

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 25, 2020

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 Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel. Commissioner Wheeler was absent.

INVOCATION

Pastor Charles Hudson, Community of Christ Church, El Dorado, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers provided the following amendment: change the word “accepted” to “publicized” in Item #4 – Landfill Fee Assistance Program.

Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from February 18, 2020, with the above amendment. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:03:57)

PUBLIC COMMENTS

There were no public comments.

(00:04:03)

ITEM #1 – SFY2021 AID TO LOCAL FAMILY PLANNING GRANT APPLICATION FROM KDHE TO THE BUTLER COUNTY HEALTH DEPARTMENT

Jamie Downs, Butler County Health Department, came before the Board for approval of the SFY2021 Family Planning Grant Application from KDHE to the Butler County Health Department as one of the Aid to Local ongoing categorical grant programs. Ms. Downs informed the Board that the Health Department is asking for \$55,685.00 this year. This grant provides individuals with the information and means to exercise personal choice in determining the number and spacing of their children and provides access to additional health services that lead to overall improvement in the health of those individuals. There is a 40% match of grant funds awarded and Family Planning program revenues may be used to meet the match requirement.

Commissioner Woydziak motioned to approve the SFY2021 Family Planning Grant Application from the KS Department of Health & Environment to the Butler County Health Department in the amount of \$55,685.00 and allowed the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 3-1. Commissioner Myers opposed.

(00:07:20)

ITEM #2 – SFY2021 AID TO LOCAL GRANT APPLICATION FROM KDHE TO THE BUTLER COUNTY HEALTH DEPARTMENT

Jamie Downs, Butler County Health Department, came before the Board for approval of the SFY2021 Aid to Local Grant Application from KDHE to the Butler County Health Department for ongoing categorical grants. These include the State Formula, Maternal & Child Health,

Immunization Action Plan, Public Health Emergency Preparedness and Child Care Licensing grants. This year we are asking for \$236,445.00 in funding to support these programs.

Commissioner Masterson motioned to approve the SFY2021 Aid to Local Grant Application from KS Department of Health & Environment to the Butler County Health Department for ongoing categorical grants in the amount of \$ 236,445.00 and allowed the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 4-0.

(00:11:34)

ITEM #3 – RICHARDS – MORTGAGE LOT SPLIT WITH APO ON PROPERTY LOCATED AT SW ADAMS ROAD & SW 30TH STREET – TOWANDA, KS

David Alfaro, Community Development Director, came before the Board for approval of a request for a Mortgage Lot Split with the placement of an APO on property located at SW Adams Road and SW 30th Street submitted by Rosemarie Richard. Ms. Richard owns a tract of land containing 147+/- acres and zoned AG-40. Ms. Richard proposed to split out a 10+/- acre tract of land with the placement of a 30+/- acre APO on a portion of the remaining property. The property is primarily used for farming activities and Staff felt the request meets the criteria for such a split and felt it is appropriate to place an APO on the 30+/- acres. As required by State Statute all landowners within a 1,000' radius of the property were notified of the request and staff did not receive any comments. The Planning Commission approved the request by a vote of 5-0.

Commissioner Myers motioned to approve the request for a Mortgage Lot Split with the placement of an APO on property located at the Northeast Corner of SW Adams & SW 30th Street, Towanda, as submitted by Rosemarie Richard and directed the Chairman to sign the APO Agreement. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:13:20)

ITEM #4 – REQUEST FOR A HOMESTEAD LOT SPLIT ON PROPERTY LOCATED AT 2080 NW 160TH STREET – BURNS, KS – SUBMITTED BY BRUCE KOEHN

David Alfaro, Community Development Director, came before the Board for approval of a request for a Homestead Lot Split on property located at 2080 NW 160th Street, Burns, Kansas, submitted by Bruce Koehn. Mr. Koehn owns a tract of land that contains 155+/- acres and zoned AG-80. The applicant proposed to split a 5+/- acre tract of land with the placement of a 75+/- acre APO on a portion of the remaining property. The property is primarily used for farming activities and Staff felt the request meets the criteria for such a split. As required by State Statute all landowners within a 1,000' radius were notified of the request and Staff did not receive any comments. The Planning Commission approved the request by a vote of 5-0.

Commissioner Myers motioned to approve the request for a Homestead Lot Split as submitted by Bruce Koehn on property located at 2080 NW 160th Street, Burns, Kansas, and directed the Chair to sign the APO Agreement. Commissioner Woydziak seconded the motion. Motion carried 4-0.

(00:15:03)

ITEM #5 – REQUEST FOR A CONDITIONAL USE PERMIT (CUP) ON PROPERTY LOCATED AT 15499 SW 140TH STREET - ROSE HILL, KS SUBMITTED BY ZACH LEWIS

David Alfaro, Community Development Director, came before the Board for approval of a CUP on property located at 15499 SW 140th Street, Rose Hill, submitted by Zach Lewis. Zach Lewis owns a tract of land that contains 27+/- acres and is primarily used for farm related activities. In July of 2018, Mr. Lewis started a small business commonly known as Lewis Family, Morning Grit Farm LLC, which is an event venue that hosts friends, family and 4-H meetings on their property. As the number of events and attendees grew Mr. Lewis realized he needed to pursue a CUP to allow the business to grow. Hours of operation will be Friday evening between the hours of 5-9 p.m., Saturdays between the hours of 10 a.m. – 9 p.m. and Sundays from 1-6 p.m. The applicants live on the site and will continue to live there as the business continues to grow. The property in question is located on a chip sealed County maintained road and the additional traffic will not create any problems with neighbors accessing their properties. One neighbor expressed some concerns about possible noise late in the evening but with limited hours of operation the applicant assured them noise would not be an issue. As required by State Statute all landowners located within a 1,000' radius were notified and outside of the individual noted above no other landowners commented for or against the request. The Planning Commission approved the request by a vote of 5-0

Commissioner Woydziak motioned to approve the request for a Conditional Use Permit on property located at 15499 SW 140th St. Rose Hill, KS and directed the Chairman to sign Resolution No. 20-07. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:21:03)

ITEM #6 – REVIEW APPLICATION FOR A SPECIAL USE PERMIT FOR AN ACCESSORY APARTMENT WITHIN EL DORADO ETJ – SUBMITTED BY ARTHUR PULLIAM

David Alfaro, Community Development Director, came before the Board for approval of a Special Use Permit for an Accessory Apartment within El Dorado's ETJ, as submitted by Arthur Pulliam on property located at 1360 SW Highway 77, El Dorado. The property has Zone AE floodplain on the property and it appears the improvements will fall outside of that area. With that being said Staff should not have a problem issuing a Building Permit for the structure. The Board inquired about the definition of an accessory apartment.

Jay Shivers, City of El Dorado Planner, came before the Board and explained the definition of an accessory apartment. Mr. Shivers stated it is a secondary single family dwelling unit that meets the definition of a single family house.

Commissioner Myers motioned to make a positive recommendation to the City of El Dorado on the request for the Special Use Permit as requested by Arthur Pulliam. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:25:57)

ITEM #7 – REQUEST FOR A CHANGE IN ZONING FROM RESIDENTIAL TO COMMERCIAL – SUBMITTED BY DONGES PROPERTIES LLC, ON PROPERTY LOCATED AT 2765 SW HIGHWAY 54, EL DORADO, KANSAS

David Alfaro, Community Development Director, came before the Board for approval of a request for a change in zoning from residential to commercial on property located at 2765 SW Highway 54, El Dorado, Kansas, submitted by Donges Properties LLC. The City of El Dorado has jurisdiction over zoning cases within their Extraterritorial Jurisdiction (ETJ). This particular

piece of property, located at 2765 SE Highway 54, falls within their ETJ and currently the area has a R-1 Low Density Dwelling District classification and is asking to change it to a C-1 classification which will allow them to construct another commercial structure. Through the ETJ Agreement any requests for change in zoning must be reviewed by the Board of County commissioners with a recommendation being made back to the City of El Dorado. Mr. Donges, came before the Board.

Commissioner Woydziak motioned to make a positive recommendation to the City of El Dorado on the request for the change in zoning as requested by Donges Properties LLC. Commissioner Myers seconded the motion. Motion carried 4-0.

(00:32:47)

ITEM #8 – 2020 REAL ESTATE PROPERTY VALUES

Debra Studebaker, Butler County Appraiser, came before the Board to present the 2020 Butler County Real Estate property values. The Appraiser's Office is required annually to value all real property as of January 1st of each year and to mail a change of value notice to each property owner by March 1st of each year. No action was taken.

(00:52:20)

ITEM #9 – AUGUSTA PUBLIC SAFETY PARKING LOT REPAIR

Dan Ingalls, Facilities Management Director, came before the Board for approval to seek bid proposals for the purpose of repairing the parking lot at the Augusta Public Safety Building. Mr. Ingalls stated the County and the City of Augusta have both budgeted \$37,000 each for the next three years to complete this project.

Commissioner Masterson motioned to allow the Director of Facilities Management to seek bid proposals to repair the Augusta Public Safety Parking Lot. Commissioner Myers seconded the motion. Motion carried 4-0.

(00:57:55)

ITEM #10 – ANNUAL NOXIOUS WEED ERADICATION REPORT

Les Stalnaker, Noxious Weed Supervisor, came before the Board for approval of the annual noxious weed eradication report for 2019 from the Butler County Noxious Weed Department. Counties are required by State Statute to report to the Secretary of Agriculture each year an annual noxious weed eradication progress report on forms provided by the Secretary.

Commissioner Masterson motioned to accept and approve the 2019 annual noxious weed eradication progress report for Butler County and directed the report be submitted to the Secretary of Agriculture. Commissioner Myers seconded the motion. Motion carried 4-0.

(01:11:06)

ITEM #11 – KDOT – COUNTY AGREEMENT TO TREAT NOXIOUS WEEDS

Les Stalnaker, Noxious Weed Supervisor, came before the Board for approval of a proposal to KDOT to treat noxious weeds along state highways in Butler County. KDOT reimburses chemicals at the County's actual cost and reimburses for equipment and labor based upon a competitive proposal process. The County submits periodic requests for payment to KDOT based upon actual materials cost, equipment cost and labor costs.

Commissioner Woydziak motioned to approve the County Agreement to treat Noxious Weeds with KDOT for the 2020 year and authorized the Chair to sign. Commission Chairman Murphy seconded the motion. Motion carried 4-0.

(01:13:40)

RECESS

Commission Chairman Murphy recessed the meeting of the Board at 10:13 a.m. for five minutes.

Commission Chairman Murphy reconvened the meeting of the Board at 10:18 a.m.

(01:13:51)

ITEM #12 – PUBLIC WORKS DEPARTMENT & SHERIFF DEPARTMENT PICKUPS – BID OPENING

Darryl Lutz, Public Works Director, came before the Board to receive and open sealed bids for the purchase of two new pickups for the Department of Public Works and four new pickups for the Sheriff’s Department to replace existing pickups in the fleet. Following are the bids received:

Company	Parks Motors	John K. Fisher, Inc.	Don Hattan Chevrolet
Location	Augusta, KS	El Dorado, KS	Augusta, KS
Year	2020	2020	2020
Make	Ram	GMC	Chevrolet
Model	1500 Classic	TK10753	CK 10753
TOTAL PRICE for (6) Heavy Duty 1/2 Ton, Short Bed Pickup Trucks	\$ 163,392.00	\$ 193,380.00	\$ 201,000.00

Commissioner Woydziak motioned to accept the bids received and allowed staff to tabulate and evaluate the bids and bring back a recommendation for action at a later date. Commissioner Masterson seconded the motion. Motion carried 4-0.

(01:16:35)

ITEM #13 – SW BUTLER ROAD PROJECT AT SW 150TH STREET – UTILITY AGREEMENTS

Darryl Lutz, Public Works Director, came before the Board for approval of utility relocation costs related to the SW Butler Road project at SW 150th Street. The project plans are complete and the project is proposed to go to bid in March 2020. Counties are required to enter into agreements with utility and pipeline companies with structures or easements affected by federal aid construction projects. In October 2019, the County entered into agreements with all impacted utility companies. Butler Electric Cooperative has some poles and lines in the vicinity of the intersection that have to be relocated. Several of the poles are on private utility easements and some of the poles and lines are on road right-of-way. Butler County is responsible for the cost of relocating utilities that are on private or dedicated utility easements. The estimated cost to Butler County is \$11,262.51.

Commissioner Woydziak motioned to approve the payment of utility relocation costs related to KDOT Project # 8C-4942-01, the SW Butler Road Improvement Project and roundabout intersection at SW 150th Street to Butler Electric Cooperative for Butler County’s share of

total relocation costs in the amount of \$11,262.51. Commissioner Masterson seconded the motion. Motion carried 4-0.

Mr. Lutz stated bid openings for the SW Butler Road project were pushed back to March 10th.

(01:26:07)

ITEM #14 – 2019 – Q4 – FINANCIAL/MANAGEMENT REPORT

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board to receive and file the 2019-Q4 Financial/Management Report. The Commission receives quarterly financial/management reports as part of the County's overall transparency and management process. No action was taken.

(01:40:44)

VOUCHERS

Commissioner Masterson motioned to approve vouchers for February 25, 2020, in the amount of \$793,186.94. Commissioner Woydziak seconded the motion. Motion carried 4-0.

(01:43:41)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2759 dated February 4, 2020; Adds in the amount of \$4,272.60 & Abates in the amount of \$32,802.20. Commissioner Masterson seconded the motion. Motion carried 4-0.

(01:43:52)

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

Commissioner Myers stated he attended the Mayors Dinner last week.

Mr. Lutz presented the tentative plans for the township meeting on Tuesday, March 3rd.

Mr. Lutz stated he attended the City of Rose Hill Commission meeting last week with the purpose of his attendance being to talk about closing off Sienna Ranch during construction to cut down on detour traffic going through Sienna Ranch. Mr. Lutz stated he is working with the Home Owners Association to get a plan in place before construction begins.

Mr. Lutz will be attending the South Central Kansas Association of Commissioners and Engineers meeting on April 2nd at the Stafford County Court House.

Administrator Johnson requested that the Board approve the purchase of new office equipment for the new Community Corrections building purchased by Ann Carpenter in the amount of \$16,855.40.

Commissioner Woydziak motioned to approve the purchase of new office equipment for the Community Corrections building in the amount of \$16,855.40. Commissioner Masterson seconded the motion. Motion carried 4-0.

Dr. Dodson has requested 911 to begin screening calls for Corona Virus and tracking for EMS and Health Department.

The Farm Bureau Dinner is March 10th at 6 pm at the El Dorado Civic Center.

Administrator Johnson stated he will be discussing eliminating the use of tobacco in all County facilities, vehicles and equipment within the next few weeks.

(01:53:24)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:58 a.m.

Commissioner Myers seconded the motion. Motion carried 4-0.

The Commissioners attended a luncheon at the Douglass Senior Center following the meeting