

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 24, 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 Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

INVOCATION

Commissioner Myers presented the invocation.

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes of the Butler County Commission meeting from March 17, 2020, as written. Commission Chairman Murphy seconded the motion. Motion carried 5-0.

Commissioner Myers provided the following amendment for the March 19, 2020 minutes: correct the spelling of “air” to “err” in Item #2. Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from March 19, 2020, with the above amendment. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:03:45)

PUBLIC COMMENTS

Jamie Downs, Butler County Health Department Director, came before the Board to give an update on COVID-19 in Butler County. There are now three positive cases of COVID-19 in Butler County due to travel and all three patients are being quarantined at home. Mrs. Downs stated the second and third patients are still symptomatic at home. Mrs. Downs stated it is important to cancel all non-urgent appointments with dentists and eye-doctors and more information about salons and barber shops should be available by the end of the day from KDHE. Mrs. Downs stated she has been impressed with restaurants that have helped with social distancing by doing drive-thru and curbside pickup.

Keri Korthals, Emergency Management Director, came before the Board. As of this morning there are nineteen counties in Kansas with active COVID-19 cases and eighty-two positive cases in Kansas residents. There have been two deaths and fifty-seven counties have declared a Public Health Emergency. Ms. Korthals felt it is very important to get solid information out to the citizens of Butler County to help keep up with social media and to give people guidance. Ms. Korthals addressed the rumor of the National Guard mobilizing to declare ~~Marshall~~ “*Martial*” Law and stated that is false. The National Guard has been tasked with distributing medical supplies to Counties and there is not going to be a state wide shutdown of movement at the current time. Ms. Korthals also stated there is not a system put in place requiring anyone to have a letter from their employer stating they are an “essential employee” at this time. Ms. Korthals stated it is vital that everyone comprehends the importance of the Stay-At-Home Order and that the State is trying to help Counties gain visibility on where the different policy changes are and what County has taken what steps.

Commissioner Masterson felt that enforcement from this County should be very limited at this time and if Butler County makes a decision it will be between the local Health Officer and the Board of County Commissioners but at this time, the County is not ready to make any recommendation to consider a Stay-At-Home order. Administrator Johnson stated the County would follow KDHE, Federal and CDC recommendations when and if the time comes. Administrator Johnson also noted the County is going to be accommodating daycare needs for employees until June 1, 2020.

Mrs. Downs stated KDHE added Illinois and New Jersey to the list of travel restricted states. Commissioner Masterson asked that Mrs. Downs keep up with the dissemination of accurate information. Commissioner Woydziak informed the Board that the Small Business Administration adopted a declaration throughout the State to help small businesses during this economic hardship.

Administrator Johnson requested approval from the Board to allow building inspectors to perform inspections during this time as needed, with the exception of entering any home that is occupied and allowing the space that is needed.

Commissioner Masterson motioned to allow Butler County Building Inspectors to conduct business in Butler County with the exception of entering any home that is occupied. Commissioner Myers seconded the motion. Motion carried 5-0.

(00:43:40)

ITEM #1 – NATIONAL AG DAY RESOLUTION

Will Johnson, County Administrator, came before the Board for approval of Resolution 20-11, recognizing Tuesday, March 24, 2020, as National Agriculture Day. In recognition of the preeminent role that agriculture plays in the daily life of every American, in acknowledgment of agriculture's continuing importance to the future progress and prosperity of our county's and country's economy, and in deep appreciation of farmers and ranchers across the County and Nation, the Butler County Commission has been asked by the Butler County Farm Bureau to recognize March 24, 2020, as National Agriculture Day. Commissioner Myers read the proclamation to the Board.

Commissioner Myers motioned to approve Resolution 20-11, a Resolution recognizing Tuesday, March 24, 2020, as National Agriculture Day. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:47:08)

ITEM #2 – RONALD BANNON REVOCABLE TRUST – HOMESTEAD LOT SPLIT

David Alfaro, Community Development Director, came before the Board for approval of a Homestead Lot Split requested from the Ronald Bannon Revocable Trust on property located at 17619 SW Hunter Road, Douglass, KS. The Ronald Bannon Revocable Trust owns a tract of land containing approximately 114 +/- acres and the applicant is proposing to split out a 5+/- acre tract of land with the placement of a 35+/- acre APO on some of the remaining property. As required by State Statute all landowners located within a 1,000' radius of the property were notified and staff did not receive any comments for or against the request.

Commissioner Woydziak motioned to approve the request submitted by Ronald Bannon Revocable Trust for a 5+/- acre Homestead Lot Split with the placement of a 35+/- acre APO

on property located at 17619 SW Hunter Rd. Douglass, KS, and directed the Chairman to sign the APO Agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.
(00:50:28)

ITEM #3 – BRAATEN REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RESIDENTIAL ESTATES (RE)

David Alfaro, Community Development Director, came before the Board for approval of a motion for denial as recommended by the Planning Commission for a Change in Zoning from AG-40 to Residential Estates (RE) located at 18260 SW Prairie Creek Road, Rose Hill, KS. The applicant requested to rezone the 40+/- acres, which would allow them to potentially split the property into two tracts in the future as proposed by the applicant. Residential zoning allows for tracts of land from 5-39.99 acres the potential 20+/- acre tracts would fall well within the minimum acreage requirements. During the discussion at the Planning Commission meeting comments were made about the possibility that the owner, if the zoning change was approved, would have the ability to split the property into smaller tracts than the two twenty acre tracts and could actually attempt to Plat the land to include several five-acre tracts. The Planning Commission approved a Motion to Deny by a vote of 4-0. Commissioner Woydziak stated he received several phone calls from constituents who were opposed to this request.

Commissioner Woydziak motioned to deny the request for a change in zoning request submitted by Edward Braaten. Commission Chairman Murphy seconded the motion. Motion carried 5-0.

(00:57:00)

ITEM #4 – REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR EVENT VENUE ON SW 210TH ST – DOUGLASS, KANSAS

David Alfaro, Community Development Director, came before the Board for approval of a CUP for an Event Venue as submitted by Mercedes Camac, on property located at 4446 SW 210th St. Douglass, KS. In 2016, Ms. Camac approached the County about securing a Special Event Permit, which would allow her to have a Barn Sale. The Barn Sale allowed vendors of all types the opportunity to set up booths and sell their crafts or wares. Since that time, she has hosted one event a year and now would like to expand into a full-blown events venue hosting larger events. There is an existing building on the site and the parking will take place on site as well. The applicant lives on site and will continue to live there as the business continues to operate. The site is located on a paved county arterial road, which will provide easy access to all attendees and will not impact neighboring property owners in accessing their respective properties. The Planning Commission approved the request by a vote of 4-0 and placed the following Conditions on the project:

- 1 - Hours of Operation will be 7 days a week
- 2 - Sunday through Thursday from 8 a.m. until 10 p.m.
- 3 - Friday and Saturday from 8 a.m. until Midnight
- 4 - All music will cease at 9 p.m. Sunday - Thursday and 11 p.m. on Friday & Saturday

Commissioner Woydziak motioned to approve a request for a Conditional Use Permit as submitted by Mercedes Camac on property located at 4446 SW 210th St. Douglass, KS and direct the Chairman to sign Resolution #20-10. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:02:07)

RECESS

Commission Chairman Murphy recessed the meeting of the Board at 10:02 a.m. for five minutes.

Commission Chairman Murphy reconvened the meeting of the Board at 10:07 a.m.

(01:02:13)

ITEM #5 – APPOINTMENT OF NEW ADMINISTRATIVE CONTACT FOR JUDICIAL DISTRICT 13 KDOC FROM BUTLER COUNTY REPRESENTING DISTRICT 1

Ann Carpenter, Community Corrections Director, came before the Board for approval of the recommendation from the JCAB to appoint Monty Herbert as the Administrative Contact for this judicial district. Mrs. Carpenter stated that as she approaches retirement it is time that Mr. Herbert takes on more responsibility.

Commissioner Woydziak motioned to approve the recommendation from the JCAB to appoint Monty Herbert as the Administrative Contact for Judicial District 13 and authorize the administrative contact to notify KDOC of the effective date of May 1, 2020. Commissioner Myers seconded the motion. Motion carried 5-0.

(01:03:48)

ITEM #6 – APPROVAL OF LETTER OF AGREEMENT TO SUPPORT SEDGWICK COUNTY’S APPLICATION FOR COLLABORATIVE JUVENILE GRANT IN THE AMOUNT OF \$250,000 TO BENEFIT THE REGION INCLUDING BUTLER, GREENWOOD AND ELK COUNTIES

Ann Carpenter, Community Corrections Director, came before the Board for approval of the Letter of Agreement to support Sedgwick County’s application for Collaborative Juvenile Grant in the amount of \$250,000 to benefit the region including Butler, Greenwood and Elk Counties. This will be the third year Sedgwick County has applied for this \$250,000 grant and collaborated with surrounding counties for the benefit of evidence-based programs operating in an evening reporting center facility. This grant benefits juveniles in the 13th Judicial District. Mrs. Carpenter stated we support this grant with a small regional grant to pay for staff and costs of transporting clients to and from an average of two times per week. By partnering regionally with Sedgwick County and all other surrounding counties we can secure services for our youth at a consistent rate to help reduce the recidivism rate and continue to keep youth in their homes when possible.

Commissioner Wheeler motioned to approve the Letter of Agreement for Sedgwick County and authorized the Chairman to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:05:55)

ITEM #7 – SHERIFF VEHICLE REPLACEMENT

Jay Sharp, Road Patrol Captain, came before the Board for approval to purchase three detective vehicles. The Butler County Sheriff’s Office has not purchased vehicles for investigations purposes for several years. The vehicles currently operated by the detectives are 2012 Dodge Chargers. The mileage is lower on these vehicles due to the operators’ minimal commute to work and the Jeep vehicles should be driven similar to the Chargers and last an extended period. Mr. Sharp stated the Jeeps will be priced using a government rate discount and the total delivered

price for three is \$70,515.00 or \$23,505.00 each. The price of a Jeep is also approximately \$300 less than a Dodge Charger.

Commissioner Wheeler motioned to approve the purchase of three (3) Jeep vehicles in the amount of \$70,515.00 from Parks Motors of Augusta, KS. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Sheriff Kelly Herzet came before the Board to give an update on the Detention Facility. Sheriff Herzet stated the jail is currently six deputies short but all operations have been running smoothly. Sedgwick County has started to remove inmates and the jail is not taking any Wyandotte inmates at this time. Douglas County and Saline County are also in the process of taking their inmates back. Sheriff Herzet stated revenue is staying around \$6,500/day. The staff at the jail has locked down to help cut down on the spread of COVID-19, attorneys and registered offenders are being allowed in, but their temperature is being taken upon entering. Sheriff Herzet also stated court appearances are being conducted through live-video streaming at the jail.

Sheriff Herzet commended all Butler County Emergency Services who helped tremendously in the search of the 21-month old child who fell into the Little Walnut River a few weeks ago. Sheriff Herzet stated they have called off the search for now, but plan to continue to look again next Saturday.

(01:18:45)

ITEM #8 – AWARD BID FOR THE AUGUSTA PUBLIC SAFETY PARKING LOT REPAIR

Dan Ingalls, Facilities Management Director, came before the Board for approval to award the bid for the Augusta Public Safety parking lot repair to APAC-Kansas in the amount of \$66,597.00.

Commissioner Woydziak motioned to award the bid proposal for the repair of the Augusta Public Safety parking lot to APAC-Kansas in the amount of \$66,597.00. Commissioner Masterson seconded the motion. Motion carried 5-0.

Administrator Johnson and Mr. Ingalls informed the Board of a plumbing issue at the Western Office.

(01:27:43)

ITEM #9 – LAND ACQUISITION

Darryl Lutz, Public Works Director, came before the Board for approval of the purchase of property for a materials storage area for the Public Works Department. The County has several materials stockpile areas in the County used for the strategic storage of materials needed for planned road maintenance work. The current stockpile lease is coming to an end and County staff has approached the property owner to renew the lease on a long term basis. The property owner advised that he will be selling his property including an area being leased by the County for materials storage and he has offered to allow the County to purchase the area needed prior to him selling the rest of the property.

Commissioner Masterson motioned to authorize the County Administrator, with assistance from the Director of Public Works to enter into a contingent contract for the purchase of

property being used as a materials stockpile area and to return at a later date for final approval of a purchase contract and/or deed for title. Commissioner Myers seconded the motion. Motion carried 5-0.

(01:37:32)

ITEM #10 –CREDIT CARD USE FOR LANDFILL TICKET TRANSACTIONS

Darryl Lutz, Public Works Director, came before the Board for approval of a payment processing agreement and a fee schedule for allowing credit card transactions at the landfill for payment of landfill fees. They do not require automatic bank drafts.

Commissioner Wheeler motioned to approve the payment processing agreement with CSG Forte Payments, Inc. to provide credit card and debit card transactions at the landfill and to approve the pricing fee schedule based upon the absorbed fee model and authorized the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:46:50)

ITEM #11 – EXPANDED OPERATING HOURS FOR THE LANDFILL – WORK SESSION

Darryl Lutz, Public Works Director, came before the Board for a Work Session to discuss a proposed plan to modify the landfill operating hours to open one hour earlier on weekdays. For years, the County has had customers waiting at the gate of the landfill at 8:30 a.m. to dump trash. Many of these customers have been commercial haulers that collect commercial trash or haulers for contractors. With the County's current waste contracts and with the urging of our largest municipal customer, the County is being asked to consider opening early during the week to accommodate commercial trash disposal. No action was taken.

(02:03:25)

ITEM #12 – TRANSFER OF PROPERTY TO SOUTH CENTRAL MENTAL HEALTH

Will Johnson, County Administrator, came before the Board for approval of a Quit Claim Deed transferring property to South Central Mental Health. The current appraised value from the County of the property is \$147,720. The County passed a Resolution on January 14th providing for notification of the transfer of this property and as such fourteen days have passed, allowing for the transfer of the property.

Commissioner Woydziak motioned to approve a Quit Claim Deed transferring surplus property located at 214 W. Central, El Dorado to South Central Mental Health (SCMH). Commission Chairman Murphy seconded the motion. Motion carried 5-0.

(02:06:24)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers for March 24, 2020, in the amount of \$1,193,822.94. Commissioner Masterson seconded the motion. Motion carried 5-0.

(02:09:22)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2762 dated March 24, 2020; Adds in the amount of \$229.10 & Abates in the amount of \$1,758.10. Commissioner Masterson seconded the motion. Motion carried 5-0.

(02:09:41)

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

Commissioner Myers shared a total fatalities and total infections chart of COVID-19 with the Board. Commissioner Myers noted the shutdown is bad for the economy and could lead to riots and looting. Commissioner Myers played a commercial depicting men stealing from a supermarket and distributing to the homeless in paper bags.

Administrator Johnson is working on putting plans in place to define Butler County's essential services and personnel.

(02:39:18)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:45 a.m. Commissioner Myers seconded the motion. Motion carried 5-0.