

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 23, 2023

(00:00:54)

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, Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier

(00:00:57)

INVOCATION

Allen Potter presented the invocation.

(00:02:05)

APPROVAL OF MINUTES

Commissioner Jackson requested an amendment on page four, Other Items of business, the Mercantile is in Leon, Kansas.

Commissioner Murphy motioned to approve the minutes from the May 15, 2023, Butler County Commission and the Butler County Planning and Zoning joint meeting as presented and the minutes from the May 16, 2023, Butler County Commission meeting as amended. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:02:56)

PUBLIC COMMENTS

Jessica Keck, Evergy, came before the Board to present the annual update for the lay down yard located at K196 and NW 30th. Evergy anticipates having the property cleaned up and back to its original state by the end of the first quarter of 2024.

Bobbie Jaax, 3497 NW HWY 196, came before the Board to inquire if the property owner of the laydown yard would have to reapply for new permits if they intended to use the property for any other use besides personal; Administrator Johnson stated new permits would have to be issued.

(00:06:09)

ITEM #1 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RESIDENTIAL ESTATES (RE) ON PROPERTY LOCATED AT 1504 SW OHIO ST, AUGUSTA, KANSAS, AS SUBMITTED BY ANTHONY HUGHES

David Alfaro, Community Development Director, came before the Board for approval of a request for a change in zoning from AG-40 to RE. Anthony Hughes owns a tract of land that contains 39+/- acres located at 1504 SW Ohio St, Augusta, Kansas. Mr. Hughes has requested to rezone the 19+/- acres from AG-40 to RE, which will allow the property to potentially be split into two tracts and for construction of new single-family dwellings on the newly created tracts. The property is located within the Urban Growth Area of the County and is surrounded by both AG-40 and RR zoned properties. If approved the requested change would not be considered

detrimental to the area. State Statute required all property owners located within a 1,000' radius of the site be notified of the request. Staff did hear from the adjoining landowner from the North and after explaining Mr. Hughes, proposal, the adjoining landowner did not have any concerns. The Planning Commission approved the request by a vote of 4-0 and Staff supports the recommendation for approval.

Commissioner Masterson motioned to approve the request for a Change in Zoning from AG-40 to RE and direct the Chairman to sign Resolution No. 23-16. Commissioner Murphy seconded. Motion carried 5-0.

(00:08:34)

ITEM #2 – REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR THE OPERATION OF A STORAGE FACILITY ON PROPERTY LOCATED AT 2919 E US HIGHWAY 54/400 ANDOVER, KANSAS, AS SUBMITTED BY JEFF JOHNSON

David Alfaro, Community Development Director, came before the Board for approval of a request for a CUP for a storage facility. Jeff Johnson owns a tract of land that contains 12+/- acres of land located at 2919 US Highway 54, Andover, Kansas. Mr. Johnson purchased the property with hopes of constructing storage buildings. The property was covered with trees for years, but Mr. Johnson has recently removed them with the hope that the storage buildings could be built. The property is currently zoned AG-40 and was noted that it is/was covered in trees. With the property being located in an area that has numerous businesses and a couple of properties zoned commercial, the approval of the CUP for the construction of storage buildings would not be considered detrimental to the area. It was noted that Mr. Johnson is cognizant of the fact that the highway is set for expansion in the future and will construct the structures on the property in an area that will not be widened with the future expansion. State Statute required all landowners within a 1,000' radius of the property be notified of the request; Staff did visit with an adjoining landowner who was good with the proposed construction of the storage facility. The Planning Commission approved the request by a vote of 4-0 and Staff supports the recommendation as well.

Jeff Johnson was present for questions.

Commissioner Jackson motioned to approve the request for a Conditional Use Permit on property located at 2919 E US Highway 54 and direct the Chairman to sign Resolution No. 23-17. Commissioner Woydziak seconded. Motion carried 5-0.

(00:11:54)

ITEM #3 – NATIONAL EMS WEEK PROCLAMATION

Frank Williams, Emergency Medical Services (EMS) Director, came before the Board for approval of the National EMS Week Proclamation. The American College of Emergency Physicians (ACEP) was instrumental in establishing EMS Week when President Gerald Ford declared November 3 – 10, 1974, as the first “National Emergency Medical Services Week.” This annual observance of the important role EMS provides the public continued for four more years and was reinstated by the ACEP in 1982. To ensure that EMS was recognized as a separate, but equally important, public safety service the date was changed to the third week in May. Each year, this week is focused on educating the public on EMS, injury and illness

prevention, and recognition of all Butler County pre-hospital professionals. In addition to all the EMS team members listed in the proclamation, EMS would not be able to accomplish answering the calls for EMS help without the support of the citizen taxpayers and the Butler County Commissioners. Mr. Williams thanked everyone for entrusting EMS with this important public safety service.

A few of Butler County EMS crewmembers were present for the reading of the Proclamation.

Mr. Williams read the Proclamation.

The Board thanked EMS for all they do for the County.

Mr. Williams provided an update of the Augusta station remodel.

Commissioner Jackson motioned to approve the proclamation designating May 21st through May 27th as Emergency Medical Services week and allow the Chair to sign the proclamation. Commissioner Woydziak seconded. Motion carried 5-0.

Mr. Williams will meet with the City of Andover to discuss an interlocal agreement between the city and EMS.

Mr. Williams indicated the Department has two job openings and will be contacting applicants for interviews.

(00:25:31)

ITEM #4 – ROAD VACATION ORDER-NE 140TH ST AT THE BNSF CROSSING IN SYCAMORE TOWNSHIP

Darryl Lutz, Public Works Director, came before the Board to receive a Report of Viewers and approval of the petition to vacate road right-of-way for NE 140th St at the BNSF railroad crossing on the east side of K-177. The County received a petition from Ashley Poston requesting the vacation of road right-of-way for NE 140th 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 140th St is only half a mile long east of K-177 to NE Stoney Creek Rd. The property owners along this segment of road 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. On April 25, 2023, the Board accepted the petition, appointed Commissioners Darren Jackson, Kelly Herzet and Marc Murphy as road viewers and set the date of Tuesday, May 23, 2023, at 8:00 a.m. for the viewers to meet at the road location to hold the viewing. The viewers recommended to vacate the road and included justification for the recommendation.

Commissioner Murphy motioned to approve the petition requesting the vacation of a portion of NE 140th St at the BNSF railroad crossing on the east side of K-177 and to find in favor of

the Report of Viewers and road right-of-way be hereby ordered vacated and to authorize the Chair to sign the order. Commission Chair Herzet seconded. Motion carried 5-0.

(00:35:20)

ITEM #5 – FRACTURE CRITICAL BRIDGE INSPECTIONS - REQUEST FOR ENGINEERING

Darryl Lutz, Public Works Director, came before the Board for approval of an agreement for engineering services for mandatory fracture critical bridge inspection work. Butler County maintains over 430 bridge sized structures throughout the County which is in addition to over 2,000 culvert sized structures. Public agencies are required to inspect all bridges every two years and to conduct special inspections for bridges that are considered fracture critical. On May 9, 2023, the Board authorized Public Works to work with Finney & Turnipseed to develop a scope and fee proposal for this work. Butler County received an agreement from Finney & Turnipseed Transportation and Civil Engineering, LLC to provide engineering services for fracture critical bridge inspection work on 11 bridges for Butler County. The proposed scope is as requested by Butler County and includes required inspection and documentation outlined by KDOT. The proposed fee is \$17,800, which is below the expected cost. Finney & Turnipseed has performed this work for several years and has consistently provided the services at a low overall cost. Finney & Turnipseed provides quality services and is a low overhead firm with working principals. Staff recommends approval of the agreement.

Commissioner Masterson motioned to approve an agreement with with Finney & Turnipseed Transportation and Civil Engineering, LLC, Topeka, Kansas for a lump sum fee of \$17,800 to provide mandatory fracture critical bridge inspection work for Butler County and to authorize the Chair to sign. Commissioner Murphy seconded. Motion carried 5-0.

(00:40:38)

ITEM #6 – PIPELINE AGREEMENT – SW BUTLER RD PROJECT FROM K-254 TO PARALLEL

Darryl Lutz, Public Works Director, came before the Board for approval of an agreement with Phillips 66 related to the SW Butler Rd Improvement Project from K-254 north to Parallel. The SW Butler Rd Improvement Project from K-254 to Parallel is a federal aid project funded through KDOT. The final project plans were completed in the Spring of 2022 and the project is currently under construction. County staff has coordinated and completed all the utility relocation work for phone, electric, water, fiber and natural gas transportation. The County recently approved an agreement with KPC to lower a natural gas pipeline. The County has been coordinating with Phillips 66 to replace an anode bed used by them and by KPC to provide corrosion protection for their pipelines. Phillips 66 owns the cathodic protection system and has been waiting for KPC to finalize an agreement prior to moving the grounding bed. In addition to relocating the anode bed, Phillips 66 decided to make some modifications to the current pipeline crossing. Phillips 66 was planning to simply modify the vent pipe on the existing casing but reconsidered the options and has now decided to remove the casing in lieu of extending the casing. Phillips 66 is requesting the County to pay for 80% of the cost to reconstruct the anode bed for the pipeline corrosion protection system and to pay the full cost of removal of the pipeline casing at the existing road crossing. The proposed casing removal is a lower cost option

provided to Butler County in lieu of Butler County paying to extend the existing pipeline casing to the new right-of-way line. The casing removal work will be coordinated with the KPC; pipeline relocation work and the anode bed relocation will occur later. Staff recommends that the cost of the proposed work be approved.

Commissioner Masterson motioned to approve the utility agreement with Phillips 66 for Project No. 8C-4935-01, the SW Butler Rd Improvement Project from K-254 to Parallel, with an estimated upper limit of cost to Butler County of \$75,531 and to authorize the Chairman to sign the agreement. Commissioner Murphy seconded. Motion carried 5-0.

(00:53:18)

ITEM #7 – STATE REHABILITATION TAX CREDIT PROGRAM

Ryan Adkison, Assistant Administrator/Finance Director, came before the Board to receive and open bids on tax credits Butler County received as part of the State Rehabilitation Tax Credit Program. On April 26, 2002, the Butler County Courthouse was placed on the National Register of Historic Places. This designation qualifies work done on the Butler County Courthouse for the Kansas State Tax Credit, which is equal to 30% of qualifying expenses incurred during a qualified project on a qualified building. The Board approved Facilities Management to solicit bids to update the Butler County Courthouse plumbing on January 26, 2021 and approved the application for the State Historic Rehabilitation Tax Credit on March 30, 2021. The last step in this process will be to sell the \$72,400 in tax credits. The bids are as follows:

Financial Institution	Rate	Amount
Fallbrook Financial	0.9027	\$65,355.48
Union State Bank		\$65,160.00
First National Bank		\$61,550.00

Commissioner Masterson motioned to approve the bids received and opened for the tax credits Butler County received as part of the State Rehabilitation Tax Credit Program and to direct the Finance Department to review the prices quoted, then return at a later time with a sales/transfer agreement for the Commission Chair’s signature. Commission Chair Herzet seconded. Motion carried 5-0.

(00:58:39)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers dated May 23, 2023, in the amount of \$503,434.08. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:58:54)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$434.86 and Abates in the amount of \$4,489.90. Commission Chair Herzet seconded the motion. Motion carried 5-0.

(00:59:14)

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

Administrator Johnson informed the Board a sheriff patrol car with a new mobile data unit is outside for the Board to view after the meeting.

Administrator Johnson and Mr. Adkison will meet with the Insurance broker this afternoon and should have recommendations for next week's Commission meeting on Property, Causality and Work Compensation Insurance for next year.

Administrator Johnson reminded the Board that on May 24th at 12:40 p.m. Bluestem High School is recognizing two teachers with Life Saving Awards for their involvement in a critical health issue of a coworker.

Administrator Johnson stated the Emergency Management volunteer dinner is Thursday night at The Point in Augusta, Kansas.

On Tuesday, May 30th, 2023, the Health Insurance Committee is to have a lunch meeting.

Administrator Johnson stated USI informed him the insurance claim rates for the County are trending lower than previous years.

Administrator Johnson asked Commissioner Jackson if the Mercantile in Leon was available for the June Quad County meeting; Commissioner Jackson stated that it would not be. The Board discussed other options and suggested the Oil Museum. Administrator Johnson will reach out to see about its availability on June 19th or June 26th.

(01:06:25)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:06 a.m.

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