

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, February 28, 2023

(00:00:50)

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 Marc Murphy, Commissioner Darren Jackson, Commissioner Dan Woydziak, County Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier. Commissioner Jeff Masterson was not present for the meeting.

(00:00:55)

INVOCATION

Reverend Christine Gilson, Retired, presented the invocation.

(00:02:08)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes from the February 21, 2023, Butler County Commission meeting as presented. Commissioner Jackson seconded the motion. Motion carried 4-0.

(00:02:32)

PUBLIC COMMENTS

There were no public comments.

(00:02:45)

ITEM #1 - EMS - AUGUSTA STATION REMODEL PROJECT

Frank Williams, Emergency Medical Services (EMS) Director, came before the Board for approval to award the EMS Augusta Station Remodel Project Bid to Commerce Construction Services of Wichita, Kansas for a bid price of \$135,583 plus \$10,000 contingency fund for total project cost not to exceed \$145,583. This project provides additional living space for the additional ambulance at the Augusta Station. This is a joint facility with the Augusta Department of Safety (ADPS). This addition of two bedrooms and additional living room space, which will be constructed in the ADPS storage area, has been agreed upon with the City of Augusta. EMS will provide alternate storage space for ADPS, located in the Butler County EOC buildings – EMS Decontamination Ambulance Bay. Original bidding on this project included a mezzanine. Due to excessive bid costs for the mezzanine, the Commission directed staff to reevaluate for other options and rebid the remodel project. As a result of this rebidding process, last Tuesday the Commission received and opened two sealed bids. ADPS has agreed to the new storage space. Staff recommends the new storage equipment to be purchased by the County at an estimated cost of \$3,000 for racks and \$300 for locks. ADPS also requested staff to purchase a card reader system and fixture replacement/upgrades within the facility. Staff also recommended allowing an additional \$10,000 as a contingency fund to cover these additional costs. Staff's recommendation is to award the bid to Commerce Construction Services of Wichita, Kansas, and to provide additional funds for contingency replacement/reconditioning/upgrading fixtures.

David Stewart, Gravity Works Architecture, was present for questions.

Commissioner Woydziak motioned to approve the award of bid for the EMS Augusta Station Remodel Project to the lowest and best bid to Commerce Construction Services of Wichita, Kansas for a price of \$135,583 and to approve a \$10,000 EMS contingency fund for a total project cost not to exceed \$145,583. Commissioner Murphy seconded. Motion carried 4-0.

(00:05:16)

ITEM #2 - REQUEST FOR A MORTGAGE LOT SPLIT AS SUBMITTED BY ETHAN BUSENITZ

David Alfaro, Community Development Director, came before the Board for approval of a request for a seven +/- acre Mortgage Lot Split with 75+/- acre APO submitted by Ethan Busenitz. Mr. Busenitz owns a tract of land that contains 143+/- acres and zoned AG-80 and is proposing to split out seven +/- acres and place an APO over 75+/- acres. The property is used for AG related activities and staff feels the request meets the criteria for such a split and it is felt it is appropriate to place an APO on the 75+/- acres. State Statute requires all landowners located within a 1,000' radius of the property be 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 7-0 and staff supports the recommendation.

Commission Chair Herzet motioned to approve the request for a Mortgage Lot Split with APO as submitted by Ethan Busenitz and direct the Chairman to sign the APO Agreement. Commissioner Woydziak seconded. Motion carried 4-0.

(00:07:13)

ITEM #3 - REQUEST FOR A HOMESTEAD LOT SPLIT WITH APO AS SUBMITTED BY ROBERTA PAULSON

David Alfaro, Community Development Director, came before the Board for approval of a seven +/- acre Split with the placement of a 73+/- acre APO on the property as submitted by Roberta Paulson. Ms. Paulson owns a tract of land that contains 80+/- acres and is zoned AG-80. She is proposing to split a seven +/- acre tract of land and then place a 73+/- acre APO on the remaining property. The property is primarily used for farming activities and staff feels the request meets the criteria for such a split and it is felt it is appropriate to place the APO on the 73+/- acres. State Statute requires all landowners located within a 1,000' radius of the property be notified of the request and staff did not receive any comments for or against the request. The Planning Commission approved it by a vote of 7-0 and staff supports the recommendation.

Commission Chair Herzet motioned to approve the request for a Homestead Lot Split with APO and direct the Chairman to sign the APO Agreement. Commissioner Murphy seconded. Motion carried 4-0.

(00:08:57)

ITEM #4 - REQUEST FOR A CHANGE IN ZONING ON 5+/- ACRE FROM AG-40 TO RURAL RESIDENTIAL (RR) AS SUBMITTED BY BENJAMIN AND MEGAN KICE

David Alfaro, Community Development Director, came before the Board for approval of a request for change in zoning from AG-40 to RR as submitted by Benjamin and Megan Kice. Mr. and Mrs. Kice own a tract of land that contains 43+/- acres located at 2552 SW Prairie Creek Rd. Andover. The applicants are requesting to rezone five +/- acres, which would allow them to construct a new single-family residence on the newly created tract of land and still leave the remaining property zoned agricultural. The property is located within the three mile Growth Area of the City of Andover and, after submitting the request to the City, the City responded with no concerns and is good with requested change. After submitting the request to the City of Andover, staff notified all landowners within a 1,000' radius, as required by State Statute, and staff did not receive any comments for or against the request. The Planning Commission approved the requested change by a vote of 7-0 and staff supports the recommendation.

Mr. and Mrs. Kice were present for questions.

Commissioner Murphy motioned to approve the request for a change in zoning from AG-40 to Rural Residential on a five acre tract of land located at 2552 SW Prairie Creek Rd. and direct the Chairman to sign Resolution No. 23-04. Commissioner Woydziak seconded. Motion carried 4-0.

(00:11:14)

ITEM #5 - REQUEST FOR A CHANGE IN ZONING ON 14+/- ACRES OWNED BY JACK NOLL, FROM AG-40 TO RURAL RESIDENTIAL (RR)

David Alfaro, Community Development Director, came before the Board for approval of a request for a Change in Zoning from AG-40 to RR as submitted by Jack Noll. Mr. Noll owns a tract of land that contains 14+/- acres, zoned AG-40, and located at 10558 SW 40th St, Towanda, Kansas, and is requesting a change in zoning which would allow him to possibly Plat the property into three tracts and sell two of them to his sons. This would allow construction of new single-family residences on the newly created tracts. The property is located just east of SW Santa Fe Lake Rd., which is a paved County arterial road, and has RR and RE zoned properties in the immediate area. The requested change would not be detrimental to the area. State Statute required all landowners within a 1,000' radius of the site be notified of the request and staff did not receive any comments for or against the requested change. The Planning Commission approved the request by a vote of 6-0 and staff supports the recommendation.

Mr. and Mrs. Noll were present for questions

Commission Chair Herzet motioned to approve the request for a change in zoning as submitted by Jack Noll and direct the Chairman to sign Resolution No. 23-05. Commissioner Murphy seconded. Motion carried 4-0.

(00:14:58)

ITEM #6 - JAIL COMMISSARY SERVICES RFP

Daimon Cundiff, Butler County Undersheriff, came before the Board for approval to issue a RFP for Jail commissary services. The County's current commissary vendor offers normal commissary services as well as inmate phone and tablet/data services. Jail staff has identified the

need to solicit a new vendor to ensure the County is receiving the best value for this important function. The schedule as follows:

- * 02/28/2023 - issue RFP
- * 03/14/2023 - close RFP and receive proposals
- * 03/21/2023 - approve contract with winning vendor

Commission Chair Herzet motioned to approve staff to issue a Jail commissary RFP. Commissioner Jackson seconded. Motion carried 5-0.

(00:18:17)

ITEM #8 - 2023 SEVERE WEATHER PREPAREDNESS WEEK PROCLAMATION

Keri Korthals, Emergency Management Director, came before the Board for approval and to sign a proclamation declaring the week of March 6th through March 10th, 2023, as Severe Weather Preparedness Week in Butler County. Each year the National Weather Service, in conjunction with the State of Kansas, local jurisdictions, and media partners, designates a week in March as "Severe Weather Preparedness Week." This is a public outreach initiative intended to raise citizens' awareness of the dangers associated with the severe weather season. During that week, a statewide tornado drill is also conducted weather permitting. By partnering with the National Weather Service and proclaiming Severe Weather Preparedness Week locally, county leadership affirms its support of this public education and outreach effort. This action also stresses the importance of preparing for the dangers associated with severe weather in Kansas, especially in light of the destructive EF-3 tornado that impacted this county in 2022.

Commission Chair Herzet read the Proclamation.

Commissioner Jackson motioned to approve March 6th through the 10th, 2023, as Severe Weather Preparedness Week in Butler County and direct the chair to sign a proclamation to that effect. Commissioner Murphy seconded. Motion carried 4-0.

(00:25:59)

ITEM #9 - DISASTER RELIEF DETERMINATION AND ORDER

Deb Studebaker, County Appraiser, came before the Board for approval for disaster relief from two applicants for damage that occurred as a result of the tornadoes on April 29, 2022. The State of Kansas adopted through statute the ability for County Commissioners to abate taxes on homestead and structures that have been impacted by disasters which would include fires, tornados, flooding or earthquakes. The Board approved Resolution 22-19 on May 17, 2022, establishing a policy for property tax abatements of properties impacted by disasters. Two applications have been reviewed by Ms. Studebaker and qualify for disaster relief as outlined in K.S.A. 79-1613 and Resolution 22-19. The estimated tax relief abatement of the two qualified properties totals \$5,258.

Butler County Commissioners Disaster Relief Determination and Order

Q Ref	Parcel ID	Property Address	Applicant	Structure destroyed by 50% or more of market value	Declared Disaster by Governor	Source of Damage	Date of Destruction	Abatement-After Jan 1 taxes not paid	Refund-After Jan 1 and at least part of taxes paid	Documents Provided by Applicant	No Abate or Credit	Abate/Credit of % of Assessed Value then prorated	Applicable Tax Year
R25562	309-29-0-20-07-003.00-0	723 E Minneha Ave	Jacob & Andie Deffenbaugh	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R25944	309-30-0-40-04-005.00-0	1485 S Andover Rd	Jimmie & Tiena Parsons	Yes	Yes	Tornado	4/29/2022		X	City of Andover Letter		100%	2022

Commissioner Murphy motioned to approve disaster relief for two applicants for damage that occurred as a result of the tornadoes on April 29, 2022. Commission Chair Herzet seconded. Motion carried 4-0.

(00:30:04)

ITEM #10 - PUBLIC WORKS DEPARTMENT SHIRT ORDER AWARD

Will Johnson, County Administrator, came before the Board for approval of the award of bid for the annual purchase of PPE uniform shirts for the Department of Public Works. Public Works has an approved program for providing clothing or clothing reimbursement for field employees. As part of this policy, the County purchases five summer shirts and five winter shirts for each field employee. Each seasonal type shirt will have the same style and color. The shirts include a County logo on the left chest area and the employee’s first name on the right chest area. Also included in the shirt order are safety shirts that comply with current federal safety standards for high visibility safety wear. Shirt bids are solicited from Butler County vendors that either reside in the County or have a place of business in the County. The Board received and opened bids on February 21, 2023. Bids were solicited from three Butler County vendors which were F5 Imprint, Lefty's and Graphic Concepts. F5 Imprint and Lefty's were the only vendors that responded this year. Lefty's and F5 bid the identical shirts. Lefty's offered the lowest bid in the amount \$8,221.05. Lefty's is operated by the former owner and an employee of the former Wells Design. The shirt prices across the board are anywhere from 0.9% to 9.9% higher in cost than in 2022.

Commission Chair Herzet motioned to approve the purchase of PPE uniform shirts for the Department of Public Works from Lefty's, El Dorado, Kansas in the low bid amount of \$8,221.05. Commissioner Murphy seconded. Motion carried 4-0.

(00:32:22)

ITEM #11 - BID AWARD – NOXIOUS WEED DEPARTMENT HERBICIDES

Will Johnson, County Administrator, came before the Board for approval of the award of bid for the annual purchase of herbicides for the Noxious Weed Division of the Public Works Department. Each year, the Weed Department solicits bids for herbicides and related chemicals for use by their department and for sale to customers treating their own weeds. In January of this year the Board of County Commissioners authorized the Department of Public Works to solicit bids for the requested items. Sealed bids were received by the Noxious Weed Supervisor and were opened and read by the County Commission on Tuesday, February 21, 2023. A total of five vendors were solicited and four responses were received. The Board was presented a tabulation with a recommendation for each individual herbicide bid award. The Board was also presented for their reference a comparison of 2023 unit prices to prior year prices. The unit prices for 2-4D products increased from 9% to 20% this year compared to 2022. The unit price for the glyphosate product, however, dropped by 60% this year after tripling in price for 2022. The

purchase recommendations were highlighted on the tabulation. Staff recommended the award for each product based upon lowest price. Purchases will be made from three of the four vendors bidding. Due to the current volatility in the market, these prices are good for this initial purchase only. Fortunately, in anticipation of price increases for this year, staff increased their year-end 2022 inventory for carryover to this year. The total estimated purchases for 2023 are budgeted at \$330,000.

2023 Herbicide Bid Tabulation and Award
Butler County Noxious Weed Dept.

2023				Sims		Van Diest		Nutrien Ag Solutions		Fleming Feed & Grain	
CHEMICAL BID REQUEST				Ryan Delaney		Bill Bean		Dustin Polasek		Gick Fleming	
				Osborne, KS 67473		Lindsborg, KS 67456		Glenwood Springs, CO 81601		Leon, Ks	
PRODUCT	SIZE	QTY	UNITS	Per Unit	Total Bid	Per Unit	Total Bid	Per Unit	Total Bid	Per Unit	Total Bid
2,4-D 4# Amine	4x1	40	Gallon	\$ 21.74	\$ 869.60	\$ 26.79	\$ 1,071.60	\$ 23.50	\$ 940.00	n/a	
2,4-D 4# Amine	1x30	270	Gallon	\$ 18.74	\$ 5,059.80	\$ 21.09	\$ 5,694.30	\$ 17.99	\$ 4,857.30	n/a	
2,4-D 4# Amine Tote	1x220	660	Gallon	\$ 18.48	\$ 14,968.80	\$ 18.39	\$ 12,137.40	\$ 17.99	\$ 13,492.50	\$ 24.00	\$ 19,440.00
2,4-D 4# LoVol	2x2.5	180	Gallon	\$ 27.59	\$ 4,966.20	\$ 27.89	\$ 5,020.20	\$ 28.00	\$ 5,040.00	n/a	
Compadre	4x1	84	Gallon	n/a		n/a		\$ 21.50	\$ 1,806.00	n/a	
Dye - BLUE	4x1	28	Gallon	\$ 30.00	\$ 840.00	\$ 31.19	\$ 873.32	\$ 53.50	\$ 1,498.00	\$ 60.00	\$ 1,680.00
Dye - BLUE	12x1	12	Quart	\$ 11.75	\$ 141.00	\$ 16.89	\$ 202.68	\$ 19.50	\$ 234.00	\$ 18.00	\$ 216.00
Ecomazapyr	2x2.5	25	Gallon	\$ 63.50	\$ 1,587.50	\$ 66.29	\$ 1,657.25	\$ 67.95	\$ 1,698.75	n/a	
Glyphosate 4#	2x2.5	540	Gallon	\$ 18.50	\$ 9,990.00	\$ 18.94	\$ 10,227.60	\$ 17.00	\$ 9,180.00	\$ 24.00	\$ 12,960.00
Panoramc	4x1	40	Gallon	\$ 113.00	\$ 4,520.00	\$ 114.29	\$ 4,571.60	\$ 112.45	\$ 4,498.00	\$ 152.00	\$ 6,080.00
Range Star or Weedmaster	2x2.5	180	Gallon	\$ 23.75	\$ 4,275.00	\$ 28.49	\$ 5,128.20	\$ 26.50	\$ 4,770.00	\$ 32.00	\$ 5,760.00
Remedy Ultra*	4x1	56	Gallon	n/a		\$ 58.49	\$ 3,275.44	\$ 61.40	\$ 3,438.40	\$ 70.00	\$ 3,920.00
Tordon 22k*	2x2.5	180	Gallon	n/a		\$ 49.47	\$ 8,904.60	\$ 49.40	\$ 8,892.00	\$ 69.00	\$ 12,420.00
Total					\$ 47,217.90		\$ 58,764.19		\$ 60,344.95		\$ 62,476.00
Award Recommendation					\$ 12,679.30		\$ 12,180.04		\$ 33,833.80		

*Generics NOT accepted

Commissioner Woydziak motioned to approve the award of bids for the initial purchase prices of herbicides for the Noxious Weed Department as recommended in the tabulation of bids and to approve the purchase awards to Sims, Osborne, Kansas, in the amount of \$12,679.30, to Van Diest, Lindsborg, Kansas, in the amount of \$12,180.04 and to Nutrien Ag Solutions, Glenwood Springs, Colorado, in the amount of \$33,833.80. Commission Chair Herzet seconded. Motion carried 4-0.

(00:36:32)

ITEM #12 - KDOT – 2022 COUNTY AGREEMENT TO TREAT NOXIOUS WEEDS

Will Johnson, County Administrator, came before the Board for approval of a proposal from the Kansas Department of Transportation (KDOT) to treat noxious weeds along state highways in Butler County. Each year KDOT requests agreements with Counties to treat noxious weeds along state highways within the County’s boundaries. Butler County has treated noxious weeds under agreement with KDOT for many years. KDOT submitted an agreement form to Butler County for the year 2023. KDOT reimburses chemicals at the County’s actual cost and reimburses for equipment and labor based upon a competitive proposal process. Regular reports are submitted to KDOT detailing weed treatment as it occurs throughout the year. The County submits periodic requests for payment to KDOT based upon actual materials cost, equipment cost and labor costs.

Commission Chair Herzet motioned to approve the County Agreement to Treat Noxious Weeds with KDOT for the year 2023 and authorize the Chair to sign. Commissioner Jackson seconded. Motion carried 4-0.

(00:39:15)

ITEM #7 - APPROVAL OF ATTORNEY HIRING BONUS POLICY

Will Johnson, County Administrator, came before the Board for approval of the Attorney hiring bonus policy. The Board previously engaged in discussions for the County Attorney to increase salaries for the Attorney Staff and the hiring bonus was an added portion to encourage applicants and new hires to consider working in Butler County. There is a severe deficiency in the number of attorneys who are seeking a career path in prosecution and the County faces significant competition from other jurisdictions for these select few candidates. The hiring bonus would supplement the many positive changes being made with regard to hiring and retention of qualified employees working in the field of prosecution.

Commissioner Murphy motioned to approve the adoption of the policy for attorney hiring bonuses for immediate implementation. Commissioner Woydziak seconded. Motion carried 4-0.

(00:43:56)

VOUCHERS

Commissioner Murphy motioned to approve vouchers dated February 28, 2023, in the amount of \$351,810.61. Commission Chair Herzet seconded the motion. Motion carried 4-0.

(00:44:15)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$15,857.76 and Abates in the amount of \$74,976.10. Commissioner Jackson seconded. Motion carried 4-0.

(00:44:36)

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

Commission Chair Herzet attended the K254 Corridor meeting last Friday.

Commission Chair Herzet and the Board discussed new businesses that are going to be built on HWY 254 and how that will impact transportation, housing and education in the area.

Commissioner Jackson and Commission Chair Herzet attended the EMS Survivor Banquet. Commissioner Jackson thanked Mr. Williams for the invite and thought the event was very nice.

Commissioner Woydziak and Mr. Williams discussed new training for EMS that will help ensure their safety when on the roadside.

Commissioner Woydziak informed the Board that he will be on the Wichita Area Metropolitan Organization (WAMPO) Board for another term.

Commissioner Woydziak signed up for the Kansas County Commissioners Association Conference in April and reminded the other Commissioners that if they are going to attend, they need to sign up and make reservations as soon as possible.

Administrator Johnson discussed a letter received from Rose Hill concerning Industrial Revenue Bonds for Viking Industries.

Mr. Huelskamp gave the Board an update on the IPS property.

Administrator Johnson has a meeting with HF Sinclair Refinery this week to discuss the turn-around that is taking place.

Administrator Johnson and the Board discussed the 4-H fairgrounds and restructuring of the 4-H Board.

Administrator Johnson attend a Strategic Planning meeting with Circle School District on Monday.

Administrator Johnson reminded the Board of the Township Meeting that is taking place today and invited the Commissioners to attend the lunch.

(01:07:56)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:07 a.m.

Commission Chair Herzet seconded the motion. Motion carried 4-0.