

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, April 25, 2023**

(00:00:40)

**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.

(00:00:42)

**INVOCATION**

Reverend Christine Gilson, Retired, presented the invocation.

(00:02:40)

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes from the April 18, 2023, Butler County Commission meeting as presented. Commissioner Jackson seconded the motion. Motion carried 5-0.*

(00:03:04)

**PUBLIC COMMENTS**

Mark Rodgers, 331 W Rosewood, Rose Hill, came before the Board to discuss the boundary lines for his property. Administrator Johnson is going to do some research and get back with Mr. Rodgers.

(00:21:34)

**ITEM #1 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RESIDENTIAL ESTATE AS SUBMITTED BY KEITH LEIS**

David Alfaro, Community Development Director, came before the Board for approval of a change in zoning from AG-40 to RE as submitted by Keith Leis. Mr. Leis owns a tract of land that contains 39+/- acres located at 12950 SW 140<sup>th</sup> St Augusta, Kansas, and has requested to rezone the 39+/- acres, which would allow him to potentially split the property surrounding an existing residence, approximately 12 acres, and leave the remaining 27+/- acres as pastureland. The area surrounding the property includes AG-40, RE and RR zoned properties so the change would not be detrimental to the area. If split, the new tracts would be similar in size to other tracts in the area. State Statute required 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 Planning Commission approved the request by a vote of 8-0; Staff supports the recommendation as well.

*Commissioner Woydziak motioned to approve the request for a Change in Zoning from AG-40 to RE as submitted by Keith Leis on property located at 12950 SW 140<sup>th</sup> St, Rose Hill, Kansas, and direct the Chairman to sign Resolution No. 23-13. Commissioner Masterson seconded. Motion carried 5-0.*

(00:23:30)

**ITEM #2 – REQUEST FOR A MORTGAGE LOT SPLIT ON PROPERTY AS SUBMITTED BY TED BLOSSER**

David Alfaro, Community Development Director, came before the Board for approval of a request for a mortgage lot split as submitted by Ted Blosser. Mr. Blosser owns a tract of land that contains 79+/- acres and zoned AG-40. The property is commonly known as 10490 SW 80<sup>th</sup> St, Augusta, Kansas. Mr. Blosser proposed to split a seven +/- acre tract of land and place a 33+/- acre APO on a portion of the remaining property. The property was used for quarry related activities and Staff feels the request meets the criteria for such a split and it is appropriate to place an APO on the 33+/- acres. State Statute required all landowners located within a 1,000' radius of the site 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 8-0; Staff supports the recommendation as well.

*Commissioner Masterson motioned to approve the request for a mortgage lot split as requested by Ted Blosser and direct the Chairman to sign the APO Agreement. Commissioner Murphy seconded. Motion carried 5-0.*

(00:25:45)

**ITEM #3 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL AS SUBMITTED BY BRADLEY GLOVER**

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 Bradley Glover. Mr. Glover owns a tract of land that contains 35+/- acres located at 13955 SW 150<sup>th</sup> St, Rose Hill, Kansas. Mr. Glover desires to rezone the property from AG-40 to RR which would allow the property to be split and possibly create three tracts for the construction of new single-family residences. The property has one existing single-family home on the property with both AG-40 and RR zoned properties in the immediate area, thus the Change in Zoning would not be detrimental to the area. State Statute required all landowners located within a 1,000' radius of the site 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 8-0; Staff supports the recommendation as well.

Bradley Glover was present for questions.

*Commissioner Woydziak motioned to approve the Change in Zoning from AG-40 to RR as submitted and direct the Chairman to sign Resolution No. 23-14. Commissioner Jackson seconded. Motion carried 5-0.*

(00:27:56)

**ITEM #4 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL AS SUBMITTED BY JAMES KELLER**

David Alfaro, Community Development Director, came before the Board for approval of a change in zoning from AG-40 to RR as submitted by James Keller. Mr. Keller owns a tract of land that contains 78+/- acres, located at 330 W Rosewood St Rose Hill, Kansas, and is currently

zoned AG-40. Mr. Keller requested to change the zoning from AG-40 to RR which would allow a split of the property to construct a new single-family residence, with the possibility of platting the property at a later date. The property is surrounded by AG-40 and RR zoned properties and it is located adjacent to the city limits of the City of Rose Hill. After some discussion, with positive comments made by Rose Hill City Administrator Warren Porter, it was determined that the change in zoning would not be detrimental to the area. State Statute required all landowners located within a 1,000' radius of the site, in the unincorporated area of the county, as well as a 200' radius of the city 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 8-0; staff supports the recommendation as well.

James Keller was present for questions.

*Commissioner Woydziak motioned to approve the Change in Zoning as requested by James Keller and direct the Chairman to sign Resolution No. 23-15. Commissioner Masterson seconded. Motion carried 5-0.*

(00:30:10)

**ITEM #5 – REQUEST APPROVAL OF A FINAL PLAT FOR ENTZ HOLLOW AS SUBMITTED BY ANDREW ENTZ**

David Alfaro, Community Development Director, came before the Board for approval of a request for a final plat known as Entz Hollow located at 0 SW Indianola Rd Benton, Kansas. Andrew Entz owns a tract of land containing approximately 20 acres which is zoned Rural Residential. The property is located on SW Indianola Rd between SW 30<sup>th</sup> St and SW 40<sup>th</sup> St. The preliminary plat was approved with four lots that are four+/- acres in size and complies with the Butler County Subdivision Regulations. The property is zoned RR and the lots conform to the size requirements in the RR zoning classification. Staff feels the plat meets the area requirements for each lot and complies with the lot width to depth ratio of 3:1. The property will be accessed via SW Indianola Rd., which is an unpaved Township Road. Pursuant to county requirements, Mr. Entz is dedicating an additional 40' or R.O.W. on SW Indianola Rd. Overall, Staff does not have a problem with the plat as presented as all lots will contain the necessary acreage and appear to be of a shape and size that would allow them to be buildable. State Statute required all landowners located within a 1,000' radius of the site be notified of the proposed plat, Staff did not receive any comments for or against the request. The Planning Commission approved the Final Plat by a vote of 8-0; Staff supports the recommendation.

Roger Cutsinger, Savoy Surveying, was present for questions.

*Commission Chair Herzet motioned to approve the Final Plat for Entz Hollow and direct the Chairman to sign the Plat as presented. Commissioner Murphy seconded. Motion carried 5-0.*

(00:33:26)

**ITEM #6 – KDOT K-254 CORRIDOR MANAGEMENT PLAN-KDOT AGREEMENT**

Darryl Lutz, Public Works Director, came before the Board for approval of a Interlocal Cooperation agreement with the Kansas Department of Transportation (KDOT) committing the County's financial support in the amount of \$77,700 for development of a K-254 Management

Plan by KDOT. K-254 is currently a four lane expressway connecting El Dorado and the Kansas Turnpike with the north end of Wichita and the I-135 corridor. K-254 is a major freight corridor and a very important commuter corridor in Butler County and Sedgwick County. In the past few years, all the communities along K-254 along with freight interests and economic development interests worked together to form the K-254 Coalition. The K-254 Coalition is actively engaged with KDOT to address safety along the highway. At the August 6, 2021, K-254 Corridor Development Association (K254 CDA) bi-monthly meeting, members and guests heard a presentation from KDOT Engineer, Brent Terstriep, on a recently completed safety study of the K-254 corridor, from I-135 in Wichita to Shumway Rd in El Dorado. Mr. Terstriep informed the group that the next step was to develop a K-254 Management Plan that will identify needed improvements to enhance safety and allow for more efficient traffic. In September 2021, the Board approved a letter to KDOT agreeing to commit Butler County financially in an amount of \$77,700 for its share of local participating cost in the development of the plan. A similar letter was approved by Sedgwick County as well as all the cities along the K-254 corridor. In addition, every two years, KDOT goes through a local consult process in each region of the state to identify transportation improvement needs and priorities. Butler County staff has always advocated to KDOT the need to add interchanges on K-254 at major intersections. The local and district offices of KDOT have reached out to Butler County in an effort to identify the County's highest priority location for intersection improvements along K-254. Butler County staff has advised KDOT that our priority intersections along K-254 are Ohio Street Rd, Butler Rd and Adams Rd in addition to River Valley Rd at Towanda and Main St at Benton. Staff advised KDOT that the County's first and highest priority at this time is the intersection of Ohio Street Rd because of the high traffic volumes and because of the County's interest in making the interchange of Ohio Street Rd and SW 20<sup>th</sup> St safer and more convenient to use. KDOT recently completed the selection and negotiation process for engineering services to develop the proposed corridor management plan. The selected firm was Garver Engineering as the principal in partnership with PEC and other consultants. The Board received a copy of the local cost share agreement; this is a standard form KDOT agreement which commits Butler County financially and explains that the final product in all likelihood will identify some intersections along the corridor future restricted access or closure. Staff recommended approval of the agreement. Following is the breakdown of each entity's cost share which was previously reviewed by the Board:

- Kechi: \$7,400 (2 miles)
- Bel Aire: \$11,100 (3 miles)
- Benton: \$3, 700 (1 mile)
- Towanda: \$3,700 (1 mile)
- El Dorado: \$11,100 (3 miles)
- Wichita: \$11,100 (3 miles)
- Butler County: \$77,700 (13 miles less Benton, El Dorado and Towanda)
- Sedgwick County: \$44,400 (10 miles less Bel Aire, Kechi and Wichita)

***Commissioner Masterson motioned to approve the Agreement with KDOT committing Butler County to its share of the local cost in the amount of \$77,700 for development of a K-254***

*Management Plan by KDOT and authorize the Chair to sign. Commissioner Murphy seconded. Motion carried 5-0.*

(00:40:51)

**ITEM #7 – ROAD VACATION PETITION-NE 140<sup>TH</sup> ST AT THE BNSF CROSSING IN SYCAMORE TOWNSHIP**

Darryl Lutz, Public Works Director, came before the Board for approval of a petition to vacate public road right-of-way and setting a road viewing date for NE 140<sup>th</sup> St at the BNSF railroad crossing on the east side of K-177 in Sycamore Township. The County has received a Petition from Ashley Poston requesting the vacation of road right-of-way for NE 140<sup>th</sup> St from the east right-of-way line of K-177 Highway to the east right-of-way line of the BNSF Railway near Cassoday, Kansas. The road segment proposed to be vacated is within the limits of the railroad right-of-way. The current crossing has been temporarily closed for the double tracking project for the past year or more. The local property owners believe the crossing will be too steep to be crossed by trucks and are concerned for safety. NE 140<sup>th</sup> St is only 1/2 mile long east of K-177 to NE Stoney Creek Rd. The property owners along this segment of road have previously submitted a letter of request for the County to close the road. The minimum requirement for a Petition for road vacation is for any adjacent property owner to sign the Petition. The Board appointed three disinterested persons to act as road viewers and set to review the road on Tuesday, May 23, 2023 at 8:00 a.m. The road viewers were directed to meet at the place of beginning at the published time to receive public comment, to determine if said road is of public utility and to consider any other information pertinent to vacating a public road. The viewers will then prepare a report of viewers with a recommendation for action to present to the County Commission for consideration and acceptance.

*Commission Chair Herzet motioned to approve the Petition requesting the vacation of a portion of NE 140<sup>th</sup> St at the BNSF railroad crossing on the east side of K-177 in Sycamore Township, to appoint Commissioner Jackson, Commission Chair Herzet, and Commissioner Murphy as road viewers and to set a road viewing date for Tuesday, May 23, 2023 at 8:00 a.m. at the location. Commissioner Murphy seconded. Motion carried 5-0.*

Commissioner Woydziak inquired about the elevation of a railroad crossing in the Rose Hill area. Mr. Lutz stated he would get in contact with the railroad.

(00:49:56)

**ITEM #8 – CAPITAL ASSET INVENTORY REVIEW AND PROCEDURE CHANGE**

Ryan Adkison, Assistant County Administrator/ Finance Director, came before the Board to receive and file the 2022 Fixed Asset Report and delegate to the Finance Department all fixed asset review and reporting. The County previously cut off its annual fixed asset inventory process in March to better align it with the CIP and annual insurance renewal. The 2021 Audit noted that KSA 19-2687 states the County should, amongst other things, cut off the inventory process as of December 31<sup>st</sup> and have the Board review it. Additionally, the above statute authorizes the Board to delegate the fixed asset inventory and reporting duties. The 2022 Fixed Asset Inventory was presented to the Board for review. Additionally, Staff requested the Board delegate inventory and reporting duties to the Finance Department.

*Commissioner Woydziak motioned to receive and file the 2022 Fixed Asset Report and delegate to the Finance Department all fixed asset inventory review and reporting duties. Commissioner Masterson seconded. Motion carried 5-0.*

(00:54:03)

#### **VOUCHERS**

*Commissioner Woydziak motioned to approve vouchers dated April 25, 2023, in the amount of \$494,508.80. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:54:25)

#### **ADDS AND ABATES**

*Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$7,656.36. Commissioner Jackson seconded the motion. Motion carried 5-0.*

(00:54:45)

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

Commissioner Murphy received the formal resignation of Kelly Taylor as Bloomington Township Trustee. Commissioner Murphy stated that Marc Cain would be willing to be appointed as the trustee for Bloomington Township.

*Commissioner Murphy motioned to approve the appointment of Marc Cain as the Bloomington Township Trustee. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Administrator Johnson was contacted by a rural Home Owners Association (HOA) with a request for a clean-up day with reduced landfill rates. Administrator Johnson asked the Board to consider the request and will continue the conversation during next week's meeting.

Administrator Johnson discussed concerns for a mutual aid agreement for when citizens assist local rural fire districts with fires.

Commissioner Jackson and Commissioner Woydziak will be attending the Kansas County Commissioner Association (KCCA) this week.

Administrator Johnson, Commission Chair Herzet, Elbing and Whitewater Mayors, Fairmont Township Trustee, and Milton Township trustee will be attending a meeting on May 2<sup>nd</sup> to discuss fees for the use of City of Newton EMS services.

Administrator Johnson stated the Health Insurance Committee is meeting on Thursday May 4<sup>th</sup>.

Administrator Johnson informed the Board that Ed Meyers was in contact with him and wants to present a PowerPoint to the Board about solar farms.

Administrator Johnson will be out of the office Wednesday and Thursday.

Administrator Johnson stated he thought last night's joint meeting with the Planning and Zoning Commission went well; the Board agreed.

(01:21:44)

**ADJOURNMENT**

*Commissioner Jackson motioned to adjourn the meeting of the Board at 10:21 a.m.*

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