

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, June 8, 2021

CALL TO ORDER

Commission Chair Jeff Masterson called the Butler County Board of Commissioners meeting to order at 9:01 a.m. Present were Commissioner Marc Murphy, Commissioner Dan Woydziak, Commissioner Kelly Herzet, Commissioner Mike Wheeler, County Administrator Will Johnson, and Executive Assistant Anna Wealand.

(00:00:03)

INVOCATION

Commission Chair Masterson presented the invocation.

(00:00:46)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes as presented from the June 1, 2021, Butler County Commission meeting. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:01:14)

PUBLIC COMMENTS

There were no public comments.

(00:01:22)

ITEM #1 – RESOLUTION FOR APPOINTMENT OF COUNTY APPRAISER

Administrator Johnson came before the Board for the consideration of the approval of Resolution 21-14 reappointing Debra Studebaker as the Butler County Appraiser. Currently the position of County Appraiser is filled by Debra Studebaker, who was appointed in 2013 for her first term and again in 2017 for her second term. The Appraiser's Office previously operated through a contract with Marion Johnson who performed the duties of the County Appraiser part time while Ms. Studebaker was being trained for the position. KSA 19-430 requires counties to adopt a resolution appointing a County Appraiser for a term of four years or until a successor may be appointed. By passing this resolution the County will fulfill the requirements set forth by statute and the term will expire on July 1, 2025. Ms. Studebaker will continue to receive all benefits available to Butler County employees and will receive \$7,170 monthly for compensation.

Administrator Johnson stated Ms. Studebaker has done an excellent job. Commissioner Wheeler commented the culture in the Appraiser's Office has changed for the better since Ms. Studebaker took position; Commissioner Wheeler noted Marion Johnson was instrumental in that shift as well. Commissioner Wheeler inquired whether Ms. Studebaker has an employment contract with the County; Administrator Johnson confirmed no, she does, Resolution 21-14 serves as the contract.

Commissioner Woydziak motioned to approve Resolution 21-14 appointing Debra Studebaker as the Butler County Appraiser. Commissioner Wheeler seconded. Motion carried 5-0.

Ms. Studebaker thanked the Board for the opportunity to continue to serve the citizens of Butler County and thanked the Appraiser's Office staff for all their efforts that keep the office functioning smoothly. Commissioner Woydziak asked how many appraiser openings currently exist throughout the State; Ms. Studebaker replied she is uncertain of the current number but is aware of some retirements. Commission Chair Masterson inquired if all the appraisers in the state have the same contract period; Ms. Studebaker confirmed that is the case. Some discussion regarding the reasons county appraisers are appointed and not elected ensued. Commissioner Wheeler commented the appraiser's position requires a lot of education and the tests for accreditation are not easy. Ms. Studebaker informed the Board appraisers must complete 120 hours of continuing education every four years. Commissioner Wheeler inquired if the required continuing education courses are offered in Kansas; Ms. Studebaker confirmed most classes are available in Kansas. The Board discussed the fact county appraisers do not set the tax levies.

(00:08:31)

ITEM #2 – 2021-Q1 FINANCIAL/MANAGEMENT REPORT

Ryan Adkison, Finance Director, approached the Board to provide a quarterly financial update. The Commission receives quarterly financial and management reports as part of the County's overall transparency and management process. Information presented in this report should be considered by the Commission during the formulation and implementation of the CIP and operating budget and with other important decisions affecting the County's operations.

Mr. Adkison reviewed the quarterly report with the Board. Some questions regarding the Emergency Medical Services (EMS) fund arose; Mr. Adkison stated he would check in with EMS Director Frank Williams and report back to the Board. The Board requested Mr. Adkison check with Detention Center staff regarding the values reflected for the Jail Fund; Mr. Adkison stated he would do so and notify the Board of his findings. The Board, Administrator Johnson, and Mr. Adkison discussed the County's investments and its current investment strategies. Commissioner Wheeler inquired if Mr. Adkison had mentioned the Public Building Commission (PBC) during his report; Mr. Adkison replied he had. The PBC will not have any debt after the last debt payment in October; the PBC will continue to exist but will not have any active debt. Administrator Johnson advised the Board to keep the PBC in existence as it is a good tool to have on hand. Commission Chair Masterson asked about the windfarm; Administrator Johnson stated the windfarm is on a fifteen year payment. Commissioner Woydziak asked if Administrator Johnson had reached out to the windfarm; Administrator Johnson replied he has not. Commissioner Woydziak stated Administrator Johnson needs to reach out to the windfarm as the windfarm is receiving a large tax break.

Commissioner Woydziak motioned to receive and file the 2021-Q1 Financial/Management Report. Commission Chair Masterson seconded. Motion carried 5-0.

Darryl Lutz, Public Works Director, inquired of the Board as to who planned to attend the Cat 623 Scraper viewing and luncheon set to occur at the Butler County Landfill at 11:30 a.m. Commissioners Herzet, Murphy, and Wheeler replied they would be in attendance.

(00:29:14)

ITEM #3 – RIGHT OF WAY ACCEPTANCE & APPROVAL – SW BUTLER RD PROJECT FROM K-254 TO PARALLEL

Darryl Lutz, Public Works Director, came before the Board for the consideration of accepting the dedication of easements and rights-of-way for several tracts 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 the Kansas Department of Transportation (KDOT.) The final plans are nearly completed and Butler County staff has been working with property owners on right-of-way and easement acquisition. In June 2019, the Board of County Commissioners approved right-of-way values and authorized the Director of Public Works to begin the right-of-way acquisition process. Contacts have been made with all property owners and official offers based upon approved values have been presented. Some of the right-of-way and/or easements forms have now been signed and returned to Butler County for acceptance and remittance of any settlements or payments. Due to the project being funded with federal funds, Butler County must follow very strict requirements for acquisition of right-of-way. Staff presented easement documents and right-of-way documents that have been received thus far; included was a summary of the settlements for approval of payment. Mr. Lutz asked the County Commission to accept the dedication of the easements and rights-of-way and to approve the payment of the settlements negotiated by staff. The payments and settlements will be based upon approved unit price values and will include any additional cost to cure items such as fence replacements, encroachment damages and landscape item replacements. Right-of-way acquisitions for this project are included in the adopted CIP for Butler County. Staff is following KDOT-approved procedures for acquisition of real property for project rights-of-way.

Mr. Lutz provided information regarding the financial impact to the County of these purchases. Commission Chair Masterson inquired if any of the pieces of right-of-way are anticipated to be difficult to obtain; Mr. Lutz stated he is unsure as of yet if that will be the case but believes all of the purchases should be able to be obtained. Mr. Lutz presented one tract of right-of-way dedication for Focus Properties LLC.

Commission Chair Masterson motioned to approve the acceptance of dedications of easements and rights-of-way and to approve the settlements negotiated for Project No. 8C-4935-01, the SW Butler Rd Improvement Project from K-254 to Parallel as presented and to authorize the Chairman to sign the documents. Commissioner Murphy seconded. Motion carried 5-0.

(00:32:56)

ITEM #4 – RIGHT OF WAY ACCEPTANCE AND APPROVAL – LITTLE WALNUT RIVER BRIDGE ON SW 157TH TER

Darryl Lutz, Public Works Director, approached the Board for the consideration of accepting the dedication of easements and rights-of-way for tracts related to the Little Walnut River Bridge replacement project on SW 157th St. The Little Walnut River Bridge project on SW 157th Ter, locally known as the Bois d'Arc Bridge, is a federal aid off-system bridge project funded through KDOT. The final plans are complete and Butler County staff has been working with property owners on right-of-way and easement acquisition. In July 2020, the Board of County Commissioners approved right-of-way values and authorized the Director of Public Works to begin the right-of-way acquisition process. Contacts have been made with all property owners and official offers based upon approved values have been presented. Some of the right-of-way and/or easements forms have now been signed and returned to Butler County for acceptance and remittance of any settlements or payments. Due to the project being funded with federal funds,

Butler County must follow very strict requirements for acquisition of right-of-way. Staff presented easement documents and right-of-way documents that have been received thus far; included was a summary of the settlements for approval of payment. Mr. Lutz asked the County Commission to accept the dedication of the easements and rights-of-way and to approve the payment of settlements negotiated by staff. The payments and settlements will be based upon approved unit price values and will include any additional cost to cure items such as fence replacements, encroachment damages and landscape item replacements. Right-of-way acquisitions for this project are included in the adopted CIP for Butler County and Staff is following KDOT-approved procedures for acquisition of real property for project right-of-way.

Mr. Lutz stated five property owners are involved in this right-of-way purchase and believes the County now has an agreement with all of the property owners. The largest tract under contract is 2.87 acres from MDM Farms.

Commissioner Woydziak motioned to approve the acceptance of dedications of easements and rights-of-way and to approve the settlements negotiated for Project No. 8C-4998-01, the Little Walnut River Bridge project on SW 157th Ter as presented and to authorize the Chairman to sign the documents. Commissioner Murphy seconded. Motion carried 5-0.

Commissioner Woydziak asked if the two young men on the south side of the Bois d'Arc Bridge will sign contracts; Mr. Lutz stated he believes they will.

(00:35:23)

NON-AGENDA ITEM

Commissioner Woydziak stated Butler County does not currently have an alternate individual selected to attend Wichita Area Metropolitan Planning Organization (WAMPO) meetings if Commissioner Woydziak is not able to attend those meetings. Darryl Lutz used to be listed as the alternate but is no longer listed as the alternate. Commissioner Woydziak stated it is important for the County to have an individual listed as an alternate to represent the County at those meetings. Commissioner Woydziak also stated it is important for the County to begin to consider who should replace himself as the WAMPO representative once he can no longer attend and suggested either the District One or District Five Commissioner as those districts are impacted the most by WAMPO projects.

Commissioner Woydziak motioned to appoint Public Works Director Darryl Lutz as Butler County's alternate to attend Wichita Area Metropolitan Planning Organization (WAMPO) meetings. Commissioner Herzet seconded. Motion carried 5-0.

Commissioner Woydziak asked Mr. Lutz if he has been receiving emails from WAMPO regarding meetings; Mr. Lutz stated he has not but will reach out to WAMPO and request that he begin to receive such emails. Commissioner Woydziak stated he would notify WAMPO as well.

Commissioner Woydziak informed Mr. Lutz he received a call from an individual in Clay Township regarding road maintenance issues in the township. Road Supervisor Lee Roy Wolf was contacted yesterday regarding the issue. Commissioner Woydziak requested Mr. Lutz follow up with Mr. Wolf regarding the issue; Mr. Lutz stated he would do so.

Mr. Lutz notified the Board of an upcoming Kansas Turnpike Authority (KTA) bridge raising project for the Santa Fe Lake Rd Bridge that will redirect traffic onto township roads. Mr. Lutz is in conversation with KTA officials asking for help for the township for the provision of dust control for the roads to be utilized as detours. Administrator Johnson suggested contacting a member of the KTA Board. The Commissioners and staff in attendance discussed the various effects these detours will have on township roads and decided to ask KTA to help with dust control. Commission Chair Masterson will reach out to Senator Ty Masterson for help regarding this situation. Mr. Lutz suggested the County assist the township if needed as County roads will be redirected onto township roads during the bridge's closure. Administrator Johnson will be in contact with someone at KTA as well. Commission Chair Masterson asked who is in charge of the KTA; Mr. Lutz replied Steve Hewitt is the CEO of the KTA. Administrator Johnson inquired as to the cost of dust control per mile; Mr. Lutz stated the cost will be approximately \$10,000 per mile. The Board agreed the County will assist the township with rock procurement.

(00:47:22)

ITEM #5- DELIVERY AND VIEWING OF EQUIPMENT AT LANDFILL – CAT 623 SCRAPER

At 11:30 a.m., the Commissioners have been invited to attend the delivery and viewing of the rebuilt Caterpillar 623 scraper at the Butler County Landfill. Lunch will be provided. The County Commission approved a cost proposal from Foley Equipment Co in December 2020 to rebuild the Cat 623E scraper purchased new for the Butler County Landfill in 1991 under the Caterpillar Certified Power Train (CPT) Rebuild program. The equipment rebuild is complete and the rebuilt scraper is scheduled to be delivered to the Landfill on or before Tuesday, June 8, 2021. The County Commission has been invited to view the new scraper at 11:30 a.m. on Tuesday, June 8.

No action was taken.

(00:47:27)

VOUCHERS

Commission Chair Masterson asked Mr. Lutz about why several fuel vendors were listed in the vouchers; Mr. Lutz replied Public Works takes bids the day of the purchase as the market fluctuates greatly and different vendors tend to win the bids for the two County shops.

Commissioner Wheeler motioned to approve vouchers dated June 8, 2021, in the amount of \$570,291.42. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:49:13)

ADDS & ABATES.

There were no adds & abates.

(00:49:17)

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

Commissioner Wheeler stated he will be gone June 22nd and July 6th.

Commissioner Wheeler stated he received a letter from Butler Rural Electric Cooperative (REC) about the flipping of the switch of the new solar farm

Commissioner Woydziak stated he will be gone July 20th. Administrator Johnson stated he will be out that day as well. A senior center visit is currently scheduled for July 20th but will be rescheduled.

Administrator Johnson passed the Strategic Retreat report out to the Board.

Darryl Lutz informed Administrator Johnson Cornejo will start work on the Western Office's parking lot on June 21st.

Administrator Johnson stated he attended a K254 Corridor Development Association meeting on Friday. Administrator Johnson stated he feels something substantial needs to come out of the County's membership or the County needs to cease its involvement with the association. Administrator Johnson said he would like to suggest a study regarding intersection improvements at major intersections along the corridor, specifically in Butler County. The Board and Administrator Johnson discussed various possibilities for improvements to the corridor.

The Augusta Senior Center Luncheon is next week.

(00:56:54)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:58 a.m., Commissioner Herzet seconded the motion. Motion carried 5-0.