

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, June 25, 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 Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

**INVOCATION**

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

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes of the Butler County Commission meeting from Tuesday, June 18, 2019, as written. Commissioner Myers seconded the motion. Motion carried 4-0-1. Commission Chairman Murphy abstained due to his absence last week.*

(00:01:33)

**PUBLIC COMMENTS**

Jeff Runnion, 20249 SW Hopkins Switch Road, Douglass, came before the Board in regards to a noise complaint against his neighbors. Mr. Runnion stated his neighbors ride four-wheelers and dirt bikes all day every day and they do not have any type of muffler on the bikes. Mr. Runnion stated this has been going on for more than five years and the noise is getting worse. Mr. Runnion stated he has a decibel meter and it has read up to seventy decibels. Mr. Runnion stated he has tried multiple times to ask his neighbors to stop and they refuse. Mr. Runnion asked the Board to put together a noise resolution that can be enforced. Commissioner Woydziak understood Mr. Runnion's complaints and stated he felt it is time for the Board to reach out to the County Attorney and Butler County Sheriff to put together an enforceable resolution.

Darrin Devinney, Butler County Attorney, came before the Board and discussed how the County could put together an enforceable resolution, such as the parameters of how to enforce noise violations. Mr. Devinney stated there are many factors involved with putting together this resolution and it would have to be looked at in long term way. Mr. Devinney stated noise has to be calibrated and the County would need to purchase equipment to measure sound. Mr. Devinney stated he is not disputing the noise complaint and noted he would be willing to work with the Commission and Sheriff Herzet to put together an enforceable resolution.

Sheriff Kelly Herzet came before the Board and stated his deputies have been picking up enforcement in the area and his deputies have been documenting as much as they can from Mr. Runnion's noise complaints. Sheriff Herzet also agreed that they could put together an enforceable resolution. Sheriff Herzet stated he can understand Mr. Runnion's frustration and agreed that the neighbors are out of line and hoped they could find a happy medium.

(00:28:51)

**ITEM #1 – EL DORADO INTERLOCAL ZONING CHANGE A-R TO I-1 FRED KROPP**

David Alfaro, Community Development Director, came before the Board for approval of a request in change in zoning from A-R to I-1 as submitted by the City of El Dorado and Fred

Kropf. Fred Kropf owns property located at NW/4 of Section 10, Township 26 South, Range 5 East in Butler County. The property is located just to the East of Butler Community College and is being leased by Magellan Midstream Partners for use as a Tank Farm. Magellan is proposing to expand their Tank Farm Operations by installing an additional tank to allow for an increase of gas and fuel storage on the site. To allow for this a change in zoning from A-R to I-1 is necessary. It should be noted that the subject property is located within the County but well within the City of El Dorado Extra-Territorial Jurisdiction (ETJ). A-R zoning is an Agricultural Residential zoning classifying and only allows for agricultural and residential purposes. I-1 is Light Industrial and is for light manufacturing and warehousing uses. The proposed use is gas and fuel storage and would be an allowed use in I-1 Zoning classification with a Special Use Permit. City of El Dorado staff recommended a positive recommendation be submitted by the County Commission back to the City. Commissioner Myers inquired about possible interference related to the County's microwave network.

Ivory Hitz, Magellan Midstream Partners, came before the Board and stated there would not be any problems with any cellular network, and she has never experienced an issue installing this particular type of tank.

***Commissioner Masterson motioned to make a positive recommendation supporting the request for a Change in Zoning from A-R to I-1, on property owned by Fred Kropf, and directed staff to send that recommendation to the City of El Dorado. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

(00:35:20)

**ITEM #2 – STANDS FARMS LLC HOMESTEAD LOT SPLIT LOCATED AT 9259 SE HIGHWAY 54, EL DORADO, KS**

David Alfaro, Community Development Director, came before the Board for approval of a request by Stands Farms LLC for a five acre homestead lot split with the placement of a 35 acre APO on some of the remaining property located at 9529 SE Highway 54, El Dorado. As required by State statute all landowners located within a 1,000' radius were notified of the request and staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 7-0.

***Commissioner Wheeler motioned to approve the request for a Homestead Lot Split with the placement of an APO on property owned by Stands Farms LLC and direct the Chairman to sign the APO Agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(00:37:16)

**ITEM #3 – BEHAVIORAL HEALTH GRANT COMMUNITY CORRECTIONS**

Ann Carpenter, Community Corrections Director, came before the Board for approval of the Behavioral Health Grant award in the amount of \$6,835 for State fiscal year 2020 and to authorize the Chair to sign. This item was approved in April for a greater amount but funding requests outpaced the amount available so the allowable budget amount was reduced. This grant supplies funds to help assist community corrections clients with needed services to help increase the likelihood of successful completion of probation. Mental health, drug and alcohol and batter intervention programming are funded with this grant.

*Commissioner Woydziak motioned to approve the revised grant budget in the amount of \$8,635 and authorized the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:39:05)

**ITEM #4 – 2019-2020 VOLUNTEER GENERATION FUND GRANT APPLICATION**

Crystal Noles, Department on Aging Director, came before the Board for approval of the 2019-2020 Volunteer Generation Fund Grant application for Butler County Department on Aging. Butler County Department on Aging has been the sponsoring agency for the Foster Grandparent Program since October of 2012. This program is 100% grant funded by the Corporation for National and Community Service. This program serves six counties and currently serves forty low income seniors and hundreds of elementary students. Foster Grandparents provide one on one and group attention to at risk children in a school or instructional setting. The Volunteer Generation Fund grant would allow us to develop a recruitment video that can be used for ongoing advertisement.

*Commissioner Woydziak motioned to approve the 2019-2020 Volunteer Generation Fund Grant application to support the Foster Grandparent Program and allow the Department on Aging to submit the application. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:42:20)

**NON-AGENDA ITEM**

Crystal Noles, Department on Aging Director, came before the Board for approval of the independent audit statement from Allen, Gibbs & Houlik for the fiscal year of 2018.

*Commissioner Woydziak motioned to accept the audit statement from Allen, Gibbs & Houlik and allowed the Chairman to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:45:17)

**ITEM #5 – WORK SESSION – WESTERN OFFICE AND COMMUNITY CORRECTIONS PROJECTS**

Dan Ingalls, Facilities Management Director, came before the Board for discussion on project plans and the status for remodel at the Western Motor Vehicle Office and Community Corrections building. No action was taken.

(01:05:13)

**ITEM#6 - LANDFILL AREA 5 CELL CONSTRUCTION – BID OPENING**

Darryl Lutz, Public Works Director, came before the Board to receive and open sealed bids for the planned construction of Area 5 waste disposal cell at the Butler County Landfill. Following are the bids received:

Contractor Name			J.J. Westhoff Construction Co.		Veit & Company, Inc.		Remediation Services, Inc.		Engineer's Estimate
Address			700 Culvert Lincoln, NE		14000 Veit Place Rogers, MN		2735 S, 10th Independence, KS		
Acknowledgement of Addenda:									
No. 1			X		X		X		
No. 2			X		X		X		
Lump Sum Bid Price			\$ 2,968,321.00		\$ 4,196,777.00		\$ 5,067,048.14		\$ 3,792,000.00

*Commissioner Woydziak motioned to accept the bids received and opened for Project No. LF-Area 5-19 for the construction of Area 5 waste disposal cell, the construction of final cover on a portion of Area 2A and for the relocation and installation of the landfill gas blower/flare system and to direct staff to tabulate and to evaluate the bids and to return at a later date with a recommendation for award of bid. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(01:10:19)

**RECESS**

Commission Chairman Murphy recessed the meeting of the Board at 10:10 a.m. for five minutes.

Commission Chairman Murphy reconvened the meeting of the Board at 10:15 a.m.

(01:10:30)

**VOUCHERS**

*Commissioner Woydziak motioned to approve vouchers for June 25, 2019 in the amount of \$1,004,816.15. Commissioner Masterson seconded the motion. Motion carried 5-0.*

Administrator Johnson informed the Board that going forward the vouchers will only list the voucher amount and vendor name due to an increase in fraud.

(01:19:11)

**COMMISSION ADDS & ABATES**

*Commissioner Woydziak motioned to approve Adds & Abates #2731 dated June 25, 2019; Adds in the amount of \$540.06 and Abates in the amount of \$710.12. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:19:30)

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

Commissioner Myers stated he received a noise complaint from a constituent in his district yesterday.

Administrator Johnson stated he spoke with the Corps of Engineers regarding the future of the Butler County 4-H Fair Grounds.

(01:29:43)

**ITEM #7 – WORK SESSION – 2020 BUTLER COUNTY BUDGET**

The Board reviewed the 2020 Budgets with the following Department Heads:

- Emergency Management
- County Attorney
- District Court
- Emergency Communications
- Noxious Weeds
- Public Works/Landfill
- Community Development/Planning & Zoning

(03:11:57)

**RECESS**

Commission Chairman Murphy recessed the meeting of the Board until Wednesday, June 26, 2019 at 9:00 a.m.

**RECONVNE**

Commission Chairman Murphy reconvened the meeting of the Board at 9:05 a.m. on Wednesday June 26, 2019.

(00:00:14)

**ITEM #1 – WORK SESSION 2020 BUTLER COUNTY BUDGET**

The Board reviewed the 2020 Budgets with the following Department Heads:

- Extension Council
- Administration
- SCARF
- CDDO
- CASA
- Butler County Fair Association
- Soil Conservation

(01:45:21)

**RECESS**

Commission Chairman Murphy recessed the meeting of the Board at 10:51 a.m. for 5 minutes.

Commission Chairman Murphy reconvened the meeting of the Board at 10:56 a.m.

- Big Brothers Big Sisters
- South Central Mental Health
- Leadership Butler
- Health Department
- Sheriff/Jail

**NON-AGENDA ITEM**

Tiya Tonn-Oppold, Butler County Farm Bureau, came before the Board to invite the Commissioners to attend the annual Farm to Fork tour.

(03:02:45)

**RECESS**

Commission Chairman Murphy recessed the meeting of the Board at 12:13 p.m. until Thursday, June 27, 2019 at 9:00 a.m.

(00:00:07)

**RECONVENE**

Commission Chairman Murphy reconvened the meeting at 9:00 a.m. on Thursday, June 27, 2019.

(00:00:20)

**ITEM #1 – WORK SESSION 2020 BUTLER COUNTY BUDGET**

The Board reviewed the 2020 Budgets with the following Department Heads:

- Administration
- Fire Districts
- Historical Societies
- Overview

(01:51:33)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:52 a.m.  
Commissioner Myers seconded the motion. Motion carried 5-0.*