

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, April 4, 2023**

(00:00:19)

**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 Jeff Masterson, Commissioner Marc Murphy, Commissioner Darren Jackson, Commissioner Dan Woydziak, County Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier.

(00:00:23)

**INVOCATION**

Allen Potter presented the invocation.

(00:01:18)

**APPROVAL OF MINUTES**

*Commissioner Murphy motioned to approve the minutes from the March 28, 2023, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:01:46)

**PUBLIC COMMENTS**

Keri Korthals, Emergency Management Director, came before the Board for approval of Resolution No. 23-10 a Proclamation for a State of Local Disaster Emergency for Butler County. The State of Local Disaster Emergency was activated due to the grass fire that took place on the west/northwest area around El Dorado on Friday, March 31, 2023, and will remain in effect for seven days unless terminated earlier or renewed by the Board.

*Commissioner Jackson motioned to approve Resolution No. 23-10 a Proclamation for a State of Local Disaster Emergency for Butler County. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(00:17:18)

**ITEM #1 - FLINTHILLS SERVICES, INC. BOARD OF DIRECTORS APPOINTMENT**

Kathy Walter and Nicole Hall of Flinthills Services Inc., came before the Board for approval to appoint the listed nominee to a vacant position on the Flinthills Services, Inc. Board of Directors. Brett Kappelmann previously served in the District 1 position on the Flinthills Services Inc. Board of Directors. Due to personal reasons Mr. Kappelmann has had to step down from his position on the Board and the District 1 position is currently vacant. McLaren Armstrong has been selected to replace Mr. Kappelmann in the District 1 position. Flinthills Services, Inc. does receive regular apportionment payments from Butler County. However, there are no new financial considerations for appointing new members to the Board of Directors from the County's standpoint.

McLaren Armstrong was present and introduced herself.

*Commission Chair Herzet motioned to approve the appointment of McLaren Armstrong to the District 1 position of the Flinthills Board of Directors. Commissioner Murphy seconded. Motion carried 5-0.*

(00:20:50)

**ITEM #2 - A RESOLUTION MODIFYING THE PAY FOR ELECTIONS WORKERS**

Tammy Bridges, Deputy County Clerk, came before the Board for approval of Resolution No. 23-09, modifying the compensation for judges and clerks of elections. Historically the election judges have been paid a flat fee of \$170, \$130 for election clerks, to work the polls along with \$20 for set up and training. This has been paid through Accounts Payable. As such the workers have received a 10-99 for their work, which does not allow for an exemption of federal taxes for elections. Staff recommended including the election workers in payroll as part-time employees, which would allow for the exemption of federal taxes in the payment. Workers will now be paid an equivalent hourly rate of \$10 for poll workers and \$12 for judges per hour. The budget impact should be negligible; this will allow the County to issue the workers W-2s instead of 10-99; exempting them from federal taxes as allowed for in tax law for election workers.

*Commissioner Woydziak motioned to approve Resolution No. 23-09, a resolution modifying the compensation for each judge and clerk of elections in Butler County, Kansas pursuant to K.S.A. 25-2811. Commissioner Jackson seconded. Motion carried 5-0.*

(00:25:40)

**ITEM #3 - ANNUAL POST- WARRANTY HARDWARE MAINTENANCE AND SUPPORT FEES FOR ELECTION EQUIPMENT.**

Tammy Bridges, Deputy County Clerk, came before the Board for approval of the annual Post-Warranty Hardware Maintenance and Support fees for the County's election equipment. When the election equipment was purchased in 2019 from Election Systems & Software (ES&S) there was a one year warranty, which has expired. In order to keep the equipment in good working order, Staff proposed the post warranty plan that provides full coverage and preventative maintenance on the equipment every year. The Clerk's Office has a full-time position that is not being utilized; this position will fund the Annual Post-Warranty Hardware Maintenance and Support fees plan in the amount of \$24,625.00 and a \$1.00 per hour increase for the Clerk's Office employees.

*Commissioner Woydziak motioned to approve the Annual Post-Warranty Hardware Maintenance and Support Fees with ES&S in the amount of \$24,625.00 and \$1.00 per hour increase for the four County Clerk's employees along with reducing one full time unfilled position. Commissioner Masterson seconded. Motion carried 5-0.*

(00:27:46)

**ITEM #4- EVERGY REQUEST TO REZONE TEN ACRES FOR ELECTRIC SUBSTATION**

David Alfaro, Community Development Director, came before the Board for approval to submit a positive recommendation to the City of El Dorado to rezone property located at 1016 Haverhill

Rd. Staff received a request from the City of El Dorado to make a recommendation for approval of a rezone request submitted by Evergy. The rezoning of the property will allow Evergy to construct a new electric substation on the property and then allow the decommissioning of the existing substation located directly east of the new site. The property proposed to be rezoned is located adjacent to an industrial area as well as adjacent to an existing electric substation. The rezoning of the property to an industrial classification would not be considered detrimental to the area. Since the Project is located within the ETJ of the City of El Dorado, all projects requiring any type of change in zoning require a recommendation from the County Commission. Staff supported the request and asked the Commission to direct Staff to send a positive recommendation to the City.

***Commissioner Jackson motioned to approve the change in zoning on property located at 1016 Haverhill Rd and direct Staff to send a positive recommendation to the City of El Dorado. Commissioner Woydziak seconded. Motion carried 5-0.***

(00:30:57)

**ITEM #5 - TWO TON FAN COIL REPLACEMENT WITH FIVE TON**

Travis Cornell, Facilities Management Director, came before the Board for approval of the award of bids for the fan coil relocation and replacement in the courthouse attic. The Executive Assistant's office and the Conference Room have been cold in the winter and hot in the summer. Facilities Management currently has a five ton unit in the attic not being used and does not see a need for it in its current area. Staff has tried maximizing the two ton unit for more air flow and it is just under sized for the space. Relocating the five ton unit, installing new duct work and new returns will make both spaces very comfortable. Mr. Cornell presented two bids to the Board. The bids are as follows:

- P1 Service LLC, Wichita, Kansas - \$11,253 tax not included
- Five Star Mechanical Inc., Wichita, Kansas - \$15,517

***Commissioner Murphy motioned to approve the award of bid for the fan coil replacement in the courthouse attic to P1 Group in the amount of \$11,253. Commissioner Woydziak seconded. Motion carried 5-0.***

(00:36:08)

**ITEM #6 - ROAD VACATION ORDER FOR A PORTION OF SW BOYER RD BETWEEN SW 80<sup>TH</sup> ST AND SW 70<sup>TH</sup> ST IN SPRING TOWNSHIP**

Darryl Lutz, Public Works Director, came before the Board for approval of an order related to a petition to vacate public road right-of-way for a portion of SW Boyer Rd between SW 80<sup>th</sup> St and SW 70<sup>th</sup> St in Spring Township. The County has received separate petitions from Pete's Land & Cattle, LLC, and Tim Berndsen requesting the vacation of road right-of-way for SW Boyer Rd from a point beginning approximately 2,397 feet north of SW 80<sup>th</sup> St, thence north 1,429 feet to the center of Turkey Creek. The road segment proposed to be vacated dead ends at Turkey Creek and is in poor condition. Pete's Land & Cattle, LLC, is the landowner on the east side of Boyer Rd and Tim Berndsen is the owner on the west side of Boyer Rd. The minimum requirement for a petition for road vacation is for any adjacent property owner to sign the petition On March 7, 2023, the Board accepted the petition. Commissioners Dan Woydziak, Darren Jackson and Jeff

Masterson were appointed as road viewers and set the date of Tuesday, April 4, 2023 at 8:00 a.m. for the viewers to meet at the road location to hold the viewing. The appointed road viewers meet at the beginning of the described road to receive comments from interested parties and to prepare a Report of Viewers. The Report of Viewers was presented to the Board for consideration of action. The viewers recommended to vacate the subject road and included justification for their recommendation.

*Commission Chair Herzet motioned to approve the Report of Viewers related to the petition requesting the vacation of a portion of SW Boyer Rd between SW 80<sup>th</sup> St and SW 70<sup>th</sup> St in Spring Township, to find in favor of the Report of Viewers and that said road right-of-way be hereby ordered vacated and to authorize the Chair to sign the order. Commissioner Murphy seconded. Motion carried 5-0.*

(00:39:37)

**ITEM #7 - PUBLIC WORKS DEPARTMENT COMMERCIAL MOWER BID AWARD**

Darryl Lutz, Public Works Director, came before the Board for approval of the award of bid for the purchase of a new commercial zero turn mower for the Landfill Division of the Department of Public Works. Public Works develops and maintains an equipment replacement plan for all of its divisions. This plan is used as a tool to help budget for equipment replacement and is incorporated into the County's current CIP and adopted budgets. In January 2023, Public Works received permission from the Board to go out for bids for several pieces of equipment for the Public Works Department including a commercial zero turn mower for the landfill. Staff developed the preferred specifications for the equipment and solicited bids from equipment vendors in the Wichita market. Sealed bids from three vendors offering a total of eight models were received and opened by the Board on March 28, 2023. The lowest bid received for equipment meeting the specifications was offered by Hoover Mower Sales, Benton, Kansas, for a Scag Tiger II 61 inch mower with a 32 HP Briggs engine in the amount of \$10,399. Staff has reviewed the equipment offered and is recommending approval for the purchase of this mower.

*Commission Chair Herzet motioned to approve the award of bid for a commercial zero turn mower to Hoover Mower Sales, Benton, Kansas, for a Scag model STCII-61V-32BV mower in the low bid amount of \$10,399. Commissioner Masterson seconded. Motion carried 5-0.*

Commissioner Woydziak inquired about a set of dual train tracks in the Rose Hill area that are at very different elevations; Mr. Lutz stated he would make some inquiries.

(00:49:33)

**VOUCHERS**

Commissioner Masterson inquired about a voucher for a door in the County Clerk's Office; Jennifer Currier, Clerk Recorder, stated the door was for the vault room to keep election materials together in a secure room.

Commissioner Masterson inquired about a voucher for USBancorp; Administrator Johnson stated he thought it was for a special assessment project but would find out for sure and touch base with Commissioner Masterson.

*Commissioner Masterson motioned to approve vouchers dated April 4, 2023, in the amount of \$830,324.06. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:52:35)

**ADDS AND ABATES**

*Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$2,679.46. Commissioner Jackson seconded the motion. Motion carried 5-0.*

(00:52:53)

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

Commissioner Murphy stated he was in Tulsa, Oklahoma, and heard about Friday's fire near El Dorado on the news.

Mr. Huelskamp and the Board discussed the next steps of action for the IPS property.

Commissioner Woydziak attended the Department on Aging Volunteer Banquet at the Augusta Theater last Saturday; the attendance was fairly decent and a good movie was played.

Administrator Johnson stated Journey to Recovery would like to present their Mission and what they do to the Commissioners in an upcoming meeting.

(01:10:13)

**EXECUTIVE SESSION**

*Commissioner Woydziak motioned to go into Executive Session for personnel matters of non-elected personnel to protect the privacy of the employee; starting at 10:10 a.m. with the public session resuming at 10:20 a.m. on April 4, 2023. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:10:36)

*Commission Chair Herzet reconvened the meeting at 10:20 a.m.*

Commissioner Johnson and the Board discussed the nepotism policy with summer help.

(01:13:34)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:24 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.*