

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 26, 2020

CALL TO ORDER

Commission Chairman Marc Murphy called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Ed Myers, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

INVOCATION

Pastor Voyt Lynn, First Baptist Church, Douglass, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers provided an amendment in Item #1 – Change “14.03” to “14.03/1000%.” Commissioner Myers motioned to approve the minutes of the May 19, 2020, Butler County Commission meeting with the above amendment. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:02:55)

PUBLIC COMMENTS

There were no public comments.

(00:03:03)

ITEM #1 – WORK SESSION – COVID-19 UPDATE

Jamie Downs, Butler County Health Department Director, came before the Board to give an update on COVID-19. Mrs. Downs presented the Board with a copy of the publication that would be in the Butler County Times. Mrs. Downs stated that between last Wednesday and Saturday our numbers have increased by ten positive cases. One of the outbreaks was tied to a Mother’s Day gathering and another outbreak is tied to a work place in El Dorado. Currently Butler County has forty people in quarantine, with all of those being tied back to one person. Mrs. Downs stated that by this Saturday, thirty-five of the people in quarantine can be released if no one else tests positive. Mrs. Downs stated this could be devastating for the Health Department staff and expressed the importance of staying home if you are sick. Mrs. Downs stated they are still doing drive-thru testing at the Health Department and the Wal-Mart testing site is still in use but the testing is now at Wal-Mart instead of the El Dorado Lake site.

Keri Korthals, Emergency Management Director (EMA), came before the Board to give an update on COVID-19. Ms. Korthals stated the State of Kansas is now in Phase 2 “Modified”. The mass gathering is now thirty people instead of fifteen and Ms. Korthals listed some of the things that were supposed to open in Phase 2 that are not allowed to open due to the modifications made by Governor Kelly. Ms. Korthals stated the State Declaration expires at midnight tonight and she is hopeful that the Governor will make an announcement soon detailing the State’s next steps in re-opening. Ms. Korthals stated Butler County Emergency Management relies on the Emergency Operations Center for support and PPE. Ms. Korthals stated EMA fills many requests for PPE for not only EMS and health departments but different sectors such as fire departments, law enforcement agencies, nursing homes, dental offices, funeral homes, home

health facilities and physician's offices. Ms. Korthals stated that if the Emergency Declaration ends, Butler County EMA would not be able to support other entities. No action was taken.

(00:22:48)

ITEM #2 – RECOMMENDATION OF SUPPORT FOR SPECIAL USE PERMIT TO ALLOW FOR A CAMPGROUND FOR DONGES PROPERTY

David Alfaro, Community Development Director, came before the Board to discuss and extend a recommendation of support to the City of El Dorado for a special use permit request from Tim and Natalie Donges on property located at 1139 SE Bluestem Road. The property is located within the City of El Dorado Extraterritorial Jurisdiction (ETJ) and currently zoned Manufactured Home Park Residential District (M-P), per the City of El Dorado Zoning Classifications. The change in zoning would allow them to host overnight or short-term camping sites for recreational vehicles, travel trailers, campers or tents. This type of use is permitted only by a SUP in C-1 General Business and M-P Manufactured Home Park Residential Districts. The request would also allow Deer Grove RV Park, on the north side of the subject property, to expand southward. 1139 SE Bluestem is a 4.5-acre lot primarily used for mobile homes. Mrs. Donges plans to connect the lot to their existing Deer Grove RV Park. Mr. Alfaro noted this is a common request for this type of Park. Commissioner Myers inquired about tension between RV owners and the mobile home owners. Mrs. Donges stated she has no tolerance for fighting between residents in the parks but she has not had many problems to date.

Commissioner Wheeler motioned to approve a recommendation for approval of the request for a Special Use Permit as submitted by Tim & Natalie Donges allowing them to place Recreational Vehicles on property located at 1139 SE Bluestem Rd. and directed Staff to pass on such recommendation to the City of El Dorado. Commissioner Myers seconded the motion. Motion carried 5-0.

(00:28:38)

ITEM #3 –SPECIAL USE PERMIT (SUP) FOR AN ACCESSORY APARTMENT LOCATED AT 3625 SW 10TH STREET, EL DORADO

David Alfaro, Community Development Director, came before the Board for approval to make a positive recommendation to the City of El Dorado allowing for the construction of an accessory apartment on property located at 3625 SW 10th Street, El Dorado, in the El Dorado ETJ, submitted by Terrysa Moore. The zoning defines accessory apartments as "an accessory use residential unit that is located detached from a principal single-family residential unit". The property is zoned A-R Agricultural Residential District. A SUP is required to build an accessory apartment in A-R zoning districts. Mr. Alfaro stated the applicant is interested in constructing a second residential structure on the property.

Commissioner Myers motioned to approve the special use permit as submitted by Terrysa Moore allowing for an accessory apartment located at 3625 SW 10th Street, El Dorado, and directed staff to pass on such recommendation to the City of El Dorado. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:31:52)

ITEM #6 – VACATION BUYBACK FOR COVID RESTRICTIONS

Will Johnson, County Administrator, came before the Board for approval of a mandatory buyback of vacation accrual in excess of maximum accrual allowed for public safety employees

and a voluntary buyback of vacation accrual with 10% of the maximum accrual allowed for public safety employees. In March of 2020, due to COVID-19 concerns, the County restricted vacation use of Public Safety staff by not allowing any vacation leave through June 1, 2020. Further, the Commission passed a policy modification on April 7, 2020, allowing Public Safety staff to accrue vacation at an amount greater than their maximum accrual amount through June 1, 2020 so staff would not lose any vacation due the restrictions imposed by the County. Administrator Johnson stated twenty-one staff members were affected by the policy. Due to reduced workloads and concerns with COVID-19, Public Safety staff were allowed to start using vacation on May 18, 2020, two weeks earlier than projected. As a result of the restrictions, twenty-one individuals accrued vacation in excess of the maximum allowed by policy and an additional thirteen employees reached accrual rates of greater than 90% of the maximum amount allowed by policy. As such, staff is recommending a mandatory payout of all public employees vacation in excess of the maximum accrual amount and a voluntary payout of any public safety staff within 10% of the maximum accrual amount. Total projected costs of the buy back for the mandatory portion would be \$7,635.28 and the voluntary portion would be \$13,965.31. These costs are broken out over six different departments with the largest amount being the Sheriff's Department potentially paying out over \$11,000. Administrator Johnson believed these would be reimbursed costs to the County from either FEMA or the State as a COVID related cost reimbursement. Commissioner Myers inquired about who is buying back vacation time. Administrator Johnson stated the County would pay employees for vacation time they accrued while they could not use vacation time during the pandemic.

Commissioner Woydziak motioned to approve the mandatory buyback of vacation accrual in excess of maximum accrual allowed for public safety employees and a voluntary buyback of vacation accrual with 10% of the maximum accrual allowed for public safety employees. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:45:55)

ITEM #4 – 2020 BUTLER COUNTY ANNUAL COUNTY-WIDE CLEANUP PROGRAM
Darryl Lutz, Public Works Director, came before the Board for approval to re-schedule the 2020 Butler County Annual County-wide Cleanup Program for June 20th – June 27th, 2020. Each year Butler County sponsors a County-wide cleanup program for cities and for the County at-large. The program is aimed at giving citizens an opportunity to clean up their properties and dispose of accepted waste at the landfill for a reduced nominal cost. The 2020 cleanup program was originally scheduled to be held from April 18th - April 25th, but, was cancelled on March 31st by the County Commission in response to the statewide stay at home order instituted by the Governor in response to the COVID-19 pandemic.

Commissioner Masterson motioned to approve the new dates for the 2020 Butler County Annual County-Wide Cleanup Program and designated the week of June 20th – June 27th for County-wide cleanup. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:49:13)

ITEM #5 – COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN ANNUAL REVIEW

Darryl Lutz, Public Works Director, came before the Board to present the Butler County Comprehensive Solid Waste Management Plan Annual review. It is required to review the plan annually and update with a public hearing every five years. The annual review meeting of the

Butler County Solid Waste Management Planning Committee was held Wednesday, April 29, 2020 via video conference. Mr. Lutz stated the primary item discussed at the meeting was recycling in communities. Commissioner Wheeler inquired about a replacement for Gerald Schuetz's position on the committee.

Commissioner Woydziak motioned to accept the report on the 2020 annual review of the Butler County Solid Waste Management Plan and directed staff to submit the annual report to KDHE. Commission Chairman Murphy seconded the motion. Motion carried 5-0.

Commissioner Myers inquired about the study on the SW 20th/Ohio Street Road Interchange. Mr. Lutz stated KDOT is moving forward with the project as planned.

(00:56:50)

NON-AGENDA ITEM – SPEED LIMIT SIGNS – PLEASANT TOWNSHIP

Darryl Lutz, Public Works Director, came before the Board for approval to adopt Resolution #20-14, a resolution establishing maximum speed limits on township roads maintained by Pleasant Township. Mr. Lutz stated Pleasant Township has recently requested the County to officially adopt a resolution to establish speed limits on all township maintained roads of 35mph for all main north/south and east/west roads and 30mph for all other roads that serve neighborhoods.

Commissioner Woydziak motioned to adopt Resolution #20-14, a resolution establishing a maximum speed limit on all Pleasant Township maintained roads of 35mph for all main roads and 30 mph for all residential area access roads and authorized the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:09:58)

VOUCHERS

Commissioner Wheeler motioned to approve vouchers for May 26, 2020, in the amount of \$807,015.76. Commission Chairman Murphy seconded the motion. Motion carried 5-0.

(01:12:45)

ADDS & ABATES

There were no Adds & Abates.

(01:12:50)

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

Administrator Johnson discussed Senate Bill 294.

Administrator Johnson stated there is an event at the 4-H Fair Grounds on Saturday.

The District Court will re-open Monday, June 8th.

(01:29:00)

ADJOURNMENT

Commissioner Masterson motioned to adjourn the meeting of the Board at 10:29 a.m. Commissioner Woydziak seconded the motion. Motion carried 5-0.