

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 26, 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

Reverend Christine Gilson, Trinity Episcopal Church, El Dorado, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers provided the following amendment: In “Other Items of Business” change the following sentence from “Commissioner Myers requested a work session to discuss jail revenue.” To “Commissioner Myers requested a report on 2019 jail revenue.”
Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from Tuesday, February 19, 2019 with the above amendment. Commissioner Masterson seconded the motion. Motion carried 4-0-1. Commissioner Wheeler abstained due to his absence last week.

(00:02:47)

PUBLIC COMMENTS

Chris Davis, 9-1-1 Director, came before the Board to discuss Butler County’s support of House Bill 2084. House Bill (HB) 2084 will raise the 9-1-1 fees from \$0.60 per phone/per month to \$1.05 per phone/per month. Mr. Davis stated the current funding is not sufficient to maintain the new state wide 9-1-1 system and it would also increase the amount of funds received locally by \$0.19 and would bring in around \$85,000 more in funding. Mr. Davis stated he would like to send a letter of support of HB2084 to the Butler County House Delegation. Mr. Davis discussed the state wide benefits and upgrades to the 9-1-1 system. Commissioner Myers stated this is a significant increase in fees and questioned how critical Butler County’s support is in regards to the success of HB2084. Commissioner Masterson asked for what the additional money at the state level is needed. Mr. Davis stated a significant portion of the money will be used for software support and grant programs. Commissioner Myers stated he supports the idea of user fees as being a significant component to the 9-1-1 system but does not feel a letter of support is necessary. Mr. Davis stated if HB2084 does not pass there will be increased costs to taxpayers without increased funding coming in. The Board came to the consensus not to send a letter of support to Butler County House Delegation in regards to HB2084.

(00:22:34)

ITEM #1 – SFY2020 FAMILY PLANNING GRANT APPLICATION

Jamie Downs, Health Department Director, came before the Board for approval to renew the SFY2020 Family Planning Grant application from the KDHE to the Butler County Health Department as one of the Aid to Local ongoing categorical grant programs. Mrs. Downs stated the Health Department asked for \$78,748.00 this year. The continuation of the Family Planning Grant allows the Health Department to provide quality services to the community for those who might not otherwise be able to receive services.

Commissioner Woydziak motioned to approve the SFY2020 Family Planning grant application from KDHE to the Butler County Health Department in the amount of \$78,748.00 and authorized the Chair to sign. Commissioner Murphy seconded the motion. Motion carried 4-1. Commissioner Myers opposed.

(00:25:10)

ITEM #2 – SFY2020 AID TO LOCAL GRANT APPLICATION

Jamie Downs, Health Department Director, came before the Board for approval to renew the SFY2020 Aid to Local grant application from KDHE to the Butler County Health Department in the amount of \$246,162.40. The grants included in this request encompass the majority of the programs the Health Department provides to the community. These include the State Formula, Maternal & Child Health, Immunization Action Plan, Public Health Emergency Preparedness and Child Care Licensing grants.

Commissioner Woydziak motioned to approve the SFY2020 aid to local grant application from KDHE to the Butler County Health Department in the amount of \$246,162.40. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:27:15)

ITEM #3 – GLEN SHORE REQUEST FOR ZONING CHANGE FROM AG-40 TO RESIDENTIAL ESTATES (RE)

David Alfaro, Community Development Director, came before the Board for approval of a request for change in zoning from AG-40 to RE on property located at 13276 SW 50th Street, Benton, owned by Glen and Arla Shore. Mr. & Mrs. Shore own a tract of land that contains 157+/- acres and would like to rezone the 157+/- which would allow them to split out a 10+/- acre tract with the existing residence and then sell the 147+/- acres. Staff notified all of the landowners within a 1,000' radius of the property and no comments were received. The Planning Commission approved the request 4-0.

Commissioner Masterson motioned to approve the request by Glen and Arla Shore to rezone the 157+/- acre tract of land located at 13276 SW 50th Street, Benton, KS from AG-40 to RE and directed the Chairman to sign Resolution #19-02. Commissioner Myers seconded the motion. Motion carried 5-0.

(00:31:21)

ITEM #4 –REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR THE PLACEMENT OF A TELECOMMUNICATIONS TOWER

David Alfaro, Community Development Director, came before the Board for further discussion on the placement of a telecommunications tower located at 4819 SW Santa Fe Lake Road, Towanda, KS owned by Ann Staple. Ms. Staple and AT&T Network Real Estate LLC have proposed to erect a 180' monopole telecommunications tower, inside an 80'x80' fenced compound, for the placement of Communications Equipment such as antennas, equipment shelters and cabinets. The proposed Wireless Infrastructure is critical to ensure that all citizens have true access to broadband and other advanced technology and information which ultimately have economic benefits to the area. This request was denied by the Planning Commission and in order to over-turn the motion for denial a super majority vote of 4-1 will be required by the County Commission. Mr. Alfaro stated the Planning Commission denied the request for several

reasons such as health risks, safety hazard to neighbors, and they also felt they needed additional information as to the size of the coverage area and if there was a true need for the tower. A letter was received yesterday from AT&T legal counsel citing Kansas State statutes and the Federal Communications Act. The letter was shared with the Board along with County legal counsel and, due to the short notice and lack of time to thoroughly review the letter; staff recommended remanding this CUP back to the April Planning Commission meeting at this time. Commissioner Masterson stated he has received calls from multiple neighbors who were all opposed to a telecommunications tower in the proposed location and he is not inclined to over-turn the Planning Commission's denial. Mr. Alfaro stated AT&T completed a study that showed other towers in the area and the reasons they do not co-locate on those towers. Commissioner Myers felt the placement of a tower would negatively affect property values in the area and also discussed the negative health effects that could arise from radiation. Commissioner Myers did not think this request should be sent back to the Planning Commission. Administrator Johnson stated he understands Commissioner Myers' concerns but, due to federal and state mandates, the Planning Commission has to be clearer about their reasons for denial.

Jack Scheidt, Network Real Estate Agent, came before the Board and stated the legal letter that was sent to the Board prevents denial of this request based on the reasons that were presented at the Planning Commission meeting. Mr. Scheidt felt it was prudent that the Commissioners had an opportunity to read the letter in detail. Commissioner Masterson asked Mr. Scheidt if Network Real Estate planned to take the neighbors' concerns into consideration. Mr. Scheidt stated they intend to stay at the proposed location and they have met the requirements of the ordinance.

Mr. Alfaro stated there is a 150 day window for this request to be heard. Commissioner Woydziak felt it was important that the Planning Commission had another chance to review the new information and then present their findings to the Board of County Commissioners. Mr. Scheidt stated additional delegates from Network Real Estate would attend the Planning Commission meeting to answer questions.

Commissioner Woydziak motioned to remand the request for a CUP for the placement of a telecommunications tower back to the April Planning Commission meeting. Commissioner Murphy seconded the motion. Motion carried 3-2. Commissioner Myers and Commissioner Masterson opposed.

(00:59:59)

RECESS

Commission Chairman Murphy recessed the meeting of the Board at 10:00 a.m. for 5 minutes.

Commission Chairman Murphy reconvened the meeting at 10:05 a.m.

(01:00:08)

ITEM #5 – UPDATE OF THE BUTLER COUNTY 2019 REAL PROPERTY VALUES

Deb Studebaker, Butler County Appraiser, came before the Board to give an update of the Butler County 2019 real 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. No action was taken.

(01:15:40)

ITEM #6 – SEVERE WEATHER AWARENESS WEEK PROCLAMATION

Keri Korthals, Emergency Management Director, came before the Board for approval to declare the week of March 4th-March 8th as Severe Weather Awareness Week in Butler County. Each year the National Weather Service, in cooperation with the State of Kansas, media partners, and local Emergency Management agencies, dedicates one week in March to severe weather education and awareness activities for our citizens. As part of this Severe Weather Awareness Week public trainings are held, storm sirens are tested, and severe weather drills are conducted. Local jurisdictions are invited to show their support for these public outreach activities by officially recognizing Severe Weather Awareness Week by proclamation.

Commissioner Masterson motioned to allow the Chairman to sign a proclamation declaring the week of March 4th-March 8th 2019 as Severe Weather Awareness Week in Butler County. Commissioner Myers seconded the motion. Motion carried 5-0.

(01:18:13)

ITEM #9 – ANNUAL NOXIOUS WEED ERADICATION REPORT

Les Stalnaker, Noxious Weed Supervisor, came before the Board to give a report on the 2018 annual noxious weed eradication progress report for Butler County.

Commissioner Wheeler motioned to accept and approve the 2018 annual noxious weed eradication progress report for Butler County and directed the report to be submitted to the Secretary of Agriculture. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:35:00)

ITEM #7 – 2019 NATIONAL ASSOCIATION OF COUNTY ENGINEER’S ANNUAL MEETING, WICHITA, KS

Darryl Lutz, Public Works Director, came before the Board to give a report related to planning activities and providing local support for the 2019 National Association of County Engineers annual meeting and technical conference to be held in Wichita, KS in April this year. Mr. Lutz stated he would like to provide one staff person from Butler County to work the registration desk at the conference. No action was taken.

(01:44:13)

ITEM #8 – SW BUTLER ROAD/SW 150TH STREET INTERSECTION PROJECT – KDOT PROJECT AGREEMENT

Darryl Lutz, Public Works Director, came before the Board for approval of an agreement with KDOT related to using federal aid funds for the project to reconstruct a portion of SW Butler Road at SW 150th Street, including intersection improvements. The agreement provides that KDOT will pay a maximum of \$5,600,000 for up to 80% construction costs using federal aid funds on Butler County's project. The County is responsible for the balance of construction costs in the approximate amount of \$1,400,000 for an estimated \$7,000,000 construction cost. The County is responsible for 100% of design engineering, right-of-way, utility relocation and construction engineering. The agreement covers standard items that Butler County is familiar with. This project is scheduled for letting in early 2020.

Commissioner Woydziak motioned to approve a project agreement with KDOT for project #8C-4942-01 to utilize awarded federal aid funds for the proposed project to reconstruct a portion of SW Butler Road from ½ “mile” south of SW 150th street to ½ mile north of SW

150th Street and authorized the Chair to sign the agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:47:14)

ITEM #10 – EXECUTIVE SESSION – REAL PROPERTY ACQUISITION

Commissioner Murphy motioned to recess to Executive Session under the following exceptions to the Kansas Open Meetings Act, for preliminary discussions relating to the acquisition of real property to protect the interests of the County, starting at 10:54 a.m. with the public session resuming at 11:04 a.m. this 26th day of February, 2019 in the Commission room. Commissioner Masterson seconded the motion. Motion carried 5-0. Present were Commissioners Masterson, Murphy, Myers, Wheeler and Woydziak, County Administrator Will Johnson and County Engineer Darryl Lutz. No action was taken as a result of the Executive Session.

(01:47:57)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers for February 26, 2019 in the amount of \$260,143.71. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:48:00)

COMMISSION ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2717 dated February 26, 2019; Adds in the amount of \$179.14 and Abates in the amount of \$5,949.64. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:48:33)

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

Commissioner Wheeler inquired about the details of the upcoming Strategic Retreat.

Administrator Johnson stated there is no Commission meeting next Tuesday, March 5th.

The annual Township meeting is scheduled for March 7th at the El Dorado Civic Center.

(01:52:42)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:10 a.m. Commissioner Murphy seconded the motion. Motion carried 5-0.

The Commissioners attended a luncheon at the Douglass Senior Center at 11:45 a.m.