

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, January 29, 2019**

**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**

Father John Lanzrath, St. John's Catholic Church, El Dorado, presented the invocation.

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes of the Butler County Commission meeting from Tuesday, January 15, 2019 as written. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:02:40)

**PUBLIC COMMENTS**

There were no public comments.

(00:02:48)

**ITEM #1 – SPOTLIGHT AWARD – ALLEN VANSTEENBURG AND JUSTIN D. SMITH (JD)**

Paula Stoskopf, Butler County Employee, came before the Board and nominated Butler County EMS employees Allen VanSteenburg and Justin D. (JD) Smith with a Spotlight Award. Mr. VanSteenburg and Mr. Smith were nominated by Mrs. Stoskopf and her sisters for the effort and care they took in transporting her father from KMC Hospital in Andover, to his home in Medicine Lodge. Mrs. Stoskopf stated they went above and beyond in their effort to make him comfortable and getting him to his bedroom to pass in the comfort of his own home. Mrs. Stoskopf expressed her deepest appreciation to Administrator Will Johnson and Butler County EMS. Commission Chairman Murphy presented Mr. VanSteenburg and Justin D. Smith with a Spotlight Award.

(00:09:58)

**ITEM #2 – REQUEST FOR HOMESTEAD LOT SPLIT FOR HAROLD PHILLIPS ON PROPERTY LOCATED AT 7976 NW SHUMWAY RD. POTWIN, KS**

David Alfaro, Community Development Director, came before the Board for approval of a 6+/- Homestead Lot Split with the placement of an 80+/- acre APO for Harold Phillips on property located at 7976 NW Shumway Road, Potwin, KS. Mr. Alfaro noted all landowners within a 1,000' radius 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 5-0.

*Commissioner Myers motioned to approve the request for a Homestead Lot Split with an APO on property located at 7967 NW Shumway Road, Potwin, KS as submitted by Mr. Harold Phillips and directed the Chairman to sign the APO Agreement. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:12:16)

**ITEM #3 –REQUEST FOR A MORTGAGE LOT SPLIT FOR SCOTT AND ASHLEY THILL ON PROPERTY LOCATED AT 16378 SW HOPKINS SWITCH RD.**

**DOUGLASS, KS**

David Alfaro, Community Development Director, came before the Board for approval of a 5+/- acre Mortgage Lot Split with a 75+/- acre APO for Scott and Ashley Thill on property located at 16378 SW Hopkins Switch Road, Douglass, KS. The property is primarily used for farming activities and staff felt the request met the criteria for such a split and felt it is appropriate to place an APO on the 75+/- acres. Mr. Alfaro noted all landowners within a 1,000' radius were notified of the request and staff did not receive any comments for or against the request. The Planning Commission approved the request 5-0.

*Commissioner Woydziak motioned to approve the request for a Mortgage Lot Split with an APO on property located at 16378 SW Hopkins Switch Road, Douglass, KS as submitted by Scott and Ashley Thill and directed the Chairman to sign the APO Agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:13:50)

**ITEM #4 – REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR QUENTIN NUSZ FOR A SENIOR CARE FACILITY**

David Alfaro, Community Development Director, came before the Board for approval of a request for a CUP as submitted by Quentin Nusz for a Senior Care Facility located at 15834 SW Butler Road, Rose Hill. Mr. Nusz purchased the home and plans to do interior and exterior renovations to allow them to provide expert care to seniors within the area. Mrs. Angela Nusz has taken the State required Operator Training Course and successfully passed the exam. Her Certification and the 24 hour nursing care that will be provided will be a plus in their registration as an Adult Care Home Operator. Mr. Alfaro stated the facility will be staffed 24/7 with Registered Nurses and Mrs. Nusz will be on site at a minimum of one hour per day. It was also noted that there is a Registered Nurse who lives next door who has agreed to provide assistance in the case of emergencies. The facility will be required to pass inspections by both KDH&E and the State Fire Marshall's Office. Mr. Alfaro informed the board of a comment from Mr. Paul Fogle, a neighbor to the South, who expressed some concerns regarding the impact the facility would have on the water pressure in the area. The Planning Commission told Mr. Fogle to contact the City of Rose Hill regarding water pressure. Staff also received a call from an immediate neighbor concerned about parking and Mr. Nusz stressed that all parking will be in the back with barriers placed on both the north and south sides of the property so no parking will spill onto the neighbor's property. The Planning Commission directed staff to make a positive recommendation to the County Commissioners.

*Commissioner Woydziak motioned to approve the request submitted by Quentin Nusz for the operations of a Senior Care Facility located at 15834 SW Butler Road, Rose Hill, KS and directed the Chairman to sign Resolution 19-01. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:22:44)

**ITEM #5 – WICHITA AREA METROPOLITAN PLANNING ORGRANIZATION (WAMPO) LONG RANGE TRANSPORTATION PLAN UPDATE**

Chris Upchurch, WAMPO, came before the Board to make a presentation on the process to update the MOVE 2040, the long range transportation plan for the WAMPO region. WAMPO is the official entity comprised of officials from Wichita, Sedgwick County, Butler County, Andover and several other cities that are responsible for the planning of transportation projects in the WAMPO planning area that will utilize federal money. The WAMPO region planning area encompasses all of Sedgwick County, a small portion of Sumner County, and a portion of Western Butler County including Andover and Rose Hill. WAMPO solicits input from all of its represented entities to identify and prioritize transportation projects within the planning region for inclusion in the long range transportation plan (LRTP). The current LRTP is entitled MOVE 2040. Only projects that have been included in the LRTP are eligible to apply for federal funding during the annual update of the Transportation Improvement Plan process. Butler County currently has several individual projects in the current Move 2040 LRTP for improving SW Butler Rd from Andover to Rose Hill as well as for improving a portion of SW 150th Street and a portion of SW 190th Street. Mr. Upchurch discussed safety and capacity improvements with the Board. Mr. Upchurch also discussed project funding and informed the Board that WAMPO is seeing a negative impact on KDOT's availability to deliver transportation projects in the region. Discussion followed regarding the Board's thoughts on projects and priorities to consider in the next WAMPO transportation plan over the next 20 years. Commissioner Myers stated he grew up in Wichita and discussed how far Wichita and the region has grown and how much it has changed. No action was taken.

(00:57:37)

**ITEM #6 – 2019 LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) MEMBERSHIP ROSTER APPROVAL**

Pamela Dunham, GIS/Mapping Director and LEPC Chair, came before the Board and presented a copy of the 2019 LEPC membership roster to the Board for approval. Mrs. Dunham noted the LEPC meets quarterly and the LEPC has a list of compliance requirements that must be completed on an annual basis one of those being submitting an updated roster of members and leadership to the State's Commission on Emergency Planning and Response each year. Previously Commissioner Murphy was the representative for the Commission and Mrs. Dunham asked the Board to appoint a new LEPC Committee member for the 2019 year.

*Commissioner Masterson motioned to approve the 2019 LEPC Membership Roster and designated Commission Chairman Murphy as Butler County Commission's Representative and authorized submission to the state of Kansas. Commissioner Myers seconded the motion. Motion carried 5-0.*

(01:00:08)

**RECESS**

Commission Chairman Murphy recessed the meeting of the Board at 10:00 a.m. for 6 minutes.

Commission Chairman Murphy reconvened the meeting at 10:06 a.m.

(01:00:19)

**ITEM #7 – AGREEMENT FOR MEDICAL CONSULTANT SERVICES**

Jamie Downs, Health Department Director, came before the Board for approval of an agreement between the Butler County Health Department and Dr. Rausch for medical consultant services. The County has had an agreement with Dr. Rausch for many years with the last contract being

updated in 2018 with an annual review date. This agreement is for \$1,650.00 per quarter which is the same as last year.

***Commissioner Wheeler motioned to approve an agreement between the Butler County Health Department and Dr. Michael Rausch to contract for medical consultant services and allowed the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

(01:02:02)

**ITEM #8 – AGREEMENT FOR PHARMACY SERVICES**

Jamie Downs, Health Department Director, came before the Board for approval of an agreement between the Butler County Health Department and John Kraft to contract for pharmacy services. The Health Department is required to have a "Pharmacist in charge" to ensure the Health Department is in compliance with the Pharmacy Law and professional ethics. The County has had an agreement with Mr. Kraft since 2007. This agreement was renewed in 2018 and is to be reviewed annually. The cost associated with the agreement is for \$120.00 per month and it is reimbursable through the Family Planning Grant.

***Commissioner Woydziak motioned to approve an agreement between Butler County Health Department and John Kraft to contract for pharmacy services and allowed the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(01:03:35)

**ITEM #9 – RECIEVE AND OPEN BIDS FOR THE PURCHASE OF A NEW HEAVY RESCUE VEHICLE FOR THE BUTLER COUNTY RESCUE SQUAD**

Scott Stueven, EMS Deputy Director, came before the Board to receive and open sealed bids for the purchase of a new Heavy Rescue Vehicle for the Butler County Rescue Squad. Following are the bids received:

Flinthills Fire & Rescue	No bid	\$0.00
Jons Mid America Fire Apparatus Inc.	Rogersville, MO	\$581,612.00
Maintainer Custom Bodies	Rock Rapids, IA	\$474,980.00
Pierce Manufacturing Inc.	Appleton, WI	\$635,732.74

***Commissioner Masterson motioned to accept the bids as presented and allowed staff to review the bids and bring back a recommendation for action at a later date. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

(01:07:25)

**ITEM #10 – EMS 2018 ANNUAL REPORT**

Chad Pore, EMS Director, came before the Board and presented a 2018 EMS annual report. Mr. Pore discussed some of the highlights of 2018 as he approaches his last week of working for Butler County. Mr. Pore thanked the Commission and Administrator Johnson for supporting EMS during his time at Butler County. No action was taken.

(01:48:18)

**ITEM #12 – BUTLER COUNTY WEST CENTRAL COMPLEX PARKING LOT CONSTRUCTION**

Dan Ingalls, Facilities Management Director, came before the Board for approval to solicit bid proposals for the demolition and construction of the Parking Lot at the West Central Complex.

Mr. Ingalls stated Gravity Works would administer and over-see the project. Mr. Ingalls stated this parking lot is beyond minor repairing and with the possible addition of the Community Corrections Department moving to the old South Central Mental Health building it becomes vitally important that there is a good parking area that complies with code requirements and has proper drainage. Mr. Ingalls stated he received an estimate from a contractor to re-do the entire concrete parking lot in the amount of \$225,000, which was a better price than he had anticipated. Mr. Ingalls also discussed drainage options in the parking lot with the Board.

*Commissioner Woydziak motioned to allow the Director of Facilities Management and Gravity Works to solicit bid proposals for the Construction of the parking lot at the West Central Complex. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:53:24)

**ITEM #11 – REMODEL OF THE WESTERN TAG OFFICE**

Dan Ingalls, Facilities Management Director, came before the Board for approval to solicit bids for the purpose of remodeling the Western Office and Station #2 Sheriff’s Department. In 2017 a committee was formed to decide the best course of action to help reduce the wait time that customers were experiencing at the Western Tag Office. The Committee explored three options, Option #1 was to expand and remodel the existing Western Tag Office, #2 was to lease space in either Augusta or Andover and Option # 3 was looking at building a whole new facility. Mr. Ingalls stated the Western Tag office currently has four stations and they have proposed to expand this to six stations to help with the wait time for customers. Along with the additional stations they would also be adding an office for the supervisor and a store/file room.

*Commissioner Woydziak motioned to allow the Director of Facilities Management to solicit bids for the purpose of remodeling the Western Tag Office/Sheriff Station #2. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Commissioner Woydziak thanked the Treasurer’s Office staff for their hard work over the past couple of months on staying caught up with motor vehicle title work. Commissioner Wheeler agreed with Commissioner Woydziak and also stated he thinks the Treasurer’s Office is doing a remarkable job.

(02:04:42)

**ITEM #13 – MOTOR GRADER AND SNOW PLOW BLADES – BID OPENING**

Darryl Lutz, Public Works Director, came before the Board to receive and open sealed bids for motor graders and snow plows for the Public Works Department. Following are the bids received:

Dealer						Welborn Sales Salina, KS	Berry Tractor Wichita, KS	Murphy Tractor Wichita, KS	Foley Equipment Wichita, KS
<b>LOCATION</b>	<b>No.</b>	<b>Length</b>	<b>Thickness</b>	<b>Width</b>	<b>Shape</b>				
Augusta	18	4'	3/4"	6"	S.S.B.	\$ 4,404.06	\$ 4,559.58	\$ 5,681.48	\$ 6,205.86
	24	3'	3/4"	6"	S.S.B.	\$ 4,473.60	\$ 4,631.52	\$ 5,681.40	\$ 6,330.48
Mild Steel	12	12'	3/4"	6"	F.S.E.	\$ 1,644.60	\$ 1,702.56	\$ 1,539.45	\$ 4,380.24
						\$ 10,522.26	\$ 10,893.66	\$ 12,902.33	\$ 16,916.58
El Dorado	16	4'	3/4"	6"	S.S.B.	\$ 3,914.72	\$ 4,052.96	\$ 5,050.20	\$ 5,516.32
	10	3'	3/4"	6"	S.S.B.	\$ 1,864.00	\$ 1,929.80	\$ 2,367.25	\$ 2,637.70
Mild Steel	4	12'	3/4"	6"	F.S.E.	\$ 548.20	\$ 567.52	\$ 513.15	\$ 1,460.08
						\$ 6,326.92	\$ 6,550.28	\$ 7,930.60	\$ 9,614.10
<b>TOTAL PRICE</b>						\$ 16,849.18	\$ 17,443.94	\$ 20,832.93	\$ 26,530.68

*Commissioner Masterson motioned to accept the bids received for the purchase of motor grader and snow plow blades for the Department of Public Works and directed staff to tabulate the bids and to return at a later time with a recommendation for action. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(02:08:11)

**ITEM #14 – ROAD MAINTENANCE AGREEMENT REVIEW – TRANSCANADA KEYSTONE PIPELINE COMPANY PUMP STATION**

Darryl Lutz, Public Works Director, came before the Board to review and discuss a proposed road maintenance agreement with TransCanada Keystone Pipeline related to a proposed project to install pumps at the Potwin Pump Station. TransCanada Keystone Pipeline Company installed a 36" crude oil pipeline through Butler County in 2010. At the time, they planned for and received conditional use zoning approval for a pump station located north of Potwin on NW 100 Street 1/4 mile west on NW River Valley Rd. Only the pipeline stubs out of the ground were installed at that time to accommodate the future installation of pumps. TransCanada Keystone Pipeline Company is preparing to move forward with installation of some of the planned pumps. County staff met with representatives of TransCanada to discuss the proposed work involved. It was agreed that a road maintenance agreement would be needed. Staff met with legal counsel to update a road maintenance agreement that has previously been used for similar projects. The agreement was modified slightly so that it will cover road maintenance for all activities related to the proposed project including maintenance, repair and restoration of roads used during the installation or upgrade of electric service lines. Mr. Lutz stated the agreement is currently under review by TransCanada officials and any direct road maintenance, repair or upgrade costs will be paid for by TransCanada Keystone Pipeline Company. Commissioner Myers suggested making two minor modifications to the wording in the agreement. No action was taken.

(02:20:02)

**ITEM #15 – PUBLIC WORKS DEPARTMENT SHIRT ORDER BIDS**

Darryl Lutz, Public Works Director, came before the Board to receive and open sealed bids for the annual purchase of PPE uniform shirts for the Department of Public Works. Following are the bids received:

Graphic Concepts Inc.	El Dorado, KS	\$8,205.10
Wells Designs Inc.	El Dorado, KS	\$6,546.00

*Commissioner Masterson motioned to accept the bids received for the purchase of PPE uniform shirts for the Department of Public Works and directed staff to tabulate the bids and to return at a later time with a recommendation for action. Commissioner Myers seconded the motion. Motion carried 5-0.*

Commissioner Wheeler inquired about RSVP's received back for the annual township meeting. Mr. Lutz stated at this point he was unsure how many people have sent their RSVP's back

(02:26:35)

**ITEM #16 – QUARTERLY INVESTMENT ON IDLE FUNDS REPORT AS OF 12/31/18**

Donna Farthing, Butler County Treasurer, came before the Board to present the Quarterly Investment on Idle Funds report as of 12/31/2018.

*Commissioner Masterson motioned to receive and file the Quarterly Investment on Idle Funds Report as of 12/31/2018. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(02:33:04)

**ITEM #17 – RECESS TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS OF NON-ELECTED PERSONNEL, TO PROTECT THE PRIVACY OF AN INDIVIDUAL/ EMPLOYEE WHO IS NON-ELECTED**

*Commissioner Murphy motioned to Recess to Executive Session under the following exceptions to the Kansas Open Meetings Act starting at 11:40 a.m. with the public session resuming at 11:50 a.m. this 29th day of January 2019 in the Commission room, to discuss personnel matters of non-elected personnel, to protect the privacy of an individual/employee who is non-elected. Commissioner Masterson seconded the motion. Motion carried 5-0. Present were Commissioner Masterson, Commissioner Murphy, Commissioner Myers, Commissioner Woydziak, Commissioner Wheeler, IT Director Chad Leep and County Administrator Will Johnson. No action was taken as a result of the Executive Session.*

(02:33:54)

**VOUCHERS**

*Commissioner Woydziak motioned to approve vouchers for January 29, 2019 in the amount of \$694,335.19. Commissioner Masterson seconded the motion. Motion carried 5-0. Commissioner Woydziak motioned to approve vouchers for January 22, 2019 in the amount of \$1,217,785.40. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(002:34:47)

**COMMISSION ADDS & ABATES**

*Commissioner Woydziak motioned to approve Adds & Abates #2713 dated January 29, 2019; Adds in the amount of \$1,456.26 and Abates in the amount of \$3,683.20. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(02:35:07)

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

Commissioner Wheeler asked what day the Board is travelling to Topeka for the Legislative Dinner. Administrator Johnson stated the Commissioners are going on February 13<sup>th</sup>. Administrator Johnson stated the Strategic Retreat will be held in the City of Andover on February 28<sup>th</sup>.

February 8<sup>th</sup> is the Employee Appreciation Breakfast.

Commissioner Wheeler inquired about the status of IPS. Administrator Johnson stated he was unaware of their current status and he also does not know where the new location is they are planning to move to as they have not announced it publicly at this time.

(02:39:03)

**ADJOURNMENT**

*Commission Chairman Murphy motioned to adjourn the meeting of the Board at 11:56 a.m. Commissioner Woydziak seconded the motion. Motion carried 5-0.*