

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 14, 2023

(00:00:49)

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, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier.

(00:00:53)

INVOCATION

Pastor David Gibbs, Towanda First Baptist Church, presented the invocation.

(00:02:04)

APPROVAL OF MINUTES

Commissioner Jackson stated a correction was needed in the Public Comments section regarding the Kansas One Shot Turkey Hunt vote as he abstained from the vote.

Commissioner Woydziak motioned to approve the minutes from the February 7, 2023, Butler County Commission meeting as amended. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:02:45)

PUBLIC COMMENTS

Administrator Johnson presented former Commissioner Mike Wheeler with a plaque for his 20 years of service on the Board of County Commissioners. Mr. Wheeler was very appreciative of the presentation for him. Administrator Johnson listed many of the big accomplishments Mr. Wheeler had while he was on Board.

Tatum Stafford, County Clerk, informed the Board of a few polling place changes that will take affect with the next election. These changes will make voting efficient and smoother for the voters.

(00:14:07)

ITEM #1 - 2023 LEACHATE RECIRCULATION SYSTEM EXPANSION - CONTRACT APPROVAL

Will Johnson, County Administrator, came before the Board for approval of the contract for construction of landfill leachate recirculation line extensions for the Butler County Landfill. The Board approved going out for bid for construction of leachate recirculation line extensions at the Butler County Landfill on December 13, 2023. The proposed construction will extend the first tier of lateral recirculation lines into Area 5 and create the third tier of lateral recirculation lines over Areas 1A, 2A, 1B and 2B. Completion of these extensions will allow the Landfill to continue to grow vertically as planned. The last extension of leachate recirculation lines occurred in 2017 and 2018; the plans and construction documents were prepared by Burns & McDonnell

Engineering Company. Sealed bids were received and opened by the County Commission on Tuesday, January 17, 2023, and the contract was awarded to the lowest and best bidder DOT Energy Solutions, Inc., Bethlehem, Georgia, on January 24, 2023. Four sets of contract documents were sent to the contractor for execution and attachment of required bonds. The documents have been returned to the County and were presented to the Board during the meeting. Staff recommended that the contract be approved by the County Commission.

Commissioner Masterson motioned to approve the contract for Project No. LF-LREXP-21 for the construction of landfill leachate recirculation line extensions at the Butler County Landfill with DOT Energy Solutions, Inc., Bethlehem, Georgia in the low bid amount of \$674,500 and to authorize the Chair to sign the contract. Commissioner Murphy seconded. Motion carried 5-0.

(00:16:20)

ITEM #2 – RELOCATION OF EXISTING COMMUNICATION TOWER IN CITY OF AUGUSTA ETJ

David Alfaro, Community Development Director, and Anthony Amine, American Towers, LLC, came before the Board for approval of a positive recommendation for the relocation of a communication tower. Staff received notice from the City of Augusta that Anthony Amine, agent for American Towers, LLC, has applied for a Conditional Use Permit (CUP) for the relocation of an existing communication tower from 9275 SW Diamond Rd to the Northeast corner of Santa Fe Lake Road and US Highway 54/400. Due to the fact that the site is located within the Augusta ETJ the request for review is being brought to the Board for a recommendation back to the City either supporting or denying the request.

Commissioner Woydziak motioned to direct Staff to send a Recommendation of Support to the City of Augusta as it relates to the relocation of a communication tower on property located within the City of Augusta ETJ. Commission Chair Herzet seconded. Motion carried 5-0.

(00:20:44)

ITEM #3 – WORK SESSION – BUILDING PERMIT VIOLATIONS

David Alfaro, Community Development Director, and Will Johnson, County Administrator, came before the Board for a work session to discuss building code violations and possible resolutions. County staff has traditionally dealt with building code violations within the current codes and resolved without conflict. Recently, staff has been dealing with egregious violations and in some case discovering structures after they have been completed and are clearly not in compliance with codes, and placing residents at risk. Staff is not comfortable with approving or recommending relief as the building type is clearly not in compliance with any current building standards, but resolving the issue could displace owners. Pictures of a recent habitable structure were presented to the Board. Staff presented a recent situation to the Board and discussed a possible resolution, which could only be addressed by the Board. The structure being discussed would present a hardship to the owner and staff is seeking possible alternative ideas to resolve, along with making sure the Board is fully informed of the situation. Staff discussed the violations and possible remedies for the situation.

Shawn Haring, Community Development Inspector, discussed with the Board findings of the violations and possible ways to possibly to correct them.

JoAnn Hackler of 10377 SE 40th St, Rosalia, Kansas, property owner was present and spoke of the circumstances of the new build and apologized for construction not having been done correctly.

No action was taken.

(00:53:08)

ITEM #4 – WORK SESSION - SPRINT GRANT

Will Johnson, County Administrator, came before the Board for a work session to discuss the SPRINT Grant program and a potential application opportunity. During the pandemic some sectors of the Kansas tourism industry experienced increased activity (ex: state parks) while other sectors experienced a decline in activity (ex: museums, performing arts centers, entertainment venues, etc.). While the pandemic highlighted opportunities to grow the tourism sector, investments were needed to revitalize the sector and ensure tourism attractions remain regional economic drivers. This funding opportunity seeks to address the pandemic’s impact and support the tourism industry by funding the development and/or improvement of tourism-focused businesses and tourism agencies. Tourism is a key sector for the Kansas economy and local communities. The Kansas Department of Commerce is seeking applications from tourism-focused businesses and tourism agencies for impactful capital projects which spur regional economic development. The SPRINT applications can include, but are not limited to:

- Infrastructure enhancements, capital projects, renovations
- Construction, engineering and architecture, planning, inspections and environmental assessments
- Renovation and repair of indoor and outdoor facilities, roads and utility connections adjacent to the project site
- Development of public land to create a tourism destination
- Costs associated with recruitment of new permanent and semi-permanent exhibits
- Application costs for national museum affiliation

The deadline to return the grant application is February 27, 2023.

The consensus of the Board and Administrator Johnson was to apply for up to ten million and bring back the application for approval next week.

No action was taken.

(01:14:00)

ITEM #5 – FIRE BOARD APPOINTMENTS

Will Johnson, County Administrator, came before the Board to consider 2023 appointments of Fire Board Members in all Butler County Fire Districts. Staff worked with the Fire Chiefs to put together a list of all Fire Board Members in the County and then assigned terms and appointment dates to them so they could be presented to the Board of County Commissioners for

reappointment in January of this year. Terms will be for two years with the exception being Whitewater Consolidated District whose members have three terms. The following districts and members are scheduled for reappointment. The following list of Fire Districts and their members are scheduled for reappointment this year:

- Fire District #3 - Rich Miller, David Weber, Lori Carselowe
- Fire District #4 - William Stacey, Susan Grunder, Vacant Position
- Fire District #5 - Dean Bender, Lauren Keating, Vacant Position
- Fire District #6 - Ron Peters, Laura Burner, Damian Korte
- Fire District #7 - Bruce Ratzlaff, Erik Smith
- Fire District #8 - Lucinda Thomas, Les Braddy, Kevin Combes
- Fire District #9 - Christy Turner, Marvin Moser, Jason Harrison
- Fire District #10 - Carol Walters
- Whitewater Consolidated - Clint Clark, Dan Ravenscraft
- Cowley County #2 - Walter Wakefield

Commission Chair Herzet motioned to approve the following individuals in the respective Fire Districts for appointment to a two year term expiring in December 31, 2024.

- *Fire District #3 - Rich Miller, David Weber, Lori Carselowe*
- *Fire District #4 - William Stacey, Susan Grunder, Vacant Position*
- *Fire District #5 - Dean Bender, Lauren Keating, Tyson Brenton*
- *Fire District #6 – Damon Bing, Laura Burner, Damian Korte*
- *Fire District #7 - Bruce Ratzlaff, Erik Smith*
- *Fire District #8 - Lucinda Thomas, Les Braddy, Kevin Combes*
- *Fire District #9 – Carri Guy, Rusty Vannocker, Jason Harrison*
- *Fire District #10 - Carol Walters*
- *Whitewater Consolidated - Clint Clark, Dan Ravenscraft*
- *Cowley County #2 - Walter Wakefield*

Commissioner Woydziak seconded. Motion carried 5-0.

(01:20:25)

VOUCHERS

Commission Chair Herzet questioned a charge to Superior Auto Glass and Accessories and stated he feels the County should start looking for lower bids.

Commissioner Masterson motioned to approve vouchers dated February 14, 2023, in the amount of \$433,954.56. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:21:46)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$453.06 and Abates in the amount of \$32,817.42. Commissioner Masterson seconded. Motion carried 5-0.

(01:22:07)

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

Commissioner Woydziak attended County Government Day in Topeka, Kansas, on February 9th and informed the Board of several items that were discussed during the event.

Commissioner Woydziak informed the Board that the Kansas County Commissioners Association's (KCCA) Spring Conference will be held April 25-28, 2023, in Hays, Kansas.

Administrator Johnson reminded the Board of the upcoming Township Meeting taking place on February 28th.

Administrator Johnson informed the Board that Butler Rd will be closing on March 6, 2023 for approximately five to six months.

Administrator Johnson stated Deb Studebaker, County Appraiser, informed him that property assessments will be mailed out on March 1, 2023. Property assessments increased an average of 16%.

Administrator Johnson will be out of the office Wednesday morning and all day Thursday and Friday this week.

A quick reminder that the Strategic Retreat is February 17, 2023 at the Benton Community Building.

(01:35:43)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:36 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.