

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 28, 2019

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 Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel. Commissioner Mike Wheeler was absent.

INVOCATION

Pastor Wanetta Baldwin, Community of Christ Church, El Dorado, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from Tuesday, May 21, 2019 as written. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:01:58)

PUBLIC COMMENTS

Keri Korthals, Emergency Management Director, came before the Board requesting a second extension to Resolution #19-10, a Disaster Declaration for seven days.

Commissioner Woydziak motioned to extend Resolution #19-10, a Disaster Declaration for an additional seven days. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:06:04)

ITEM #1 – TABLED WORKFORCE ALLIANCE CEOB AGREEMENT

Keith Lawing, Workforce Alliance, came before the Board for approval of Resolution 19-11 approving as to form a proposed agreement between Workforce Alliance of South Central Kansas, Inc. and the Chief Elected Officials Board for the Kansas Local Workforce Innovation and Opportunity Act Area IV and authorizing execution of the same by the County's designated representative to said Chief Elected Officials Board (CEOB). Workforce innovation and Opportunity Act of 2014 is a new federal and employment and training legislation that supersedes the Workforce Investment Act of 1998. The program helps out of work individuals learn new job skills and obtain gainful employment. The County last entered into an agreement through a Resolution with Workforce Development in June of 2016. The agreement signifies the commitment of Butler County and continues with the modifications to the program made by the last agreement. The previous agreement modified the existing structure of the Workforce program and established a new board of directors called the CEOB. Mr. Lawing stated the CEOB continues to be made up of only elected officials instead of appointed staff. The new agreement must be in place by August 1, 2019, in order to receive the federal dollars for the workforce training and development. Administrator Johnson suggested waiting one week to appoint a new Board member until El Dorado City Mayor, Vince Haines, is contacted about becoming a Board member. Mr. Lawing stated the Board normally meets two times a year in May and November.

Commissioner Woydziak motioned to table this item for one week. Commissioner Myers seconded the motion. Motion carried 4-0.

(00:23:37)

ITEM #2 – REQUEST FOR A CUP SUBMITTED BY JEFF COUSON FOR AN IMPOUND YARD AT 520 S. PLEASANTVIEW DR ANDOVER, KS

David Alfaro, Community Development Director, came before the Board for approval of a Conditional Use Permit (CUP) submitted by Jeff Coulson for an Impound Yard on property located at 520 S. Pleasantview Dr. Andover, KS. The vehicles will be stored on site and rotated out as the owners claim them after being impounded. The yard would be enclosed with a 6' privacy fence, have asphalt millings laid down to provide a hard surface to park the cars and will be locked at all times when owner is not present. Neighbors expressed concerns about additional traffic, potential increase in criminal activity and the leaking of fluids into the ground causing potential contamination to the water wells in the area. The Planning Commission denied the request by a vote of 3-2.

Jeremy McDonald, representative of the applicant Jeff Coulson, came before the Board and stated the vehicles being impounded would be coming strictly from Butler County. Mr. McDonald stated cars would be rotated out of the impound yard fairly quickly. Mr. McDonald stated he does not currently have a yard anywhere and right now all he does is road side assistance and public tows.

Rebecca Smith, 619 S Kingsway Road, Andover, came before the Board in opposition to the request. Ms. Smith stated her concerns about fluids leaking into the well water causing contamination and she felt this was not a good location for an impound yard due to the size of the lot.

Todd Duggins, 917 S Kingsway Road, Andover, came before the Board in opposition to the request. Mr. Duggins felt the lot size is too small and would cause a decrease in property value.

Commissioner Wheeler joined the meeting at 9:37 a.m.

It was noted that the current zoning of the location is county residential zoning.

Mr. McDonald stated there is not currently any more land to purchase in the area to increase the size of the lot.

Commissioner Masterson and Commissioner Woydziak stated their main concern is the size of the lot being too small. Commissioner Myers stated he is inclined to the deny the request due to the zoning.

Commissioner Wheeler stated he was not comfortable voting on the CUP request due to joining the meeting late and missing a portion of the discussion.

Commission Chairman Murphy motioned to affirm the recommendation of the Planning Commission to deny the request for a CUP for an impound yard as submitted by submitted by Jeff Coulson on property located at 520 S. Pleasantview Dr. Andover, KS. Commissioner Myers seconded the motion. Motion carried 3-1-1. Commissioner Masterson opposed. Commissioner Wheeler abstained as he was not present for the full discussion.

(00:48:05)

ITEM #3 – ANTHONY & ANGEL CLARK REQUEST FOR A MORTGAGE LOT SPLIT AT 2339 SW 80TH ST. AUGUSTA, KS

David Alfaro, Community Development Director, came before the Board for approval of a Mortgage Lot Split on property owned by Anthony and Angel Clark, located at 2339 SW 80th Street, Augusta, Kansas. Mr. and Mrs. Clark own a tract of land containing 269+/- acres and zoned AG-40. The applicant is proposing to split a 5+/- acre tract of land with the placement of a 35+/- acres APO on a portion of the remaining property. The property is primarily used for farming activities and staff felt the request met the criteria for such a split and it is felt it is appropriate to place an APO on the 35+/- acres. Mr. Alfaro noted all landowners located within a 1,000' radius of the property were notified of the request and staff did not receive comments for or against the request. The Planning Commission approved the request with a vote of 5-0.

Commission Chairman Murphy motioned to approve the request for a Mortgage Lot Split as submitted by Anthony & Angel Clark on property located at 2339 SW 80th St. Augusta, KS and directed the Chair to sign the APO Agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:49:38)

ITEM #4 – REQUEST FOR A CHANGE IN ZONING SUBMITTED BY BRIAN, DENISE AND MICHAEL VOGT FROM AG-40 TO RE ON PROPERTY LOCATED AT THE NW CORNER OF SE SUNFLOWER AND SE 20TH ST. EL DORADO, KS

David Alfaro, Community Development Director, came before the Board for approval of a request for a change in zoning on property located at SE Sunflower and SE 20th Street, El Dorado, Kansas from AG-40 to RE. The applicants are requesting to rezone the 40+/- acres to correct a recording error when they split off a 5 acre tract for a family member. As required by State Statute all landowners located within a 1,000' radius of the site were contacted and staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 5-0.

Commissioner Myers motioned to approve the request from Brian, Denise and Michael Vogt for a change in zoning from AG-40 to RE and directed the Chairman to sign Resolution #19-13. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:52:26)

ITEM #7 – WORK SESSION – TURNPIKE OVERPASS WORK IN BUTLER COUNTY 2019-2020

Darryl Lutz, Public Works Director, came before the Board to present information on proposed work by the Kansas Turnpike Authority (KTA) to raise several KTA overpasses through Butler County. No action was taken.

(01:05:46)

ITEM #5 – ELECTION EQUIPMENT PURCHASE

Tatum Stafford, Butler County Clerk, came before the Board for approval to purchase election equipment from Election Systems and Software, LLC (ES&S) in the amount not to exceed \$603,635. ES&S has been providing election, hardware, software support and services across the state of Kansas since 1983. The Butler County Election Office currently has ES&S equipment

and has established a great working relationship with them in all aspects. Mrs. Stafford stated these machines are high quality and provide the easiest voting and tabulation system for poll workers and election staff to manage. There is currently \$449,326 in the CIP to make the purchase and the upfront cost of the ES&S equipment is \$603,635. The yearly maintenance cost is \$73,170. Administrator Johnson stated they would fund the difference from the general fund reserve. Commissioner Woydziak and Commission Chairman Murphy both felt ES&S offers the best equipment after receiving a demonstration of the equipment.

Commission Chairman Murphy motioned to approve the purchase of election equipment from ES&S in the amount of \$603,635. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:17:32)

ITEM #6 – ANNUAL MOTOROLA SUA PAYMENT

Chris Davis, Emergency Communications Director, came before the Board for approval to pay the invoice for Motorola System Upgrade Agreement in the amount of \$82,438.92. In order to manage the statewide radio system KDOT must maintain current software versions. Butler County executed a new six year contract with Motorola in 2017 to provide matching upgrades.

Commissioner Myers motioned to authorize the 9-1-1 Director to pay \$82,438.92 to Motorola for the annual System Upgrade Agreement. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Woydziak opposed.

(01:22:16)

VOUCHERS

Commissioner Wheeler motioned to approve vouchers for May 28, 2019 in the amount of \$353,537.00. Commission Chairman Murphy seconded the motion. Motion carried 5-0

(01:22:46)

COMMISSION ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2728 dated May 28, 2019; Adds in the amount of \$3,880.70 and Abates in the amount of \$5,311.20. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:23:00)

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

Commissioner Wheeler discussed an article in the paper regarding a Butler County Sheriff Deputy receiving the Deputy Sheriff of the Year Award.

Commissioner Woydziak stated he attended a Memorial Day service at the Rose Hill Cemetery hosted by the American Legion.

Administrator Johnson discussed flooding events in Butler County.

(01:31:50)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:32 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.