

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, January 25, 2022

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 Dan Woydziak, Commissioner Jeff Masterson, Commissioner Marc Murphy, County Administrator Will Johnson, and Executive Assistant Anna Wealand. Commissioner Mike Wheeler was not in attendance.

(00:00:05)

INVOCATION

Reverend Christine Gilson, retired, presented the invocation.

(00:01:25)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes from the January 18, 2022, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 3-0-1. Commissioner Murphy abstained due to his absence last week.

(00:01:54)

PUBLIC COMMENTS

Sierra Bonn, Miss Butler County 2022, of El Dorado approached the Board to inform them of her passion project, Let's Go Full Steam Ahead. Ms. Bonn wrote a children's book and received a grant to have the book published and donated to all of El Dorado's Fourth Graders. Commission Chair Herzet congratulated Ms. Bonn on her accomplishments and thanked her for coming before the Board to introduce herself and sharing her passion.

(00:05:15)

ITEM #1 – CONDITIONAL USE PERMIT FOR THE OPERATION OF AN ATV/SXS FABRICATION SHOP AS SUBMITTED BY JOSHUA REDING ON PROPERTY LOCATED AT 10759 SW 30TH ST., TOWANDA, KANSAS

David Alfaro, Community Development Director, came before the Board to discuss the approval of a request for a conditional use permit (CUP) for a Fabrication Shop specializing in ATV's and SXS's on a tract of land that contains 10+/- acres located at 10759 SW 30th St. as submitted and owned by Joshua Reding. Mr. Reding has been operating the business for some time but was recently notified that a CUP is necessary, hence the current request. The activities of the business consist of sand blasting, metal fab work, sign making, powder coating, CNC plasma cutting, as well as ATV and SXS repairs and upgrades. Access to the site is off SW 30th St., which is a paved County road. Vehicular traffic to the site is light and will not hinder any adjoining property owners from accessing their property. Mr. Reding lives on site and will continue to live on site as the business continues to grow. Along with sand blasting activities, testing of the vehicles should also be contained within the operating hours of the business which is 8 a.m. to 5 p.m. Monday through Friday; all parties agreed to these conditions.

As required by State Statute all landowners within a 1,000' radius of the site were notified of the request and concerns were expressed. In fact, the issue was presented for discussion in November and it was decided at that time to table the item to monitor the situation to see if some

resolution could in fact be accomplished. After changing the business operations, items of improvement were identified and Mr. Reding has agreed to abide by the changes requested by the Planning Commission and area residents. The following conditions were recommended by the Planning Commission:

1. Hours of Operations, which include testing of any ATV's or SXS's and sand blasting will be between the hours of 8 a.m. and 5 p.m. Monday through Friday.
2. Noise levels will be contained to the levels that have been occurring over the last two months.

With these conditions the Planning Commission approved the request by a vote of 4-0.

Commissioner Masterson confirmed with Mr. Alfaro that the specific complaint dealt with the extended hours of testing of ATVs into the evening. Josh Reding 10759 S 30th, Towanda, was present and confirmed with the Board that two individuals work at the business. Administrator Johnson asked Mr. Alfaro if a statement regarding the decibel levels sustained over the past several months is enforceable; the Board, Mr. Alfaro and Administrator Johnson were in agreeance regarding a lack of enforceability of decibel levels. Mr. Reding approached the Board. Commission Chair Herzet confirmed with Mr. Reding the proposed operating hours will work for Mr. Reding and allow him to operate his business. Commissioner Woydziak recommended a change to the resolution: the removal of item E pertaining to noise levels due to the difficulties in enforcing such a measure.

Commissioner Woydziak motioned to approve the request for a Conditional Use Permit as submitted by Joshua Reding for the operation of a Fabrication Shop on property located at 10759 SW 30th St. and directed the Chairman to sign Resolution No. 22-01 with the striking of item E regarding noise levels. Commissioner Murph seconded. Motion carried 4-0.

Mr. Alfaro stated he will make the change to the resolution and bring it up for signing.

(00:20:04)

ITEM #2 – REQUEST FOR A HOMESTEAD LOT SPLIT ON PROPERTY LOCATED AT 17158 NE COLE CREEK RD., BURNS, KANSAS, AS SUBMITTED BY WILMER THIESSEN (AG-80 ZONING)

David Alfaro, Community Development Director, came before the Board to discuss the approval of a 10+/- acre Homestead Lot Split with the placement of a 70+/- acre APO on a tract of land that contains 156+/- acres and zoned AG-80 owned by Wilmer Thiessen located at 17158 NE Cole Creek Rd., Burns, Kansas. The property is primarily used for farming activities and Staff feels the request meets the criteria for such a split and believes the placement on an APO on the 70 +/- acres is appropriate. As required by State Statute all landowners located within a 1,000' radius of the property were notified of the request and Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 4-0; Staff recommends approval as well.

Commission Chair Herzet asked if the applicant desires to build a new residence; Mr. Alfaro stated the existing residence is being spilt out.

Commissioner Masterson motioned to approve the request for a 10+/- acre Lot Split with a 70+/- acre APO on property located at 17158 NE Cole Creek Rd. and directed the Chairman to sign the APO Agreement. Commissioner Woydziak seconded. Motion carried 4-0.

(00:22:36)

ITEM #3 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 ON PROPERTY LOCATED AT 13503 SW 170TH ST., ROSE HILL, KANSAS, AS SUBMITTED BY CYNTHIA JASSO (PLEASANT TOWNSHIP)

David Alfaro, Community Development Director, approached the Board to discuss the approval of a request for a Change in Zoning from AG-40 to RR on a tract of land that contains 4+/- acres located at 13503 SW 170th St., Rose Hill, Kansas. The applicant is requesting to rezone the 4+/- acres, which will bring the tract into compliance since the split was recorded without going through the correct process, thus making the property an Illegal Lot of Record. Currently, the land is not buildable since it is considered illegal. Approval of the rezoning request would bring the property into compliance and allow for the construction of a single-family residence, which is the ultimate goal. As with all cases all landowners located within a 1,000' radius of the property were notified of the request and Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 4-0; Staff recommends approval as well.

Commissioner Woydziak asked if an easement exists on the property; Mr. Alfaro stated an easement does exist on the property. Commissioner Murphy asked how an illegal lot of record comes to exist; Mr. Alfaro and Administrator Johnson explained landowners can split land however they desire and the County cannot stop the split but can prohibit construction efforts on such lots.

Clayton Capps, 13503 SW 170th, Rose Hill, Ms. Jasso's son, approached the Board and confirmed the presence of an easement. Commissioner Woydziak stated he was concerned as to how the residence would be accessed.

Commissioner Woydziak motioned to approve the request for a Change in Zoning from AG-40 to RR on property located at 13503 SW 170th St. Rose Hill and directed the Chairman to sign Resolution No. 22-02. Commissioner Murphy seconded. Motion carried 4-0.

(00:27:38)

ITEM #4 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RE ON PROPERTY LOCATED AT 2356 NW SHUMWAY RD., TOWANDA, KANSAS, AS SUBMITTED BY LINDA WALLACE (FAIRVIEW TOWNSHIP)

David Alfaro, Community Development Director, came before the Board to discuss the approval of a request for a Change in Zoning from AG-40 to RE on 19+/- acres owned Linda Wallace located at 2356 NW Shumway Rd., Towanda, Kansas. Rezoning of the acreage will allow Ms. Wallace to potentially split off a small tract of land for her son to build a new single-family residence. The property is located in an area that has both AG-40 and RR but is also located less than a mile from the City of El Dorado's Extra Territorial Jurisdiction (ETJ.) The possible size of the tracts could be similar to the size of tracts already in the area so the change would not be considered detrimental to the area. As required by State Statute all landowners located within a

1,000' radius of the property were notified of the request and staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 4-0; staff recommends approval as well.

Commissioner Murphy asked what the smallest lot size permissible is; Mr. Alfaro stated the smallest permissible lot size is five acres.

Commissioner Masterson motioned to approve the request for a Change in Zoning from AG-40 to RE on property located at 2356 NW Shumway and directed the Chairman to sign Resolution No 22-03. Commissioner Woydziak seconded. Motion carried 4-0.

(00:30:25)

ITEM#5 – REQUEST FOR A CONDITIONAL USE PERMIT FOR AN EVENT VENUE ON PROPERTY LOCATED AT 12950 SW 90TH ST., ANDOVER, KANSAS, AS SUBMITTED BY JCH REVOCABLE TRUST

David Alfaro, Community Development Director, approached the Board to discuss the approval of a request for a conditional use permit (CUP) allowing for the operation of an Event Venue on 105+/- acres which is currently used for farm related activities owned JCH Revocable Farm Trust located at 12950 SW 90th St., Andover, Kansas. The applicants desire to build a structure that will be a venue that will host weddings and other events on the property; it is anticipated the venue will accommodate up to 450 attendees. The venue would provide a unique opportunity to either utilize a future structure or the outdoors for activities that provide access to nature.

Currently there is a shop building on the property but any new structures will need to be built to meet Commercial Building Codes and will be inspected by Butler County Inspectors. Access to the site will be off SW Indianola Rd., which is a chip-sealed township road, and SW 90th St. All parking will take place on-site and the property surrounding the identified area is also owned by the applicant. Though access to the site is off a chip-sealed road, consideration needs to be taken as to the potential number of vehicles that may attempt to access US 54/400 after an event.

Under current normal traffic conditions access to US 54/400 from that area is not an issue but the number of vehicles attempting such access could dramatically increase after an event held at the venue. As required by State Statute all landowners within a 1,000' radius were notified of the request and one adjoining landowner did express concerns with parking and access but after visiting with staff the individual was ok with the request. The Planning Commission approved the request by a vote of 4-0 and staff recommends approval as well.

Ben Thomas, applicant, was present.

Commissioner Woydziak asked how far the chip seal extends; Mr. Alfaro replied the chip seal goes from US 54 to SW 70th St.

Commissioner Masterson motioned to approve the request for a Conditional Use Permit on property located at 12950 SW 90th St., Andover, Kansas, and directed the Chairman to sign Resolution No. 22-04. Commissioner Woydziak seconded. Motion carried 4-0.

(00:34:18)

ITEM #6 – EMPLOYEE REFERRAL INCENTIVE POLICY, AR-22-01

Sherry Hoelker, Human Resources Director, approached the Board for the consideration of the approval of the Employee Referral Incentive Policy, AR-22-01. During the 2021 Strategic Retreat staff and the Commission cited employee compensation and retention as issues that needed addressed in the 2022 Budget. Staff is concerned about the high level of turnover and the challenge of attracting the available labor force. As an effort to help mitigate that impact, Staff proposes to reward current employees in assisting the County in recruiting quality candidates. Due to the nature of employee referral programs, they tend to yield higher-quality candidates at a low, cost-effective rate. 2019 Employee Referral Statistics from LinkedIn.com show the benefits of an active recruiting program:

- Referrals are four times more likely to be hired.
- 45% of employees sourced from referrals stay for four or more years, compared to only 25% of employees sourced through job boards (Indeed, Careerbuilder, etcetera) stay for over two years.
- 82% of employers rated employee referrals above all other sources for generating the best return on investment (ROI.)
- For an employer sized between 101-500 employees, jobs filled by employee referrals can equate up to a 26% of jobs filled rate.
- \$2,500 was the average employee referral bonus in 2019.

If the County has ten employees meet the referral guidelines, a total of \$7,500 would be paid out. If we look at 26% of job openings; in 2021 the County had ninety-six job openings-at 26% fill rate would be about twenty-five jobs filled by employee referrals for a pay-out of \$18,750.

Administrator Johnson stated an employee referral program was in effect for the Detention Center for about a year and a few employees were hired as a result of the program. The Board and Administrator Johnson discussed the fact most employees will only refer quality individuals. Commissioner Masterson inquired if the program will be advertised to employees; Administrator Johnson stated it will be discussed with Department Heads, placed in the County's newsletter, and communicated via email. Commissioner Masterson expressed his desire to not exclude immediate family members as incentive eligible; the Board was in agreeance. Administrator Johnson explained the reason Human Resources, Administration, and Department Heads (under certain conditions) will not be eligible for the incentive. Stipulations do exist for the referral payout to be sent to the referring employee; Ms. Hoelker will track and manage the stipulations.

Commissioner Murphy motioned to approve the Employee Referral Incentive Policy AR 22-01 with the striking of the exclusion of employees who refer family members being ineligible for the incentive. Commissioner Masterson seconded. Motion carried 4-0.

(00:46:16)

ITEM #7 – FIRE BOARD APPOINTMENTS

Administrator Johnson came before the Board for the consideration of the 2022 appointments of Fire Board Members in all Butler County Fire Districts. The County Commission requested a list of Fire Board members in 2019 and the placement of those members on an annual schedule for reappointment. Staff worked with the Fire Chiefs to put together a list of all Fire Board Members in Butler County and then assigned terms and appointment dates to the member so the positions can be presented to the Board of County Commission for reappointment as necessary. The following is a list of Fire Districts and their members who are scheduled for reappointment this

year. Terms will be for two years with the exception being Whitewater Consolidated District, whose members have three-year terms. The following districts and members which are scheduled for reappointment for a two year term:

- FD#3 - Rob Hughes, David Weber, Lori Carselowey;
- FD#4 - William Stacey, Susan Grunder, and a Vacant Position;
- FD#5 - Dean Bender, Lauren Keating and a Vacant Position;
- FD#6 - Damian Korte, Laura Burner and a Vacant Position;
- FD#7 - Bruce Ratzlaff and Erik Smith;
- FD#8 - Lucinda Thomas, Les Braddy and Kevin Combes;
- FD#9 - Christy Turner, Marvin Moser and Jason Harrison;
- FD#10 - Carol Walters and Robert Walker;
- CC FD#2 - Walter Wakefield;
- WWR Consolidated - Dan Ravenscraft and Clint Clark.

Commissioner Woydziak stated Rob Hughes' name needs to be replaced with Richard Miller as Mr. Miller was appointed to Fire District #3's board a few weeks ago.

Commissioner Herzet stated Ron Peters of Fire District #6's board passed away; Mr. Peter's vacancy will be filled by Damon Bing, 301 N Water, Latham. Commission Chair Herzet stated he does not know Mr. Bing personally but would like to reach out to some individuals who do know Mr. Bing and notify the Commissioners of the official appointment next week.

The Board discussed Ray Marbut's fifty years of service; Mr. Marbut is the current Major of Fire District #2.

Commissioner Woydziak motioned to approve the following individuals in the respective Fire Districts for reappointment to a two year term expiring in 2024: FD#3 – Richard Miller, David Weber, Lori Carselowey; FD#4 William Stacey, Susan Grunder ; FD#5 - Dean Bender, Lauren Keating; FD#6 - Damian Korte, Laura Burner; FD#7 - Bruce Ratzlaff, Erik Smith; FD#8 - Lucinda Thomas, Les Braddy, Kevin Combes; FD#9 - Christy Turner, Marvin Moser, Jason Harrison; FD#10 - Carol Walters, Robert Walker; CC FD#2 - Walter Wakefield; WWR Consolidate - Dan Ravenscraft, Clint Clark. Commissioner Murphy seconded. Motion carried 4-0.

(00:52:00)

VOUCHERS

Commissioner Masterson asked about the Advanced Correctional Health Care voucher as he noted an increase in the cost; Administrator Johnson stated he will investigate the issue and report back as to the percentage increase. Commissioner Masterson and Commission Chair Herzet discussed the rising cost in correctional health care and the possibility for the need for the County to begin to investigate other options.

Commission Chair Herzet inquired about a voucher for Oxygen Forensics Incorporated; Administrator Johnson was not certain and stated he would research the issue.

Commissioner Woydziak motioned to approve vouchers dated January 25, 2022, in the amount of \$396,075.48. Commissioner Masterson seconded the motion. Motion carried 4-0.

Commissioner Woydziak left the meeting at 9:56 a.m.
Commissioner Woydziak reentered the meeting at 9:57 a.m.

(01:00:36)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$0 and Abates in the amount of \$20,200.32. Commissioner Murphy seconded. Motion carried 4-0.

(01:00:58)

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

Administrator Johnson reminded the Board the Farm Bureau Dinner and the annual Township Meeting occur on March 8th.

Liquor by the Drink will be brought before the Board in the near future to be prepared to be placed on the ballot in November.

Administrator Johnson discussed the request for the County to implement street lighting at the Industrial Park in El Dorado. The County can pay for the street lighting but Administrator Johnson originally suggested the County set up a benefit district, which cannot be done unless the district is located in a platted subdivision. The township or County can contract with Evergy to have street lights installed. Commissioner Masterson cautioned the Board to be careful about becoming involved with street lights due to the possibility of increased requests.

Administrator Johnson notified the Board TimeClocks Plus is not functioning as needed and is creating extra work for Payroll staff and costing the County funds in overtime pay. Department Heads and Payroll Staff continue to experience substantial issues when attempting to utilize the system. Administrator Johnson requested permission to terminate the agreement and request a refund; the Board was agreeable.

The City of Augusta passed the Notice of Interim Trail Use (NITU) transfer at a recent meeting; the NITU will be on the County's agenda next week.

Commission Chair Herzet, Commissioner Masterson, and Commissioner Wheeler will participate in a road viewing on NW 60th St. next week.

Commissioner Woydziak stated himself and Administrator Johnson will participate in the Kansas Association of Counties Local Government Day tomorrow in Topeka.

Administrator Johnson discussed potential American Rescue Plan (ARP) project submittals.

(01:11:49)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:12 a.m. Commissioner Masterson seconded the motion. Motion carried .

