

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 24, 2022

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 Mike Wheeler, Commissioner Marc Murphy, Commissioner Jeff Masterson, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Jennifer Currier.

Due to an error the audio recording does not commence until the meeting reconvenes after recess.

INVOCATION

Pastor David Griffis, Heaven Sent Ministries, presented the invocation.

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes as presented from the May 17, 2022, Butler County Commission meeting. Commissioner Masterson seconded the motion. Motion carried 5-0.

PUBLIC COMMENTS

There were no public comments.

ITEM #1- REQUEST FOR A CONDITIONAL USE PERMIT (CUP) FOR A LAYDOWN YARD, AS REQUESTED BY WAYNE COOK TRUST AND EVERGY, ON PROPERTY LOCATED AT THE SW CORNER OF NW 30TH ST AND NW HWY 196

David Alfaro, Community Development Director, came before the Board for approval of a request for a laydown yard on property located at the SW Corner of NW 30th St and Hwy 196. Wayne Cook Trust owns the tract of land that contains 271 acres. Currently 6.75 acres of the property is being used by Evergy as a laydown yard for storage of poles and steel due to its proximity to Evergy's transmission project, which will strengthen Evergy's electric transmission system and accommodate future load growth in the region. The dimensions of the site are approximately 500'x520' and is currently zoned AG-40. The site was previously used by APAC as a temporary asphalt plant when Kansas Department of Transportation (KDOT) was resurfacing Hwy 196. Evergy began discussion with Mr. Cook of the Wayne Cook Trust, under the assumption that a CUP was still in place in 2021, and a lease agreement was agreed upon. The project was originally scheduled for completion by 2023 but was stalled and it is anticipated that the laydown yard could be in place until 2028. The site, though located in a rural area, is adjacent to two paved roads and will not create a dust hazard for homes in the area. The office of Community Development and the County Engineer have looked at the access point to the site and staff feels it is far west enough of the corner that it will not create a hazard and supports the request. Since this is a request for a CUP staff is requesting the following conditions be placed on the project:

- a) The signing of a Road Maintenance Agreement between Butler County & Evergy to address any necessary road repairs associated with the use of SW 30th St after the project is complete.

- b) The area will be policed on a weekly basis for trash & debris to ensure the materials do not blow into adjacent properties.
- c) Remove security lights or have them shine in a downward motion so they do not impact the neighbors.
- d) The property will have all materials removed from the site and the area will be over-seeded ensuring a healthy stand of grass will return to the area.
- e) Evergy will return on an annual basis prior to June 1st to update the Commission on the status of the project and request an additional year until such time as the project is complete or at the end of 2028. Neighbors within 1000' will be notified 30 days in advance of the meeting by the County.

State Statute required all landowners within a 1,000' radius of the site be notified and several neighbors expressed concerns. A signed petition was presented to Staff which will require a Super-Majority of the County Commission to approve or deny the recommendation of the Planning Commission. The Planning Commission approved the request by a vote of 4-2 and Staff recommends approval as well.

The following neighbors came before the Board stating concerns about trash clean up, lighting, and the amount of traffic in the area since the laydown yard began:

Bobbie and Allen Jaax, 3497 NW Hwy 196, El Dorado, Kansas 67042
 Sandy Taylor, 6579 NW 30th, Towanda, Kansas 67144
 Katherine Donavon, 5952 NW 20th, El Dorado, Kansas 67042
 Larry Patton 5695 NW 50th, El Dorado, Kansas 67042
 James Hargrove, Attorney, 115 W Pine Ave, El Dorado, Kansas 67042

Jessica Keck, Energy's Permitting and Compliance Analyst, and Richard Good, Project Manager, came before the Board for questions. Mr. Good stated the blue lights have been turned off, and the regular security lights will be on a motion sensor and have an on/off switch. Ms. Keck and Mr. Good also stated the area will be policed on a weekly basis for trash and debris.

Commissioner Woydziak motioned to approve the request for a Conditional Use Permit allowing for a laydown yard on the site and direct the Chair to sign Resolution No. 22-20. Commissioner Masterson seconded the motion. Motion carried 4-1. Commissioner Wheeler was opposed.

ITEM #2 – REQUEST FOR A SPECIAL USE PERMIT AS SUBMITTED BY BUTLER COUNTY PUBLIC WORKS AND EVERGY FOR A LAYDOWN YARD

David Alfaro, Community Development Director, came before the Board for approval of a request for a special use permit for a laydown yard on public right-of-way at the intersection of SW Butler Rd and SW Parallel St. Butler County is in the process of doing a re-alignment of SW Butler Rd near the intersection of SW Parallel St. Along with the road re-alignment, utilities in the area are being required to be moved as well. With Evergy being the electric utility provider there are poles and electric lines that need to be relocated as part of the project. Butler County Public Works is working with Evergy and requested approval of a special use permit allowing

Everygy to use the public right-of-way for the temporary storage of trucks, trailers, conex boxes and other items too large to be stored in the boxes. The time frame for the use of the property is June 1, 2022 through October 31, 2022. The use of the right-of-way will not require the County to get an agreement with neighboring landowners or pay a rental fee and no additional documents are needed to secure the use for the five month time frame since the County is the owner.

Darryl Lutz, Director of Public Works, was present for questions.

Commissioner Woydziak motioned to approve the request for a Special Use Permit submitted by Butler County Public Works and Everygy for the use of public right-of-way at the intersection of SW Butler Rd and SW Parallel S. from June 1, 2022 through October 31, 2022. Commission Chair Herzet seconded the motion. Motion carried 5-0.

ITEM #3 - CHANGE IN ZONING FROM AG-40 TO RR ON PROPERTY LOCATED AT 0 SW 50TH ST TOWANDA, KANSAS

David Alfaro, Community Development Director, came before the Board for approval of a change in zoning from AG-40 to RR. Huey Prohn owns a tract of land that contains 50+/- acres located at 0 SW 50th St, Towanda, Kansas and has requested to rezone 10+/- acres of the 50+/- which will allow him to split out the 10+/- acres for the construction of a single family residence. The property is located in an area that contains both AG-40 and RR and also located adjacent to the City of Augusta, extra territorial jurisdiction (ETJ). The change in zoning would not be considered detrimental to the area. State Statute required all landowners located within a 1,000' radius of the site be notified; one individual questioned the change in zoning but was good with the request once he understood what Mr. Prohn planned to do. The Planning Commission approved the request by a vote of 6-0 and staff also recommends approval.

Commission Chair Herzet motioned to approve the request for a change in zoning from AG-40 to RR as submitted by Huey Prohn and direct the Chair to sign Resolution No. 22-21. Commissioner Murphy seconded the motion. Motion carried 5-0.

ITEM #4 – REQUEST FOR A CHANGE IN ZONING ON PROPERTY LOCATED AT 11180 SW HOPKINS SWITCH RD (SPRING TOWNSHIP) FROM AG-40 TO RE

David Alfaro, Community Development Director, came before the Board for approval of a request for change in zoning from AG-40 to RE. Julie Brandt owns a tract of land that contains 73+/- acres located at 11180 SW Hopkins Switch Rd, Augusta, Kansas. Ms. Brandt requested the change to allow for splitting out a small parcel if the need arises in the future. The possible split would include an existing residence and a small parcel of land. The property currently contains two single family residences and is surrounded by both AG-40 and RR zoned properties. The proposed change in zoning would not be detrimental to the area as a small rural subdivision is adjacent to the property just to the south. State Statute required all landowners within a 1,000' radius be notified. An individual representing several neighbors to the south expressed concern about a possible entrance through their subdivision; Ms. Brandt stated the area for the split has its own access point. The Planning Commission approved the request 6-0 and staff recommended approval as well.

Commissioner Woydziak motioned to approve the request for a Change in Zoning from AG-40 to RE on property located at 11180 SW Hopkins Switch Rd and direct the Chairman to sign Resolution No. 22-22. Commissioner Murphy seconded the motion. Motion carried 5-0.

RECESS

Commission Chair Herzet recessed the meeting at 10:05 a.m. for five minutes.

(00:00:05) Audio starts

RECONVENE

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

(00:00:07)

ITEM #5 - HEALTH & EXTENSION OFFICE - CAMERA PROJECT - 2022

Broderick Bean, Butler County Health Department, came before the Board for approval to upgrade the analog cameras to a digital IP based video system. The following estimate was provided upon the previous discussions via onsite visit(s), prior knowledge of the facility, and email communications regarding the goals set forth for the Health and Extension Office IP Video System by 4PC Technologies. Those general goals and tasks are as follows:

- Install a Honeywell XE recorder and shelf in the health office.
- Run Cat6 wire to the five camera locations and an uplink for the NVR.
- Replace all five cameras with new AXIS IP cameras.
- Program cameras and orient in corridor format when needed.

The attached cost estimate reflects the goals set forth by the County and 4PC. The core components of this system are designed around leading manufacturers Honeywell and Axis Communications. The following is an itemized estimate of what it will take to meet the goals set by both the County and 4PC. All major system hardware components are provided to the County at the discounted rate of 45% over actual cost.

Itemized Estimate

Item	Description	Qty	Rate	Total
	Butler County Health & Extension Office - Camera Update Project 2022			
	HARDWARE:			
HNMXE16D20T	MAXPRO NVR XE REV D.16CH_20TB	1.00	7,656.00	7,656.00T
Z4-02113001	Axis, m4216-LV, 4mp, Varifocal Dome Camera	4.00	533.585	2,134.34T
X000FHNK3N	NavePoint, 2U Cantilever Server Shelf Rack Mount	1.00	52.19	52.19T
	19 Inch 2 Piece Set Center Weighted Vented			
2G-BR1500MS	APC 1500VA Stand Alone Backup Battery	1.00	421.94	421.94T
	LABOR / MATERIALS / ETC:			
Trip Charge (Zone 1)	This is a trip charge in Zone #1(Per Vehicle Dispatched) (Sedgwick/ Butler/Finney County Area)	3.00	45.00	135.00T
On-Site Technician (LEVEL 2)	On-Site Technician (LEVEL 2) Labor Rate for all Installation, Service, Programming, Setup, Training, Etc.	16.00	75.00375	1,200.06T
On-Site Technician (LEVEL 3)	On-Site Technician (LEVEL 3) Labor Rate for all Installation, Service, Programming, Setup, Training, Etc.	16.00	84.99563	1,359.93T
Shipping & Handling (Ground)	Standard Ground Shipping Charges	1.00	272.57	272.57T
Installation Supplies/ Material	Installation Supplies & Materials Necessary To Complete Project/Task as Specified	1.00	301.43	301.43T
WG-53931006	Genesis, CAT 6A, Plenum, 1000' Spool	0.50	826.50	413.25T
	PROJECT NOTES:			
	1) This project is for the upgrade / replacement of the preexisting system at the BUCOKS Health & Extension Office.			
	2) This project is scheduled to take two (2) technicians, a total of two (2) days to complete.			
	3) 4PC is to work in a timely and safe manner to accomplish the goals set forth by BUCOKS.			
	4) 4PC will link the new Honeywell system to the county's larger overall Honeywell system.			
	Sales Tax		0.00%	0.00
God bless and thank you for being a valued client of 4PC!		Total		\$13,946.71

Administrator Johnson and the Board discussed adding more cameras on the outside of the building at a later date.

Commissioner Masterson motioned to approve the renovation of the analog cameras to digital IP based video system from 4PC Technologies not to exceed \$13,946.71 and to authorize staff to sign the purchase documents. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:06:10)

ITEM #6 - COMMUNITY CORRECTIONS/OFFICE OF JUDICIAL ADMINISTRATION (OJA) PAY PLAN PROPOSAL

Will Johnson, County Administrator, and Monty Herbert, Community Corrections Director, came before the Board for approval of a pay plan program for Community Corrections/ OJA to match the State pay plan for Court Services Officers (CSO) as approved and funded by the Legislature retroactive to March 1, 2022. Staff is recommending adoption of the OJA pay plan for non-exempt Butler County Community Corrections employees. Kansas Department of Corrections (KDOC) funds will only be used to enhance designated KDOC funded positions within the department. OJA pay plan functions with a step increase, which includes a total of five steps over eight years. They are as follows:

- Step A - Starting pay rate
- Step B - 6 months
- Step C - 6 months
- Step D - 3 years
- Step E - 4 years

No further pay increase will occur after step E unless KDOC provides additional funding to match any adjustments in the OJA pay plan. Employee evaluations will continue as scheduled, but will not have a merit increase attached to the evaluation. Enhancement will assist with retention and provide a morale boost to the current staff as compensation will be commensurate to peers. Action will also assist in attracting future qualified candidates for open positions. All current eligible employees will have their pay adjusted to match their appropriate placement on the OJA pay plan according to current years of service. Employees that have not reached step E will receive the appropriate step adjustment when eligible according to the pay plan. All department staff have been counseled on the potential change and are in favor of adopting the OJA pay plan for non-exempt Butler County Community Corrections employees. The Director, Deputy Director and Electronic Monitoring Program (EMP) personnel will continue on the Butler County Pay Plan. All employees moving to the plan will not be eligible for pay incentives or adjustments to County employees on the current pay plan. Should funding be reduced by the Legislature, the Department will need to adjust current salaries back or reduce full time employee's (FTE's) to compensate for the loss in revenue. Staff recommended all non-exempt KDOC funded Community Corrections positions be withdrawn from the Butler County Pay Plan and adopt the OJA pay plan for these positions. There will be no impact to the Butler County Budget as all new funding is allocated by KDOC. Funding for the program was included by the

Legislature in the amount of \$38,000 in FY22 for Butler County, and \$154,524.18 in State Fiscal Year 2023.

Commissioner Masterson inquired if staff was for this change; Mr. Herbert stated they are all for the change.

Commissioner Woydziak motioned to approve the adoption of a pay plan program for Community Corrections/OJA to match the State Pay plan for Court Services Officers (CSO) as approved and funded by the Legislature retroactive to April 1, 2022. Commission Chair Herzet seconded the motion. Motion carried 5-0.

(00:12:12)

ITEM #7 - ADOPTION OF BUTLER COUNTY COMPENSATION STUDY RECOMMENDATIONS

Will Johnson, County Administrator, and Ryan Adkison, Assistant County Administrator/ Finance Director, came before the Board for approval of the recommendations from staff for implementation of the Butler County Compensations Study. The Study recommended modification of the pay plan by a minimum of 5% for all positions within the County and additional 10% to 15% for some other positions, specifically those in Public Safety. Staff is looking at other options that could be implemented besides pay adjustments to help with the recruitment and retention of employees and will bring those back to the board at a later date. It was recommended the adoption of the proposed new pay plan be implemented on January 1, 2023, with the exception of the Detention Facility and Emergency Medical Services (EMS) both of which are currently experiencing high turnover rates above other departments and struggling to recruit individuals. Staff recommended implementing the pay plan adjustments for those two agencies on July 1, 2022. The 2022 budget impact will be approximately \$360,000; the Detention (\$210,000) and EMS (\$150,000). The funds will need to be transferred from reserve at year-end to cover any shortfalls. The 2023 budget impact will be \$1.3 million.

Administrator Johnson will present the County employee survey results to the Board at next week's meeting.

The Board and Administrator Johnson discussed Simple Pay and Vitality; which were concerns listed by employees in the survey.

EMS and Detention staffing is still low. EMS does have six referrals getting ready to be interviewed.

Commission Chair Herzet motioned to approve the implementation of staff recommendations for the proposed pay plan modifications effective January 1, 2023 with modifications to the Detention Facility and EMS pay effective July 1, 2022. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:32:49)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated May 24, 2022 in the amount of \$421,825.93. Commission Chair Herzet seconded the motion. Motion carried 5-0.

(00:33:10)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$885.04. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:33:28)

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

Commissioner Woydziak will not be in attendance at next week's meeting.

Administrator Johnson informed the Board the Quad County Meeting will be at the new EOC building in Augusta, Kansas on June 27, 2022 at 11:45 a.m. Commissioner Wheeler will not be able to attend.

Administrator Johnson and David Alfaro, Community Development Director, discussed with the Board about concerns with a shooting range. Mr. Alfaro and Commission Chair Herzet recommended the land owner come in and have a discussion with the Board regarding the concerns.

Commissioner Wheeler will not be present for the June 21, 2022 and June 28, 2022 meetings.

Administrator Johnson discussed a note he received from Dawn Rouse, District Court Administrator, thanking Facilities Management for all the work they have done at the Judicial Building. Commissioner Woydziak commented on how well the grounds are looking around the Historic Courthouse.

(00:48:12)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:43 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.