

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, June 26, 2018**

**CALL TO ORDER**

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

**INVOCATION**

Pastor Ron Jones, Temple Baptist Church, El Dorado, presented the invocation.

**APPROVAL OF MINUTES**

*Commissioner Murphy motioned to approve the minutes of the Butler County Commission meeting from Tuesday, June 19, 2018 as written. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:01:08)

**PUBLIC COMMENTS**

Doug Youngers, 13810 SW 134<sup>th</sup> Street, Rose Hill, came before the Board with a concern about the condition of 150<sup>th</sup> Street between Santa Fe Lake Road and Rose Hill Road. Mr. Youngers stated the road has never had an overlay and the road is becoming very rough to drive on. Commission Chairman Woydziak stated he would speak with the County Engineer about the future plans for the road.

(00:04:28)

**ITEM #1 – NIES INVESTMENTS LLP REQUEST FOR A CHANGE IN ZONING CLASSIFICATION FROM AG-40 TO RESIDENTIAL ESTATES (RE)**

David Alfaro, Community Development Director, came before the Board for approval of a request from Nies Investments LLP for a change in zoning from AG-40 to RE which would allow Nies to sell the west half of the property to Butler Rural Electric Cooperative (BREC). If approved, BREC will then construct a solar farm, communication tower, and possibly an office building which was approved by a Conditional Use Permit (CUP) on May 22, 2018. Mr. Alfaro stated the change in zoning classification would not result in a detrimental change in the area as smaller tracts of land are in the area and the close proximity to the City of Andover would not be compromised either. The Planning Commission approved the request by a 4-0 vote.

*Commission Chairman Woydziak motioned to approve the request by Nies Investments LLP to rezone 37+/- acres of property located at SW 140<sup>th</sup> & SW Butler Road, Rose Hill, KS from AG-40 to RE and directed the Chairman to sign Resolution #18-12. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:07:56)

**ITEM #2 – MARLNEE 10 ACRE MORTGAGE LOT SPLIT WITH 30 ACRE APO**

David Alfaro, Community Development Director, came before the Board for approval of a request from Casey Marlnee for a 10 acre mortgage lot split with a 30 acre APO on property located at 2582 SE 80<sup>th</sup> Street, Leon, KS. Mr. Alfaro stated the property is zoned AG-40 and is

primarily used for farming/ranching activities and staff felt the request met the criteria for such a split. All landowners located within a 1,000' radius of the subject property have been notified and no comments for or against the request were received. The Planning Commission approved the request 4-0.

*Commissioner Wheeler motioned to approve the proposed 10 +/- acre Mortgage Lot Split with the placement of a 30+/- APO on a remaining portion of the property and directed the Chairman to sign the APO Agreement. Commissioner Myers seconded the motion. Motion carried 5-0.*

(00:09:44)

**ITEM #3 – JOHN LIVENGOOD REQUEST FOR A 10 ACRE MORTGAGE LOT SPLIT WITH PLACEMENT OF A 30 ACRE APO ON A PORTION OF THE REMAINING PROPERTY**

David Alfaro, Community Development Director, came before the Board for approval of a request from John Livengood for a 10 Acre Mortgage Lot Split with placement of a 30 acre APO on a portion of the remaining property. The Planning Commission approved the request by a 4-0 vote. Mr. Alfaro stated the property is located adjacent to 12312 NW Parallel Street, Benton, KS. Commissioner Myers noted there have been multiple lot splits on this property in the past.

*Commissioner Myers motioned to approve a 10 acre mortgage Lot Split with the placement of a 30 Acre APO on a portion of the remaining property and directed the Chairman to sign the APO Agreement. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:13:50)

**ITEM #4 – MODIFICATION TO THE WIRELESS COMMUNICATION FACILITIES PERMIT TO ALLOW GROUNDS MOUNTED FACILITIES**

David Alfaro, Community Development Director, came before the Board for approval to modify the Wireless Communication Facilities Permit allowing Ground mounted Facilities up to 100' before requiring a Conditional Use Permit. On June 5, 2018, the Planning Commission conducted a Public Hearing with no comments from any opposing individuals and approved the recommended change by a 4-0 vote. Commissioner Myers inquired about the initial way the regulation was written. Administrator Johnson stated by changing the height from 85' to 100' it allows for uniformity within all districts and consistency with neighboring counties.

*Commissioner Murphy motioned to approve the modification to the wireless communications facilities (WCF) height regulations, 85' to 100' in all zoning classifications, and directed staff to bring back a resolution to amend the current zoning regulations with the proposed changes. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:26:37)

**ITEM #6 – WORK SESSION – 2019 BUDGET**

The Board reviewed the 2019 Budgets with the following Department Heads:

-Treasurer/Motor Vehicle

-Appraiser

(00:56:15)

**RECESS**

Commission Chairman Woydziak recessed the meeting of the Board at 9:56 a.m. for 5 minutes.

Commission Chairman Woydziak reconvened the meeting of the Board at 10:01 a.m.

(00:56:20)

**ITEM #5 – 2018 HOT MIX ASPHALT SURFACING PROJECTS – BID OPENING**

Darryl Lutz, Public Works Director, came before the Board to receive and open sealed bids for 2018 hot-mix asphalt surface overlay projects. The County has two contracted hot-mix asphalt overlay projects planned for construction in the County's current adopted CIP. One project is a mill and 2" base plus 1" surface overlay project on NW Butler Rd from K-196 north to NW 150th St. The other project is a mill and 2" base plus 1" surface overlay project on NW 150th St. from the Harvey County Line to NW Meadowlark Rd. Staff has added an alternate bid option to the NW 150th St. project to overlay 1 mile of Elbing Main St which is maintained by the County. Following are the bids received:

<b>TABULATION OF BIDS</b>									
<b>BUTLER COUNTY DEPARTMENT OF PUBLIC WORKS</b>									
<b>DATE: June 26,2018</b>			<b>KIND OF WORK: Milling &amp; Bituminous Surfacing</b>				Page 1 of 1		
<b>CONTRACT NO.: BC 570 (1-3) 18</b>									
<b>BID ITEM</b>	<b>QUANTITY</b>	<b>UNIT</b>	<b>UNIT PRICE</b>	<b>Cornejo &amp; Sons, LLC Wichita, KS</b>	<b>UNIT PRICE</b>	<b>APAC - Kansas, Inc. Hutchinson, KS</b>	<b>UNIT PRICE</b>	<b>Flint Hills Materials Cedar Point, KS</b>	<b>Engineer's Estimate</b>
<b>3" Overlay</b>									
<b>BC 570 (1-3) 18</b>									
Mobilization	1	LSUM	24,500.00	\$ 24,500.00	41,032.59	\$ 41,032.59	13,437.00	\$ 13,437.00	
Milling	159.0	STA	145.00	\$ 23,055.00	134.02	\$ 21,309.18	175.00	\$ 27,825.00	
Aggregate for Asphalt Surface Course (BM-1)	2,700	TON	26.50	\$ 71,550.00	35.50	\$ 95,850.00	36.00	\$ 97,200.00	
Aggregate for Asphalt Base Course (BM-2)	5,425	TON	28.50	\$ 154,612.50	32.05	\$ 173,871.25	33.00	\$ 179,025.00	
Asphalt Cement (PG 64-22)	423	TON	440.00	\$ 186,120.00	375.00	\$ 158,625.00	500.00	\$ 211,500.00	
Emulsified Asphalt (SS-1H)	20	TON	460.00	\$ 9,200.00	449.00	\$ 8,980.00	450.00	\$ 9,000.00	
Pavement Marking (Temp.) 4" Broken (3') (Type I)	159.0	STA	9.75	\$ 1,550.25	7.50	\$ 1,192.50	7.00	\$ 1,113.00	
Pavement Marking (Temp.) 4" Broken (3') (Type II)	318.0	STA	6.60	\$ 2,098.80	6.05	\$ 1,923.90	7.00	\$ 2,226.00	
Pavement Marking (Multi-Component) (White) (4")	31,009	LNFT	0.28	\$ 8,682.52	0.28	\$ 8,682.52	0.30	\$ 9,302.70	
Pavement Marking (Multi-Component) (Yellow) (4")	15,153	LNFT	0.28	\$ 4,242.84	0.28	\$ 4,242.84	0.30	\$ 4,545.90	
Pavement Marking (Intersection Grade) (White) (24")	24	LNFT	18.00	\$ 432.00	18.00	\$ 432.00	18.00	\$ 432.00	
Pavement Marking (Intersection Grade) (White) (Railroad X-ing)	2	EACH	825.00	\$ 1,650.00	825.00	\$ 1,650.00	825.00	\$ 1,650.00	
Traffic Control	1	LSUM	7,500.00	\$ 7,500.00	13,900.00	\$ 13,900.00	11,000.00	\$ 11,000.00	
Flagger (Set Price)	1	HOUR	25.00	\$ 25.00	25.00	\$ 25.00	25.00	\$ 25.00	
<b>TOTAL OF 3" OVERLAY</b>				<b>\$ 495,218.91</b>		<b>\$ 531,716.78</b>		<b>\$ 568,281.60</b>	<b>\$ 630,493.00</b>
<b>2" Overlay (Add/Alternate)</b>									
<b>BC 843N (40) 18</b>									
Mobilization	1	LSUM	3,600.00	\$ 3,600.00	8,115.60	\$ 8,115.60	5,000.00	\$ 5,000.00	
Milling	53	STA	145.00	\$ 7,685.00	134.02	\$ 7,103.06	175.00	\$ 9,275.00	
Aggregate for Asphalt Surface Course (BM-2)	1,681	TON	38.00	\$ 63,878.00	32.50	\$ 54,632.50	40.00	\$ 67,240.00	
Asphalt Cement (PG 64-22)	88	TON	440.00	\$ 38,720.00	375.00	\$ 33,000.00	500.00	\$ 44,000.00	
Emulsified Asphalt (SS-1H)	3	TON	460.00	\$ 1,380.00	449.00	\$ 1,347.00	450.00	\$ 1,350.00	
Pavement Marking (Temp.) 4" Broken (3') (Type I)	53	STA	9.75	\$ 516.75	7.50	\$ 397.50	10.00	\$ 530.00	
Pavement Marking (Temp.) 4" Broken (3') (Type II)	53	STA	6.60	\$ 349.80	6.60	\$ 349.80	10.00	\$ 530.00	
Pavement Marking (Multi-Component) (Yellow) (4")	9,686	LNFT	0.41	\$ 3,971.26	0.41	\$ 3,971.26	0.60	\$ 5,811.60	
Traffic Control	1	LSUM	4,600.00	\$ 4,600.00	3,600.00	\$ 3,600.00	5,000.00	\$ 5,000.00	
Flagger (Set Price)	1	HOUR	25.00	\$ 25.00	25.00	\$ 25.00	25.00	\$ 25.00	
<b>TOTAL OF 2" OVERLAY (ADD/ALTERNATE)</b>				<b>\$ 124,725.81</b>		<b>\$ 112,541.72</b>		<b>\$ 138,761.60</b>	<b>\$ 138,013.00</b>
<b>COMBINED TOTAL</b>				<b>\$ 619,944.72</b>		<b>\$ 644,258.50</b>		<b>\$ 707,043.20</b>	<b>\$ 768,506.00</b>

**TABULATION OF BIDS  
BUTLER COUNTY DEPARTMENT OF PUBLIC WORKS**

DATE: June 26, 2018

KIND OF WORK: Milling & Bituminous Surfacing  
CONTRACT NO.: 843N (34-39) 18

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BID ITEM	QUANTITY	UNIT	Cornejo & Sons, LLC Wichita, KS	UNIT PRICE	APAC - Kansas, Inc. Hutchinson, KS	UNIT PRICE	Flint Hills Materials Cedar Point, KS	Engineer's Estimate	
Mobilization	1	LSUM	33,500.00	\$ 33,500.00	91,512.43	\$ 91,512.43	23,437.00	\$ 23,437.00	
Milling	317	STA	155.00	\$ 49,135.00	147.32	\$ 46,700.44	175.00	\$ 55,475.00	
Aggregate for Asphalt Surface Course (BM-1)	5,285	TON	26.50	\$ 140,052.50	32.75	\$ 173,083.75	35.87	\$ 189,572.95	
Aggregate for Asphalt Base Course (BM-2)	10,629	TON	28.50	\$ 302,926.50	31.50	\$ 334,813.50	33.00	\$ 350,757.00	
Asphalt Cement (PG 64-22)	830	TON	440.00	\$ 365,200.00	375.00	\$ 311,250.00	500.00	\$ 415,000.00	
Emulsified Asphalt (SS-1H)	40	TON	460.00	\$ 18,400.00	449.00	\$ 17,960.00	450.00	\$ 18,000.00	
Pavement Marking (Temp.) 4" Broken (3') (Type I)	317	STA	9.75	\$ 3,090.75	7.50	\$ 2,377.50	10.00	\$ 3,170.00	
Pavement Marking (Temp.) 4" Broken (3') (Type II)	634	STA	6.60	\$ 4,184.40	6.05	\$ 3,835.70	10.00	\$ 6,340.00	
Pavement Marking (Multi-Component) (White) (4")	62,569	LNFT	0.27	\$ 16,893.63	0.27	\$ 16,893.63	0.35	\$ 21,899.15	
Pavement Marking (Multi-Component) (Yellow) (4")	12,590	LNFT	0.27	\$ 3,399.30	0.27	\$ 3,399.30	0.40	\$ 5,036.00	
Pavement Marking (Intersection Grade) (White) (24")	24	LNFT	18.00	\$ 432.00	18.00	\$ 432.00	20.00	\$ 480.00	
Pavement Marking (Intersection Grade) (White) (Railroad X-ing)	2	EACH	825.00	\$ 1,650.00	825.00	\$ 1,650.00	900.00	\$ 1,800.00	
Traffic Control	1	LSUM	18,000.00	\$ 18,000.00	20,400.00	\$ 20,400.00	21,000.00	\$ 21,000.00	
Flagger (Set Price)	1	HOUR	25.00	\$ 25.00	25.00	\$ 25.00	25.00	\$ 25.00	
TOTAL				\$ 956,889.08		\$ 1,024,333.25		\$ 1,111,992.10	\$ 1,140,179.00

*Commissioner Masterson motioned to accept the bids received and directed staff to evaluate and tabulate the bids and bring back a recommendation at a later date. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(01:05:00)  
**NON-AGENDA ITEM**

Darryl Lutz, Public Works Director, came before the Board for approval to assign a street name for a recently identified unnamed public road south of Augusta going west from US 77 Highway. The County’s addressing committee recommended that the road be named in accordance with the County’s 911 addressing scheme and has proposed that the road be named SW 127th Terrace. This recommendation was sent to all the adjacent property owners for comment and feedback in early May. No comments have been received to date. A second letter was mailed to all adjacent property owners on or about June 8, 2018 to give notice that the naming of the street would be considered by the County Commission on Tuesday, June 26, 2018. The only response received was a concern about road maintenance. The Board came to the consensus to table the item for one week. No action was taken.

(01:12:55)  
**CONTINUATION OF ITEM #6 – WORK SESSION – 2019 BUDGET**

- Clerk/Elections
- County Attorney
- Noxious Weeds
- Public Works/Landfill
- District Court

(03:18:46)

**VOUCHERS**

Commissioner Myers asked questions of the vouchers.

*Commissioner Masterson motioned to approve vouchers for June 26, 2018 in the amount of \$671,826,92. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(03:22:05)

**COMMISSION ADDS & ABATES**

*Commissioner Masterson motioned to approve Adds & Abates #2694 dated June 26, 2018; Adds in the amount of \$0.00 and Abates in the amount of \$31,759.00. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(03:22:21)

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

Commissioner Wheeler inquired about Butler County's firework policy.

Commissioner Myers stated he attended the K-254 Corridor development meeting at the El Dorado Civic Center. Commissioner Myers noted the meeting was well attended and there was a large representation from the City of Kechi and the City of Bel Aire. Commissioner Myers informed the Board that he felt the economic development aspect outweighed the safety aspect based on the discussion of the meeting. Commissioner Myers stated he wants to advocate for safety on 254 but is not supportive of joining an economic development group or committee at this time.

Administrator Johnson discussed the letter regarding the Butler County ¼ cent sales tax expiring.

(03:32:45)

**RECESS**

Commission Chairman Woydziak recessed the meeting of the Board to Wednesday June 27, 2018 at 9:00 a.m.

(00:00:02)

**RECONVENE**

Commission Chairman Woydziak reconvened the meeting of the Board on Wednesday June 27, 2018 at 9:00 a.m.

(00:00:12)

**ITEM #1 – WORK SESSION 2019 BUTLER COUNTY BUDGET**

The Board reviewed the 2018 Budgets with the following Department Heads:

- Extension Council
- SKMCC
- CDDO
- CASA

(00:57:44)

**RECESS**

Commission Chairman Woydziak recessed the meeting of the Board at 9:58 a.m. for 5 minutes.

Commission Chairman Woydziak reconvened the meeting of the Board at 10:03 a.m.

- Sheriff/Jail
- SCARF
- Butler County Fair Association
- Health Department
- Administration
- Leadership Butler
- Fire Districts
- Soil Conservation
- Historical Society

(03:26:03)

**RECESS**

Commission Chairman Woydziak recessed the meeting of the Board at 12:32 p.m. for 5 minutes.

Commission Chairman Woydziak reconvened the meeting of the Board at 12:37 p.m.

- Budget Overview

*No action was taken.*

(03:51:05)

**OTHER ITEMS OF BUSINESS**

Administrator Johnson informed the Board of a class action law suit started by a county in Utah for Payment in Lieu of Tax payments made by the Federal Government on Federal lands that reside in the County. Administrator Johnson stated he would be signing Butler County onto the class action law suit.

Administrator Johnson stated the County will be having an independent contractor inspect hail damage from yesterday's severe weather.

Administrator Johnson noted Butler County staff and crews are helping to assist with the cleanup of debris from the City of Eureka's tornado.

*Commissioner Wheeler added the following on July 3, 2018: Administrator Johnson informed the Commission that Butler County EMS moved certain assets from EMS Station #1 due to severe weather and later when severe weather was over the vehicles were moved back to EMS Station #1.*

(03:59:00)

**ADJOURNMENT**

***Commissioner Myers motioned to adjourn the meeting of the Board at 1:09 p.m.***

***Commissioner Wheeler seconded the motion. Motion carried 5-0.***