

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, June 13, 2023**

(00:00:03)

**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 Jeff Masterson, Commissioner Marc Murphy, Commissioner Darren Jackson, Commissioner Dan Woydziak, Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier.

(00:00:05)

**INVOCATION**

Allen Potter presented the invocation.

(00:01:21)

**APPROVAL OF MINUTES**

Commissioner Masterson stated, "In the motion for approval of the vouchers the name of the Commissioner who seconded the motion was missing."

*Commissioner Masterson motioned to approve the minutes from the June 6, 2023, Butler County Commission meeting as amended. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:02:06)

**PUBLIC COMMENTS**

Marci Laffen, 301 S Sunflower, Andover, Kansas and Angel Cushing, 3458 Road H2, Allen, Kansas, came before the Board to discuss the 30x30 program. The Board received a packet of materials to review.

(00:30:02)

**ITEM #1 – ROAD GATING HEARING & ORDER - A PORTION OF SW BOYER RD**

Darryl Lutz, Public Works Director, came before the Board for a public hearing regarding a request to put a gate across SW Boyer Rd north of SW 80<sup>th</sup> St in Spring Township and for approval of the order to allow the gating request. Mr. Phu Van Truong d.b.a. Pete's Land and Cattle, LLC, owns land adjacent to SW Boyer Rd north of SW 80<sup>th</sup> St. SW Boyer Rd north of SW 80<sup>th</sup> St is a dead end road that provides access to property owned by Timothy Berndsen, Robert and Kathryn Harris, Jack R. Watson Rev Inter Vivos Trust and by Pete's Land and Cattle, LLC. Pete's Land and Cattle, LLC, through their property manager, inquired as to any available options to restrict or limit traffic on SW Boyer Rd. The only persons that require use of the road are the property owners and any tenants. There are no houses on the road. The only option the County Engineer is aware of would be to obtain permission to put a gate across the road, which is allowed by statute under certain conditions. Pete's Land and Cattle, LLC submitted a written request to the County that has been signed by the adjacent property owners to initiate proceedings to allow the SW Boyer Rd to be gated beginning 70 feet north of SW 80<sup>th</sup> St, thence north approximately 0.7 mile to Turkey Creek. The proposed order grants authority to the Township to gate the road; the Township can require the petitioner(s) to install the gate meeting the Township's requirements.

Commission Chair Herzet opened the Public Hearing at 9:31 a.m.

Steve Seymour, 810 Waco, El Dorado, Kansas, property manager of Pete's Land and Cattle, LLC, came before the Board to state the reasons a gate is needed.

Brett Watson, 2457 SW 100<sup>th</sup> St, Augusta, Kansas, stating he believes the gate is in the best interest for all the property owners.

Commission Chair Herzet closed the Public Hearing at 9:35 a.m.

Commissioners discussed the agreement and requested a modification allowing for the gate to be locked.

*Commissioner Woydziak motioned to approve an order allowing a gate to be placed across SW Boyer Rd north of SW 80<sup>th</sup> St in Spring Township and to authorize the Chair to sign the order. Commissioner Jackson seconded. Motion carried 5-0.*

(00:38:09)

**ITEM # 2 – NOTICE TO BRIDGE CONTRACTORS - NORTH BRANCH HICKORY CREEK BRIDGE ON SE FLINTHILLS RD**

Darryl Lutz, Public Works Director, came before the Board for approval of a Notice to Bridge Contractors for the letting of a construction project to replace the North Branch Hickory Creek Bridge on SE Flinthills Rd in Hickory Township located four point eight miles north and one mile east of Latham. Butler County maintains 434 bridge-sized structures throughout the County in addition to over 2,000 culvert-sized structures. Public Works has identified several bridges on County and Township roads that are in need of major repair work or replacement. The projects have been prioritized and are included in the County's approved bridge project Capital Improvement Program (CIP). The CIP includes a bridge replacement project on SE Flinthills Rd over the North Branch of Hickory Creek to replace an existing weight restricted narrow concrete bridge on a township maintained road. The project is partially funded with \$200,000 of state funding under KDOT's local bridge improvement program. Project engineering work and construction plans are completed and right-of-way in progress. The project is ready to go to bid for construction. The bid opening will be Tuesday, July 11, 2023, at 9:00 a.m. Bids will be tabulated and presented to the Board on Tuesday, July 18, 2023, for approval and award of contract.

*Commissioner Jackson motioned to approve the Notice to Bridge Contractors for Project No. BR 14E2-28-7(23), the proposed bridge replacement project for the North Branch Hickory Creek Bridge on SE Flinthills Rd located four point eight miles north and one mile east of Latham, Kansas, and to set the bid opening for Tuesday, July 11, 2023 at 9:00 a.m. Commissioner Masterson seconded. Motion carried 5-0.*

Commissioner Masterson inquired when the Butler Rd project will be completed; Mr. Lutz stated the contractor is correcting an issue with the subgrade and the project should be finished by the end of this month.

(00:45:38)

**ITEM # 3 – REQUEST TO GO SOLICIT BIDS FOR INTERIOR PAINTING OF THE COMMUNITY BUILDING**

Travis Cornell, Facilities Management Director, came before the Board for approval to go out for bids for painting the interior of the Community Building, purchasing new LED lights, ceiling tiles and replacing two panic bars in the South Room. The Community Building is used for many different

events, the walls are in need of fresh paint in the South Room, and the bathrooms and kitchen have peeling paint and scuffed marks on their walls. The lights need to be replaced with brighter LED bulbs and the ceiling grid and tiles need attention as well. The panic bars on two of the doors need to be replaced. The East garage door is having many issues and Staff will get bids to fix or possibly replace the east garage door.

*Commissioner Masterson motioned to approve Facilities Management to solicit bids for painting the walls, maintenance of the ceiling grid and fixing/replacing the East garage door of the Community Building to bring the bids back before the County Commission at a later date. Commissioner Murphy seconded. Motion carried 5-0.*

(00:51:02)

**ITEM #4 – REQUEST TO SOLICIT BIDS FOR REPLACEMENT OF THE AUGUSTA PUBLIC SAFETY BUILDING (APSB) ROOF**

Travis Cornell, Facilities Management Director, came before the Board for approval to solicit bids for replacement of the roof on the APSB. The roof has been patched many times and Staff is encounters new leaks every time it rains. The Board was presented pictures of the APSB roof in order to observe the roofs condition.

*Commissioner Jackson motioned to approve allowing Facilities Management to solicit bids for a new roof on the Augusta Public Safety Building to bring the bids back before the County Commission at a later date. Commission Chair Herzet seconded. Motion carried 5-0.*

(00:53:55)

**ITEM #5 – CONSIDER APPROVAL OF THE ANNUAL RENEWAL OF PINE TECHNOLOGIES**

Lew Harter, Information Technology (IT) Director, came before the Board for approval for the annual renewal of the Pine Technologies support contract for Justware. Pine Technologies has provided support for the Justware software since 2020. Pine Technologies has proven themselves a valuable asset to the County in maintaining the proper operation of the Justware software on which the County Attorney's office relies on. Staff would like to extend the current contract for an additional year. The total cost to extend this contract from July 1, 2023, through June 30, 2024, is \$26,000.

*Commissioner Murphy motioned to approve the one-year renewal of the Pine Technologies support contract for Justware in the amount of \$26,000 and authorize Staff to sign all purchase documents as needed. Commissioner Masterson seconded. Motion carried 5-0.*

(00:55:30)

**ITEM #6 – 2023-Q1 FINANCIAL/MANAGEMENT REPORT**

Ryan Adkison, Assistant Administrator/ Finance Director, came before the Board for approval to receive and file the 2023-Q1 Financial/Management Report. The Board receives quarterly financial/management reports as part of the County's overall transparency and management process. The Commission should consider the information presented in this report during the formulation and implementation of the CIP and operating budget and with other important decisions affecting the County's operations.

*Commissioner Woydziak left the meeting at 10:05 a.m.*

Julie Winslow, 109 N Warren Ave, Rose Hill, Kansas, inquired at what percentage of cost the County pays for employee's health insurance; Administrator Johnson stated the County pays an average of 80% of the cost of an employee's health insurance.

*Commission Chair Herzet motioned to approve to receive and file the 2023-Q1 Financial/Management Report. Commissioner Murphy seconded. Motion carried 4-0.*

(01:17:44)

**VOUCHERS**

*Commissioner Masterson motioned to approve vouchers dated June 13, 2023, in the amount of \$887,690.54. Commissioner Murphy seconded the motion. Motion carried 4-0.*

Commissioner Masterson inquired if the payment to KCAMP/KWORCC was for six months. Administrator Johnson stated yes, the payment is for June 1 through December 31.

(01:18:59)

**ADDS AND ABATES**

There were no adds and abates.

(01:19:00)

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

Administrator Johnson reminded the Board of the luncheon at the Augusta Senior Center today at 11:15 a.m.

Administrator Johnson informed the Board of the Quad County Meeting next Monday at the Kansas Oil Museum.

Administrator Johnson was contacted by David Alfaro, Community Development Director, concerning a County resident who needs a letter from the County to send to the Kansas Department of Health and Environment for a daycare license. Administrator Johnson and the Board discussed changing the County regulations so county residents will not need a letter from the County to have state licensed daycare facility. The consensus of the Board was to send a letter of approval and then seek a variance for the applicant and modify the regulations to allow for home daycares permitted by KDHE without a restriction on the number of children.

(01:25:30)

**ADJOURNMENT**

*Commissioner Masterson motioned to adjourn the meeting of the Board at 10:25 a.m. Commission Chair Herzet seconded the motion. Motion carried 4-0.*