWARD**

Darryl Lutz, Public Works Director, came before the Board for approval to award of bid for construction of landfill leachate recirculation line extensions for the County Landfill. Bids were received from three bidders. The lowest bid was received from DOT Energy Solutions, Inc., Bethlehem, Georgia which was slightly above the engineer's estimate. DOT Energy's bid was responsive. The project engineer is reviewing the contractor's statement of qualifications submitted with the bid. This will be the first time Butler County will work with this contractor; it appears that the contractor has broad experience in landfill gas and landfill leachate management projects. Tentatively, staff will most likely be recommending award of work to DOT Energy Solutions, Inc. in the low bid amount of \$674,500.

*Commissioner Masterson motioned to approve the award of bid for Project No. LF-LREXP-22 for the construction of landfill leachate recirculation line extensions at the Butler County Landfill to DOT Energy Solutions, Inc., Bethlehem, Georgia, in the low bid amount of \$674,500 and to authorize the Chair to sign the Notice of Award. Commissioner Murphy seconded. Motion carried 5-0.*

(01:10:59)

**ITEM #3 – TYLER PUBLIC SAFETY SOFTWARE AND SERVICES RENEWAL**

Lew Harter, Information Technology Director, came before the Board for approval to renew the Tyler Public Safety software and services. Tyler Technologies provides the software for Butler County's Computer Aided Dispatch (CAD), Sheriff Records Management, and Jail Records Management. All of this software is integrated, preventing the need for duplicate entries and provides an efficient means of data sharing. The Tyler Technologies software, particularly the CAD applications are mission critical to providing public safety. The applications also contain legal documentation and criminal history information that is regulated by law. This renewal will extend maintenance and support of the software for the period from January 1<sup>st</sup>, 2023, through

December 31st, 2023. The total cost of the renewal is \$116,036.19. The departmental breakdown of the charges is as follows:

Emergency Communications - \$45,528.03  
Sheriff's Office - \$46,554.43  
Detention Facility - \$23,953.74

For comparison, the 2022 cost was \$96,054.52. The current represents a 5% increase over the 2022 cost, plus a \$15,178.80 increase due to the addition of the Tyler Mobile Software.

***Commissioner Murphy motioned to approve the software maintenance renewal for Tyler Public Safety in the amount of \$116,036.19, and authorize staff to sign all purchase documents as necessary. Commissioner Woydziak seconded. Motion carried 5-0.***

(01:13:23)

**ITEM #4 – BID AWARD- FOURTH FLOOR OFFICE REMODEL**

Travis Cornell, Facilities Management Director, came before the Board for approval of the award of bid for the fourth floor remodel. The remodel project is needed to accommodate the new County Counselor. Facilities Management presented the sealed bids to the Board of County Commissioners on January 17, 2023. Staff prepared a detailed tabulation of bids received for the fourth floor remodel. Van Asdale Construction was the lowest bid at \$14,642. Staff recommends the bid be awarded to Van Asdale Construction.

Commissioner Woydziak inquired about viewing the plans for the offices; Mr. Cornell stated he will get Commissioner Woydziak a copy.

***Commission Chair Herzet motioned to approve the award of bid for the fourth floor remodel to Van Asdale Construction in the amount of \$14,642. Commissioner Masterson seconded. Motion carried 5-0.***

(01:17:24)

**VOUCHERS**

***Commissioner Masterson motioned to approve vouchers dated January 24, 2023, in the amount of \$206,969.80. Commissioner Murphy seconded the motion. Motion carried 5-0.***

(01:17:46)

**ADDS AND ABATES**

***Commissioner Woydziak motioned to approve Adds in the amount of \$1,074.10 and Abates in the amount of \$3,822.12. Commissioner Masterson seconded. Motion carried 5-0.***

(01:18:03)

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

Commission Chair Herzet attended the Augusta Fire Department Volunteer dinner on January 21<sup>st</sup> and had a very nice time.

Commissioner Jackson stated he enjoyed his first set of tours of County facilities.

***Commissioner Wodziak motioned to appoint Rick Woydziak, 13728 SW 170<sup>th</sup> St Rose Hill, Kansas to the Butler County Fire Board. Commissioner Chair Herzet seconded the motion. Motion carried 5-0.***

Administrator Johnson will be emailing the Commissioners about upcoming Fire Board appointments.

Terry Huelskamp, County Counselor, will now be in attendance at the Commission Meetings.

Administrator Johnson and the Board discussed the County's Health Insurance programs.

Administrator Johnson stated the Strategic Planning Session will be held in Benton, Kansas, on February 17, 2023, for Department Heads and Elected Officials.

The Board and Administrator Johnson discussed the progress being made on the Andover YMCA; the waterpark is anticipated to be open for the summer of 2023.

Administrator Johnson will be out of the office Friday morning for a family funeral.

(01:36:21)

**ADJOURNMENT**

***Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:35 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.***