

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, March 19, 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 Dan Woydziak, Commissioner Mike Wheeler, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

**INVOCATION**

Dr. Tim Mace, Emmaus Mennonite Church, Whitewater, presented the invocation.

**APPROVAL OF MINUTES**

*Commissioner Wheeler motioned to approve the minutes of the Butler County Commission meeting from Tuesday, March 12, 2019 as written. Commissioner Woydziak seconded the motion. Motion carried 4-0-1. Commissioner Masterson abstained due to his absence last week.*

(00:01:55)

**PUBLIC COMMENTS**

Brian Riley, Integrated Plastic Solution (IPS) Owner, came before the Board and provided an update on the current status of IPS. Mr. Riley stated he has started to move product to his new facility and he has processed, sold and delivered close to a million pounds to customers since his last discussion with the Commissioners. Mr. Riley stated he still has over three million dollars in purchase orders to be processed at this time. Mr. Riley stated IPS does not have the equipment needed to remove the debris from outside of the facility due to weather and ground conditions. Mr. Riley stated he would be willing to dispose of approximately two acres of baled plastic at the landfill in an effort to clean-up the property. Mr. Riley obtained a fifteen dollar per ton reduction in fees at the landfill a few weeks ago, and has since taken over 250,000 pounds to the landfill. Mr. Riley stated it is expensive for him to move the product to the landfill while supporting two different facilities and he cannot afford to haul the materials to the landfill at the current price. Mr. Riley asked the Board for another reduction in fees at the landfill. Commissioner Wheeler inquired about the time frame of when he will be moved out of the current IPS location. Mr. Riley stated he could be moved out by the end of April and also stated he would provide bi-weekly updates regarding the progress he is making. Commissioner Masterson felt it was important that Mr. Riley be allowed the opportunity to clean-up IPS, or else the burden of the clean-up would be at the County's expense. The Board came to the consensus to extend the IPS clean-up date to May 1, 2019. Administrator Johnson suggested placing a time limit and a tonnage limit for Mr. Riley. Commission Chairman Murphy stated he is not on board with reducing the landfill fee again and also felt the Board would be setting a precedence that he does not agree with. Mr. Lutz stated it would be best not to place the materials into the C & D landfill. It was suggested to reduce the landfill fee from fifteen dollars per ton to ten dollars per ton for Mr. Riley.

*Commissioner Myers motioned to move the deadline for the clean-up of the IPS site be moved to Wednesday, May 1, 2019, and the subtitle D fees be reduced from \$15/ton to \$10/ton with the maximum of 1,500 tons and only eligible materials for the discount transported from the*

*IPS site and to receive bi-weekly updates from Mr. Riley or David Alfaro. Commissioner Woydziak seconded the motion. Motion carried 4-1. Commission Chairman Murphy opposed.*

(00:46:29)

**ITEM #1 – SOUTH CENTRAL MENTAL HEALTH COUNSELING CENTER BOARD APPOINTMENTS**

Dan Rice, Executive Director of South Central Mental Health, came before the Board for approval of the appointment of board members for South Central Mental Health Counseling Center (SCMHCC). The two new Board members are Sara Hoffman, Andover, and John Black, Augusta. The bylaws for SCMHCC require the appointment of not less than seven members from Butler County, KS to be appointed for terms of three (3) years by the Board of County Commissioners in accordance to the provisions of K.S.A 19-4002. Membership of each governing board, as nearly as possible, shall be representative of public health, medical profession, the judiciary, public welfare, hospitals, mental health organizations and organizations for people with intellectual disability, education, rehabilitation, labor, business and civic groups and the general public.

*Commissioner Wheeler motioned to approve the appointment of board members for the South Central Mental Health Counseling Center Directors as presented. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(00:50:25)

**RECESS**

Commission Chairman Murphy recessed the meeting of the Board at 9:50 a.m. for 8 minutes.

Commission Chairman Murphy reconvened the meeting at 9:58 a.m.

(00:50:31)

**ITEM #2 – 2019 KDOT FEDERAL FUNDS EXCHANGE**

Darryl Lutz, Public Works Director, came before the Board for approval of a request to KDOT related to Butler County's participation in the Federal Funds Exchange Program to receive available funds for the current federal fiscal year in the estimated amount of \$368,752.80 for road and bridge construction projects. The County has a balance of federal aid STP funds this federal fiscal year in the amount of \$409,725.34. The County has requested this balance to be reimbursed to the County as state funds. Based upon the exchange rate of 90 cents for \$1, the County can receive up to \$368,752.80 to be applied toward a project or projects this year. This money is programmed as revenue in the adopted 2018-22 CIP. The entire amount is allocated to fund road and bridge improvement projects in 2019. The money will be forwarded to Butler County as a reimbursement against any projects completed this year.

*Commissioner Woydziak motioned to approve the KDOT Request to Exchange Federal Funds from Butler County to utilize available FFY 2019 federal aid funds in the estimated amount of \$368,752.80 for road and bridge construction projects. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:54:00)

**NON-AGENDA ITEM**

Darryl Lutz, Public Works Director, came before the Board for approval of a utility agreement related to the Little Walnut River Bridge Replacement project on SE Chelsea Road. The proposed reconstruction project is a County funded bridge replacement project. The project plans are complete and the project is proposed to go to bid in early 2019. Mr. Lutz stated there are three utility companies with structures that would be impacted by this project. AT&T has a buried cable on road right-of-way along the west side of the road that will have to be relocated to accommodate construction of the new bridge. Westar has a distribution line and SKT has a buried cable on road right-of-way along the east side of the road that will have to be relocated to accommodate construction of the new bridge.

***Commissioner Wheeler motioned to approve the separate utility agreements with AT&T, Westar Energy and SKT related to Project # BR28C2-27-6(18), the Little Walnut River Bridge replacement project on SE Chelsea Road, located south of Leon, and authorized the Chair to sign each agreement. Commissioner Myers seconded the motion. Motion carried 5-0.***

(01:01:34)

### **ITEM #3 – WORK SESSION – BOARD APPOINTMENTS**

Will Johnson, County Administrator, came before the Board for discussion on Fire Board members and Planning and Zoning Board members. Administrator Johnson presented the Board with an up to date list of Fire Board members and discussed the length of their terms and the number of Board members on each board. Administrator Johnson also discussed the structure of consolidated Fire Districts. No action was taken.

(01:24:00)

### **VOUCHERS**

***Commissioner Woydziak motioned to approve vouchers for March 19, 2019 in the amount of \$935,555.94. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(01:29:00)

### **COMMISSION ADDS & ABATES**

***Commissioner Masterson motioned to approve Adds & Abates #2719 dated March 19, 2019; Adds in the amount of \$0.00 and Abates in the amount of \$958.78. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

(01:29:19)

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

Commissioner Myers stated he attended the Farm Bureau Dinner last Tuesday evening.

***Commissioner Masterson motioned to appoint Bryce Flaming, 2200 SW Tawakoni Rd, Benton KS, as the new Planning and Zoning Board Member for District #1. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

Quad Counties is Monday, March 25<sup>th</sup> in Reno County.

Administrator Johnson stated interviews will begin tomorrow for the IT Director position.

Administrator Johnson stated he will be out of the office on Thursday, March 21<sup>st</sup>.

Administrator Johnson stated there is a K-254 Corridor Coalition meeting on Friday, March 22<sup>nd</sup> at Bel Aire City Hall.

There will not be a Commission meeting the week of April 30<sup>th</sup> due to a lack of quorum.

(01:45:39)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:53 a.m.*

*Commissioner Masterson seconded the motion. Motion carried 5-0.*