

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 22, 2022

(00:00:00)

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 Mike Wheeler, Commissioner Marc Murphy, Commissioner Jeff Masterson, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Jennifer Currier.

(00:00:10)

INVOCATION

Commissioner Jeff Masterson presented the invocation.

(00:02:00)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes of the Butler County Commission Meeting for February 15, 2022. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:02:20)

PUBLIC COMMENTS

There were no Public Comments.

(00:02:31)

ITEM #1 – Flinthills Services, Inc. Board of Directors Appointment

Kathy Walter, Flinthills Services, Inc., came before the Board for approval regarding the appointment of Iain Milmine to the District 3 position of the Flinthills Services, Inc. Board of Directors. Bryan Coons previously served in the District 3 position. Due to possible conflicts of interest Mr. Coons has stepped down. Iain Milmine has been selected to replace Mr. Coons in the District 3 position.

Commissioner Wheeler motioned to approve the appointment of Iain Milmine for the District 3 position of Flinthills Services, Inc. Board of Directors. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:04:45)

ITEM #2 – Change in Zoning from AG-40 to Residential Estates on property located at 3354 SW 90th St. Augusta, Kansas (Spring Township)

David Alfaro Director of Community Development, came before the Board for approval of a change in zoning from AG-40 to RE on property located at 3354 SW 90th St. Augusta, Kansas, (Spring Township). Jeremiah Pittman owns a tract of land that contains 30+/- acres and is zoned AG-40. Mr. Pittman is requesting to change zoning from AG-40 to RE. As required by State Statute, all landowners located within a 1,000' radius were notified of the request and staff did receive some concerns. The apprehensions: were increased traffic, enhanced development to the

rural area, creation of multiple smaller tracts and concerns about the possibility of adverse effects on the infrastructure. The Planning Commission approved the request by a vote of 4-0.

Commissioner Wheeler inquired if the lots would be considered plank lots, Mr. Alfaro stated the lots will be real close to a plank lot.

Commission Chair Herzet asked why opposition existed for the split of property. Mr. Alfaro indicated the adjoining landowners were concerned about the concerns previously listed.

Commissioners Masterson and Murphy asked if Mr. Pittman could split the land into three (3) separate tracts now instead of just two (2); Mr. Alfaro stated splitting the property into three (3) or more tracts would require a plat.

Commissioner Masterson motioned to approve the request to change the zoning from AG-40 to RE on property located at 3354 SW 90th St. Augusta, Kansas, and directed the Chairman to sign Resolution No. 22-06. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:10:20)

ITEM #3 –Change in Zoning from AG-40 to Rural Residential on property located at 13677 SW 30th St. Benton, Kansas (Benton Township)

David Alfaro, Director of Community Development, came before the Board for approval of a change in zoning from AG-40 to RR on property located at 13677 SW 30th St. Benton, Kansas. Greg Godfrey owns a tract of land that contains 40+/- acres. Mr. Godfrey has requested to rezone the 40+/- acres, which would allow him to split a small tract of land allowing for the possibility of construction for a new single-family residence for a family member. The property is located adjacent to the city limits of the City of Benton and the change in zoning and possible creation of a smaller tract would not be considered detrimental to the area. As required by State Statute staff notified all landowners within a 1,000' radius of the site and did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 4-0.

Commissioner Masterson motioned to approve the request for a Change in Zoning from AG-40 to RR on property located at 13677 SW 30th St., Benton, Kansas, and directed the Chairman to sign Resolution No. 22-07. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:12:20)

ITEM #4 – Change in Zoning of 5 Acres from AG-40 to Rural Residential on property located at 13641 SW 150th St. Rose Hill, Kansas

David Alfaro, Director of Community Development, came before the Board for approval of a change in zoning of five (5) acres from AG-40 to RR, on property located at 13641 SW 150th St. Rose Hill, Kansas. Keith Leis owns the tract of land that contains 80+/- acres and is currently zoned AG-40. The requested change would allow Mr. Leis to relocate an existing house from one location on his property to another. Currently there are three (3) residences on the property and the one (1) being considered for relocation is adjacent to Mr. Leis' residence. Approving the zoning change would allow Mr. Leis to move the residence and allow his mother-in-law the ability to live on the property. The remaining property would stay zoned AG-40. 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.

Mr. Leis was present for questions and concerns.

Commissioner Woydziak motioned to approve the change in zoning from AG-40 to RR on property located at 13641 SW 150th St. Rose Hill, Kansas and directed the Chairman to sign Resolution No. 22-08. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:15:00)

ITEM#5 – Change in Zoning of property located at 13404 SW 80th St., Andover, Kansas
David Alfaro, Director of Community Development, came before the Board for approval of a change in zoning from AG-40 to RR on property located at 13404 SW 80th St. Andover, Kansas. Alley Farms, LP owns a tract of land that contains 238+/- acres. Alley Farms desires to rezone the property which will allow them the option of platting the property into smaller tracts or to sell it as one (1) large tract. Currently there are numerous tracts of RR in the area, so changing the zoning from AG-40 to RR would not be considered detrimental to the area even if the property were platted into 20-acre tracts. As required by State Statute, all landowners within a 1,000' radius of the property were notified and though staff did receive some comments, no party was against the request. The Planning Commission approved the request by a vote of 4-0.

Jim Alley, Alley Farms, LP, was present for questions and concerns.

Commissioner Masterson motioned to approve the request for a Change in Zoning from AG-40 to RR on property located at 13404 SW 80th St. Andover, Kansas and directed the Chairman to sign Resolution No. 22-09. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:18:45)

ITEM #6 – Final Plat for a proposed expansion of Andover Cemetery Fourth Addition
David Alfaro, Director of Community Development, came before the Board for approval of a Final Plat for the expansion of the Andover Cemetery Fourth Addition located at 2544 SW Andover Rd. (Bruno Township) owns a tract of land that contains six (6) +/- acres. The property is zoned AG-40. The Final Plat will contain one (1) tract consisting of 264 individual Cemetery Plots with access off SW Andover Rd. Due to the plat only containing one (1) tract it is considered a small plat, so a preliminary plat is not required. The size of the proposed lot mirrors the tract adjacent to the south and was accepted by the City of Andover. Mr. Alfaro stated; that Ryan Rd. is unimproved and will provide access to three (3) sides of the property. On November 16, 2021, the City of Andover Planning Commission approved the plat as presented and sent a positive recommendation to Butler County for approval as well. As required by State Statute, all landowners located within a 1,000' radius were notified of the request and staff did not receive any comments for or against it. Overall, staff does not have a problem with the plat as proposed and recommends approval. The Planning Commission approved the request by a vote of 4-0.

Commissioner Masterson motioned to approve the Final Plat for the expansion of the Andover Cemetery Fourth Addition and directed the Chairman and Members of the Board to sign the Final Plat. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:21:43)

Item #7- Computer Voice Stress Analyzer Instrument

Butler County Sheriff Monty Hughey and Lieutenant Patrick Light, Butler County Sheriff's Office, came before the Board for approval to purchase one (1) Computer Voice Stress Analyzer (CVSA) from NITV Federal Services, LLC in the amount of \$ 9,995.00. Currently the Sheriff's Department pays a third party for polygraph tests for the jail, detention facility and for criminal investigations. Typical costs are \$150.00 to \$250.00 a test and the Department on average spends \$4-\$5K annually. The CVSA can save Butler County and surrounding law enforcement agencies a large amount of time and expense every year since it can be used for many types of investigations. The CVSA can also be used for determining the validity of allegations made against law enforcement personnel. The CVSA requires no wires be attached to the subject during testing and uses only a microphone plugged into a computer to analyze the subject's response. As the subject speaks, the computer displays each voice pattern, numbers it, and saves each chart to a file using the FACT Scoring System. Unlike the polygraph, drugs are not known to affect the results of the exam. Additionally, the polygraph has known counter measures that can cause the "inconclusive" result. The CVSA does not have those counter measures. Over 2,500 agencies across the United States utilize the CVSA, including the Coffee County Sheriff's Office and the Salina Police Department. There would not be any additional expenses for the Sheriff's Office as long as the agency maintains the computer per manufacture recommendation. There are occurring costs to have the two (2) examiners recertify every two years with a one (1) year grace period for the amount estimated at \$495.00. The total price includes one (1) CVSA III Instrument Dell Rugged 14 Model computer, two (2) training slots (normally alone cost \$1,395.00 each), and a Dell four (4) year onsite warranty (normally cost \$300.00 alone).

Commission Chair Herzet queried if it is becoming more difficult to find a polygraph examiner. Lieutenant Light stated the Sheriff's Office has to find time to locate an examiner and for the examiner to travel. The Sheriff's Office relied on the El Dorado Police Department and they are no longer offering this service.

Commissioner Wheeler inquired if the CVSA was submissible in court, Commission Chair Herzet stated it is not.

Commission Chair Herzet motioned to approve the purchase of one (1) Computer Voice Stress Analyzer instrument from NITV, Federal Services for \$ 9,995.00. Commissioner Murphy seconded the motion. Motion carried 5-0.

Commission Chair Herzet acknowledged Sheriff Hughey for all he is doing with the jail and the per diem with U.S. Marshalls.

Commissioner Woydziak and Sheriff Hughey discussed the increase in inmates being held for the U.S. Marshalls.

(00:27:03)

Item #8- 2022 Severe Weather Preparedness Week Proclamation

Keri Korthals, Director of Emergency Management, came before the Board for approval of a proclamation declaring March 7th through March 11th, 2022, as Severe Weather Preparedness Week in Butler County. Each year the National Weather Service (NWS), in conjunction with the State of Kansas and local jurisdictions, designates a week in March as "Severe Weather Awareness Week." This year it was renamed "Severe Weather Preparedness Week." During that week, a statewide tornado drill will be conducted (Tuesday at 10:00 a.m., weather permitting). By partnering with the NWS and proclaiming Severe Weather Preparedness Week locally, County leadership affirms its support of this public education and outreach initiative and stresses the importance of preparing for the dangers associated with severe weather in Kansas.

Commissioner Wheeler motioned to approve March 7th through the 11th, 2022, as Severe Weather Preparedness Week in Butler County and authorize the Chair to sign a proclamation to that effect. Commissioner Murphy seconded the motion. Motion carried 5-0.

Ms. Korthals informed the Commissioners that the Storm Fury on the Plains classes are back to in-person classes.

Commission Chair Herzet inquired about the number of volunteers for the Community Emergency Response Team (CERT) and if the count was going down. Ms. Korthals assured Commission Chair Herzet that the numbers had decreased a bit but were still good. Over half of the volunteers are very reliable and show up for every call.

(00:32:15)

Item #9- Update of the 2022 Real Estate Property Values

Debra Studebaker, Butler County Appraiser, came before the Board for an update on the 2022 Real Estate Property Values. The Appraiser's Office is required annually to value all real property as of January 1 of each year and to mail a change of value notice to each property owner by March 1 of each year to be in compliance with statute K.S.A. 79-1460. An overview of the 2022 value increases or decreases may assist with the budgeting process.

Commissioner Masterson inquired if Ms. Studebaker anticipated an increased number of calls for hearings due to the property value increases, Ms. Studebaker stated she is hoping that people realize the Appraisers Office is just staying in compliance with State statute.

Commissioner Woydziak was curious about how many informal appeals the Appraiser's Office completed in 2021; Ms. Studebaker stated 409 were completed in 2021.

No action was taken.

(00:48:00)

Item #10- Pay Plan Modifications

Will Johnson, Butler County Administrator, and Frank Williams, Director of Emergency Medical Services, came before the Board for approval of the recommendations from the Steering Committee for changes in grade and/or job description for the Client Services Supervisor,

Information Security Analyst and Computer Network Engineer (IT). The Steering Committee meets semi-annually to review requests from departments or as necessary. The committee recently evaluated four (4) positions. Each new job description or change is compared to established jobs within the organization. The ranking is evaluated and the skill sets are established. The purpose of the evaluation is to create a comparable analysis to comparable positions. The positions are previous job descriptions which are being re-implemented to allow for some additional upward mobility and assist with retention. With the reimplementation of the lieutenant position, an additional range previously eliminated will be added to the pay plan, falling halfway between the paramedic position and captain position. The lieutenant position will be created by changing three (3) range 423 paramedic positions, to range 424 lieutenant positions. The Logistics position will be created by eliminating a range 23 FTO position and replacing with a range 18 position. The changes are budget neutral and can be accommodated within the existing budget. The budget impact is less than \$300.00 annually for the changes being proposed.

Commission Chair Herzet was curious if the new lieutenant would be in house or out taking calls; Mr. Williams replied the lieutenant would be out on the street, answering to the captain and will be on 24 hour shifts.

Commissioner Woydziak motioned to approve the recommendations from the Steering Committee for the changes in grade and/or job description for the EMS Logistics Coordinator and EMS Lieutenant. Commissioner Masterson seconded the motion. Motion carried 5-0.

Commissioner Woydziak and Mr. Williams attended County Government Day in Topeka, Kansas, at the State House on Wednesday, February 16th, and shared information with the Commissioners.

Frank Williams, Director of Emergency Medical Services, discussed staffing shortages and a few ways to be proactive with recruitment.

(01:04:03)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated February 22, 2022, in the amount of \$234,556.06. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:04:24)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$1,041.54 and Abates in the amount of \$5,603.94. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:04:48)

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

Commissioner Wheeler received a call inquiring when the Clerk of the District Court would be re-opening to the public. Administrator Johnson asked Commissioner Wheeler to contact with Judge Ricke and inform him of the inquiry.

Administrator Johnson had three (3) items to discuss with the Commissioners.

- BASE Grant: Grant of \$150K for cleanup of IPS property and utility extension to Augusta, Kansas, Airport from Andover, Kansas, in the amount of \$6 million.
- Kellogg Expansion to the half (1/2) mile East of 159th St. and the cost sharing with Andover, Kansas, on the project in the amount of \$500K. Administrator Johnson will bring back a formal request next week, which the Commissioners are all supportive of.
- Administrator Johnson discussed with David Alfaro, Director of Community Development, about an illegal quarry operation located at NW 30th and K196. The Commission requests the illegal quarry be brought into compliance or an injunction will be filed in District Court to stop operations.

(01:31:58)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:31 a.m.

Commissioner Wheeler seconded the motion. Motion carried 5-0.