

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, May 25, 2021**

**CALL TO ORDER**

Commission Chair Jeff Masterson called the Butler County Board of Commissioners meeting to order at 9:00 a.m. Present were Commissioner Marc Murphy, Commissioner Dan Woydziak, Commissioner Kelly Herzet, Commissioner Mike Wheeler, County Administrator Will Johnson, and Clerk Recorder Koleen Laney.

(00:00:06)

**INVOCATION**

Ryan Adkison presented the invocation.

(00:01:08)

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes from the May 18, 2021, Butler County Commission meeting as written. Commissioner Herzet seconded the motion. Motion carried 4-1-0. Commissioner Marc Murphy abstained as he was not present at last weeks' meeting.*

(00:01:42)

**PUBLIC COMMENTS**

There were no public comments.

(00:01:56)

**ITEM #1-Request for Change in Zoning from AG-80 to Residential Estates by Zach Fleming on property located on SW Haverhill Rd. between SW 130th & SW 140th**

David Alfaro, Director of Planning and Zoning, came before the Board for approval of a request to Change Zoning from AG-80 to Residential Estates by Zach Fleming on property located on SW Haverhill Rd. between SW 130th & SW 140th. Zach Fleming owns a tract of land that contains 437+/- acres located on the east side of SW Haverhill Rd. between SW 130th & SW 140th. The applicant is requesting to rezone an eighty (80) acre parcel, which would allow him to potentially split the eighty (80) acres. It is not the intent of the applicant to split the property into small tracts requiring a plat to be submitted for approval.

Several residents that live on neighboring properties were present and spoke opposing the split. Mr. Kelly Taylor, 1601 SW 140<sup>th</sup>, Leon, KS, came before the Board to present a petition that was signed by neighboring residents to the property. Mr. Taylor expressed concerns that the property being broken down into smaller plots would bring more people into the area, which residents wish to remain a more agricultural area.

Mr. David Powell, 177 SW 137<sup>th</sup>, Leon, KS, also spoke of his concern for changing Ag properties in his area, and also wishes the property in question to remain as agricultural-use.

Mrs. Peggy Powell, 177 SW 137<sup>th</sup>, Leon, KS, stated that she has concerns regarding the rural water that is provided for the area in question, She has asked the rural water district about how

many additional meters could be added, it was their thought that two (2) maybe three (3) could be added. Ms. Powell noted that the water pressure is already not as good as it once was.

Property owner Zach Fleming spoke to the Board, stating he did not think that the rezoning of the property would have so much opposition.

***Commissioner Murphy motioned to approve the request for a change in zoning from AG-80 to RE and directed the Chairman to sign Resolution No. 21-10. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Herzet was opposed.***

(00:33:08)

**ITEM #2- Request for a change in zoning from AG-40 to Rural Residential on property located at 13510 SW 220th St. Douglass, KS as submitted by Rod Biggs**

David Alfaro, Director of Planning and Zoning, came before the Board for approval to change zoning from AG-40 to RR as submitted by Rod Biggs on property located at 13510 SW 220<sup>th</sup> St., Douglass, KS. Rod Biggs owns a tract of land that contains 66+/- acres located at 13510 SW 220th St. Douglass. The applicant is requesting to rezone the 66+/- acres which would allow him to potentially develop the property into a small subdivision. There was much discussion at the Planning Commission meeting concerning the road access since both SW Meadowlark and SW 220th Streets are unpaved Township Roads. The potential increase in traffic could create excessive wear and tear on the road system if a large number of lots were platted on the property.

Property owner Rod Biggs, 13889 SW 214<sup>th</sup>, Douglass, KS came before the Board stating his concern for the rezoning of the property. Mr. Biggs explained there is a barndominium located on the front of the property and without the rezoning he could not do anything with the property as far as building on it without tearing the current structure down or converting it back into a barn. It is his wishes to break the property down into nine (9) acre tracts, once the property is platted Mr. Biggs plans on building roads and selling the plots.

***Commissioner Woydziak motioned to approve the request for a change in zoning from AG-40 to RR and directed the Chairman to sign Resolution No. 21-13. Commission Chair Masterson seconded the motion. Motion carried 4-1. Commissioner Murphy was opposed.***

(01:04:17)

**ITEM #3 – Request for a 7+/- Acre Lot Split with APO on property zoned AG-80 and located at 10200 SE 70th St. Leon, KS, as submitted by Dianna Harder**

David Alfaro, Director of Planning and Zoning, came before the Board for approval for a 7+/- acre Lot Split with the placement of a 70+/- acre APO on property commonly known as 10200 SE 70th St. Leon as submitted by Dianna Harder. Mrs. Harder owns a tract of land containing 77+/- acres zoned AG-80. The property is primarily used for farming activities and Staff felt the request met the criteria for such a split. Staff had some discussion with the applicant after the meeting expressing her desires to split the property into three (3) 20 acre tracts, minus any added ponds or roads, or at the most five (5), ten (10)-acre tracts if the zoning change were to be approved. Either split would still require a Preliminary and Final Plat and, based upon discussion, the possibility of anything more than that being approved would be highly unlikely.

***Commission Wheeler motioned to approve the request for a 7+/- acre Homestead Lot Split with the placement of a 70+/- acre APO on the remaining property as submitted by Dianna Harder and directed the Chairman to sign the APO agreement. Commissioner Murphy seconded the motion. Motion carried 5-0.***

(01:06:30)

**ITEM #4 – Request for a change in zoning from AG-40 to Rural Residential on property located at 6056 SW 10th St. El Dorado, KS, as submitted by Gloria Tucker**

David Alfaro, Director of Planning and Zoning, came before the Board for approval to change zoning from AG-40 to RR as submitted by Gloria Tucker on property located at 6056 SW 10th St., El Dorado, KS from AG-40 to RR. The applicant would like to potentially split the property into two (2) tracts. This property is located just west of several properties zoned RR and is also adjacent to Highway 254.

***Commissioner Woydziak motioned to approve the request for a change in zoning from AG-40 to RR and directed the Chairman to sign Resolution No. 21-11. Commissioner Herzet seconded the motion. Motion carried 5-0.***

(01:08:46)

**ITEM #5- Request for a Conditional Use Permit for an Event Venue on property located at 12450 SW Haverhill Rd. on property owned by Roger & Lisa Beal.**

David Alfaro, Director of Planning and Zoning, came before the Board for a Conditional Use Permit (CUP) for an Event Venue, submitter by Roger and Lisa Beal owners of the property located at 12450 SW Haverhill Rd., Augusta, KS. This property contains 47+/- acres and is zoned AG-80. Currently the property is used for farm and homestead related activities. The Venue would provide a unique opportunity to either utilize the barn for activities or enjoy nature by having their events outside and among trees. The barn would be required to be improved to meet Commercial Building Codes and would be inspected by Butler County. Access to the site is off SW Haverhill Rd., which is a paved County arterial road and all parking would take place onsite. Recently the bridge south of the property was improved, reducing the congestion caused by the small deck and allows for a better flow of traffic and increased safety.

Shannon Hettenbach, 1001 SW 140th, Leon, KS came before the Board stating that she is not in opposing to the CUP; however is looking for consistent and uniform processes for enforcing regulations on the type of property seeking the CUP.

Property owner Lisa Beal came before the Board requesting an amendment to the conditional use permit. The permit was originally pulled with the operation of hours being Friday through Sunday between the hours of 10 a.m. and 11 p.m..The hours of operation were changed to Monday through Sunday from 10 a.m. to 11 p.m.

***Commissioner Woydziak motioned to approve the request for a Conditional Use Permit and amend the originally submitted hours from Friday through Sunday 10 am to 11 pm to Monday through Sunday 10 a.m. to 11 p.m. by Roger & Lisa Beal on property located at 12450 SW Haverhill Rd. and direct the Chairman to sign Resolution No. 21-12. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

(01:34:00)

**ITEM #6- Approval of a Final Plat for Oak Creek Addition as submitted by Jeremiah Coulson for property located at 11718 SW Tawakoni Rd., Augusta, KS**

David Alfaro, Director of Planning and Zoning, came before the Board for approval of the Final Plat of Oak Creek Addition, located at 11718 SW Tawakoni Rd., Augusta. Abraham, Jeremiah & Tabitha Coulson own a tract of land that contains 40+/- acres located at 11718 SW Tawakoni Rd. Augusta. The property is zoned Rural Residential. The Final Plat will contain three (3) tracts with all three (3)-tracts containing 13+/- acres with access off of SW Tawakoni Rd.

*Commissioner Herzet motioned to approve the request for a Final Plat for Oak Creek Addition and directed the Chairman to sign the Final Plat as required. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(01:39:23)

**ITEM #7- 2020 Butler County Financial Audit Review**

Ryan Adkison, Director of Finance, came before the Board for approval to receive Mike Lowry of Allen, Gibbs & Houlik L.C. (AGH). Mr. Lowry reviewed the 2020 Butler County Financial Audit.

*Commissioner Herzet motioned to approve to receive and file the 2020 Butler County Financial Audit. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(01:55:53)

**ITEM #8- Bid Opening for EOC Bi-Directional Amplifier Project**

Keri Korthals, Director of Butler County Emergency Management, came before the Board to receive and open bids for the purchase and installation of bi-directional amplifiers in the new Emergency Operations Center in Augusta. The bids were as follows:

Kay-Comm	3737 N Hillside Wichita, Ks 67219	11,850.87
Mobile Radio	156 S US Hwy 281, Great Bend, KS 67530	13,541.87

*Commission Chair Masterson motioned accept the bids received and opened by the Board of Commissioners for the purchase and installation of bi-directional amplifiers in the new Emergency Operations Center in Augusta and to authorize staff to review the bids and return with a recommendation for the Board regarding bid award. Commissioner Herzet seconded the motion. Motion carried 5-0.*

(01:59:09)

**ITEM #9- Western Office Parking Lot Improvements-Bid Opening**

Darryl Lutz, Director of Public Works, came before the Board for approval to receive and open sealed bids to expand and improve the parking lot for the Butler County Western Office located at the Augusta Municipal Airport. The bids are as follows:

Apex	3511 S West St, Wichita, Ks 67217	188,534.00
Pearson Construction	3450 N Rock Rd, Wichita, Ks 67226	178,976.10
Cornejo & Sons	2060 E Tulsa St, Wichita, Ks 67216	139,953.10

*Commissioner Woydziak motioned to approve to accept the bids received, opened and read for Parking Lot Improvements at the Western Butler County Motor Vehicle Office and to direct the Department of Public Works to tabulate and evaluate the bids submitted and to return at a later date with a recommendation for award of bid. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(02:06:00)

**ITEM #10- Open proposals for banking and purchasing cards services**

Ryan Adkison, Director of Finance, came before the Board to open and read the proposals presented for banking and purchasing card services. Following are the proposals received:

Central Bank of the Midwest	Overland Park, KS
US Bank	Minneapolis, MN
UMB	Kansas City, MO
Chase	Oklahoma City, OK
Commerce Bank	El Dorado, KS
Intrust Bank	Wichita, KS (locations in Butler County)
Equity Bank	Andover, KS

*Commissioner Woydziak motioned to approve to accept the proposals received and to direct staff to evaluate the proposals and return at a later date with a recommendation for action. Commissioner Herzet seconded the motion. Motion carried 5-0.*

(02:13:20)

**ITEM #11- Upgrade of MaxPro camera and security software and integration and upgrade of the Treasurers office with the system**

Lew Harter, Director of Computer Services, came before the Board for approval to upgrade the MaxPro software, licensing, and components, and the upgrade and integration of the Treasurer's Office with the overall Butler County system. This project would improve safety and security. and ensure that the required personnel are able to access the cameras when needed.

*Commissioner Herzet motioned to approve the upgrade of the MaxPro camera and security software and integration and upgrade of the Treasurers' office and to authorize staff to sign all purchase documents as needed. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(02:21:30)

**ITEM #12- 800 mHz Portable Radio Work session**

Frank Williams, Director of Emergency Communications “ E911” came before the Board to discuss the current replacement plan options for portable radio replacement.

*No action was taken.*

(02:50:57)

**ITEM #13- Butler County Health Benefit Broker/Consultant Business Agreement**

Will Johnson, Butler County Administrator, came before the Board for approval to renew a Business Agreement with USI Insurance, LLC for the Butler County Health Benefit Broker/Consultant services.

*Commissioner Wheeler motioned to approve the Business Agreement renewal with USI Insurance, LLC as the Broker/Consultant for the Butler County benefits program and to allow the Chairman to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

Keri Korthals, Director of Butler County Emergency Management, came before the Board after reviewing the bids for the EOC Bi-Directional Amplifier Project discussed earlier in the meeting, Staff decided upon the bid from Kay-Comm, 3737 N Hillside, Wichita, KS, in the amount of \$11,850.90.

*Commissioner Murphy motioned to approve the bid for Kay-Comm, 3737 N Hillside, Wichita, KS in the amount of \$11,850.90 . Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(02:52:44)

**VOUCHERS**

*Commissioner Woydziak motioned to approve vouchers dated May 25, 2021, in the amount of \$545,389.19. Commissioner Herzet seconded the motion. Motion carried 5-0.*

(02:53:11)

**ADDS & ABATES**

*Commissioner Woydziak motioned to approve Adds in the amount of \$504.20 and Abates in the amount of \$432.22. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(02:53:35)

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

Administrator Johnson stated earlier in the meeting that he and Darryl Lutz would be attending the Benton Township meeting tonight to discuss, the roadway surface on 50<sup>th</sup> St. and the Turnpike Bridge raising project.

Administrator Johnson announced the K254 Corridor Development Association meeting will be held Friday, June 4<sup>th</sup> , in Bel Aire if anyone would like to attend.

Administrator Johnson stated the Commissioners will be receiving a request for change in job descriptions for three positions in the Information Technology department.

Administrator Johnson stated he and Ryan Atkinson, Finance Officer had been discussing options on performance evaluations. Instead of each department doing evaluations in a particular month, evaluations could all be done in the same month so merit raises could be done at the same time, therefore reducing payroll and budgetary issues.

(03:00:36)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 12:01 p.m.*

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