

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, July 25, 2023

(00:01:04)

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 Marc Murphy, Commissioner Darren Jackson, Commissioner Dan Woydziak, Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier. Commissioner Jeff Masterson was not in attendance.

(00:01:09)

INVOCATION

Ryan Adkison presented the invocation.

(00:01:54)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the July 17, 2023, Butler County Commission meeting as presented and the minutes from the July 18, 2023, Butler County Commission meeting as presented Commissioner Jackson seconded the motion. Motion carried 4-0.

(00:02:28)

PUBLIC COMMENTS

There were no public comments.

(00:02:38)

ITEM #1 - REQUEST FOR A MORTGAGE LOT SPLIT ON PROPERTY LOCATED AT 9350 SE TURKEY CREEK RD LEON, KANSAS, AS SUBMITTED BY SAM SHOWALTER (AG-40 ZONING)

David Alfaro, Community Development Director, came before the Board for approval of a request for a 10+/- acre Lot Split with placement of a 30+/- acre APO on property located at 9350 SE Turkey Creek Rd. Sam Showalter owns a tract of land that contains 95+/- acres and is zoned AG-40. Mr. Showalter is proposing to split a 10+/- acre tract and place a 30+/- acre APO on a portion of the remaining property. The property is used for agricultural purposes. Staff feels the request meets the criteria for such a split and it is appropriate to place an APO on the 30+/- acres. State Statute required all landowners within a 1,000' radius of the property be notified of the request; Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 6-0 and Staff supports the recommendation as well.

Valerie Showalter was present for questions.

Commissioner Woydziak motioned to approve the request for a Mortgage Lot Split with APO as submitted by Sam Showalter and direct the Chairman to sign the APO Agreement. Commissioner Murphy seconded. Motion carried 4-0.

(00:05:05)

ITEM #2 - REQUEST FOR A HOMESTEAD LOT SPLIT AS SUBMITTED BY JE PEARCE FAMILY TRUST ON PROPERTY LOCATED AT 14622 NW 40th ST BENTON, KANSAS (AG-80 ZONING)

David Alfaro, Community Development Director, came before the Board for approval of a request for a seven+/- acre Homestead Lot Split with the placement of a 73+/- acre APO on the remaining property. JE Pearce Family Trust owns a tract of land that contains 80+/- acres and is zoned AG-80. JE Pearce Family Trust is proposing to split a seven+/- acre tract with the placement of a 73+/- acre APO on the remaining property. The property is primarily used for farming activities. Staff feels the request meets the criteria for such a split and it is appropriate to place an APO on the 73+/- acres. State Statute required all landowners within a 1,000' radius of the property be notified of the request; Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 6-0 and Staff supports the recommendation as well.

Commissioner Jackson motioned to approve the request for a Homestead Lot Split with APO as submitted by JE Pearce Family Trust and direct the Chairman to sign the APO Agreement. Commissioner Woydziak seconded. Motion carried 4-0.

(00:06:24)

ITEM #3 - REQUEST FOR A MORGAGE LOT SPLIT AS SUBMITTED BY CRT FARM TRUST ON PROPERTY LOCATED AT 0 SW 170TH ST DOUGLASS, KANSAS (AG-80 ZONING)

David Alfaro, Community Development Director, came before the Board for approval of a request for a 10+/- acre Mortgage Lot Split with a 70+/- acre APO. CRT Farm Trust owns a tract of land that contains 118+/- acres and is zoned AG-80. CRT Farm Trust is proposing to split a 10+/- acre tract of land with the placement of a 70+/- acre APO on a portion of the remaining property. The property is used for agricultural purposes. Staff feels the request meets the criteria for such a split and it is appropriate to place an APO on the 70+/- acres. State Statute required all landowners within a 1,000' radius of the property be notified of the request; Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 6-0 and Staff supports the recommendation as well.

Commissioner Woydziak motioned to approve the request for a Mortgage Lot Split with APO and direct the Chairman to sign the APO Agreement. Commissioner Jackson seconded. Motion carried 4-0.

(00:07:42)

ITEM #4 - REQUEST FOR A MORTGAGE LOT SPLIT AS SUBMITTED BY ROBERT MCCULLOCH ON PROPERTY LOCATED AT 215 NW DIAMOND RD TOWANDA, KANSAS (AG-40 ZONING)

David Alfaro, Community Development Director, came before the Board for approval of a request for a 10+/- acre Mortgage Lot Split with a 40+/- acre APO. Robert McCulloch owns a tract of land that contains 94+/- acres and is zoned AG-40. The property is located at 215 NW Diamond Rd Towanda, Kansas. Mr. McCulloch is proposing to split 10+/- acres and to place a 40+/- acre APO on a portion of the remaining property. The property is used for agricultural purposes. Staff feels the request meets the criteria for such a split and it is appropriate to place an APO on the 40+/- acres. State Statute required all landowners within a 1,000' radius of the property be notified of the request; Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 5-0-1 with one member abstaining. Staff also supports the recommendation as well.

Commissioner Murphy motioned to approve the request for a Mortgage Lot Split with APO and direct the Chairman to sign the APO Agreement. Commissioner Jackson seconded. Motion carried 4-0.

(00:09:10)

ITEM #5 - REQUEST FOR A CHANGE IN ZONING FROM AG-80 TO RESIDENTIAL ESTATES (RE) ON PROPERTY LOCATED AT 20249 SW HOPKINS SWITCH RD DOUGLASS, KANSAS, AS SUBMITTED BY JEFF RUNYAN

David Alfaro, Community Development Director, came before the Board for approval of a request for Change in Zoning from AG-80 to RE on property located at 20249 SW Hopkins Switch Rd Douglass, Kansas. Jeff Runyan owns a tract of land that contains 80+/- acres. Mr. Runyan is requesting to rezone the 80+/- acres, which could allow him to potentially split the 80 acres into two-tracts. One tract would include his single-family residence and the pond, and the other would consist of approximately 25 acres of grassland. It is Staff's opinion that the zoning classification requested could be considered detrimental to the area, but if it split as presented the newly created tracts would be similar in size to what is in the area and not necessarily be detrimental to the area. The property has been used for AG purposes for years and does contain one single family dwelling on the property. State Statute required all landowners located within a 1,000' radius of the property be notified of the request; Staff did receive one comment from a neighbor concerned about possible future development but was ok after the explanation that splitting the property more than once would require a Plat and the entire process would be repeated.

Commissioner Woydziak motioned to approve the request for a Change in Zoning from AG-80 to RE and direct the Chairman to sign Resolution No. 23-26. Commission Chair Herzet seconded. Motion carried 4-0.

(00:11:45)

ITEM #6 - REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL (RR) ON PROPERTY LOCATED AT 12494 SW 190TH ST DOUGLASS, KANSAS, AS SUBMITTED BY MIKE EISENHAUER.

David Alfaro, Community Development Director, came before the Board for approval of a request for a Change in Zoning from AG-40 to RR on property located at 12494 SW 190th St Douglass, Kansas. Mike Eisenhauer owns a tract of land that contains 40+/- acres. Mr. Eisenhauer is requesting to rezone the property from AG-40 to RR, which could allow him to

split the property into two-tracts and allow for the construction of a new single-family dwelling by a family member on the newly created tract of land. The property is located within the Urban Growth Area of the County, which is the part of the county that could allow for more residential development. The surrounding area consist of both AG-40 with RR zoned properties located adjacent to the applicant's property. It was Staff's opinion that the change in zoning would not be detrimental to the area as there would be tracts similar in size to what was proposed. Mr. Alfaro noted that a significant portion of the property is impacted by Floodplain so the property would have very limited potential of being split any more than the one time that is currently proposed. There is currently one single-family dwelling on the property. State Statute required all landowners located within a 1,000' radius of the property be notified of the request and one property owner had some concerns but Staff explained the Floodplain issue will limit any ability to develop a small subdivision on the property and the property owner was ok with the change. The Planning Commission approved the request by a vote of 6-0; Staff supports the recommendation as well.

Mrs. Eisenhauer was present for questions.

Commissioner Jackson motioned to approve the request for a change in zoning from AG-40 to RR and direct the Chairman to sign Resolution No. 23-27. Commissioner Woydziak seconded. Motion carried 4-0.

(00:14:00)

ITEM #7 - REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RESIDENTIAL ESTATES (RE) ON PROPERTY LOCATED AT 1555 SW BUTLER RD BENTON, KANSAS, AS SUBMITTED BY MIKE HINNENKAMP.

David Alfaro, Community Development Director, came before the Board and asked to table the request for a change in zoning from AG-40 to RE on property located at 1555 SW Butler Rd Benton, Kansas, until a later date.

Commissioner Murphy motioned to table the request for a change in zoning from AG-40 to RE and signing of Resolution No. 23-28. Commissioner Woydziak seconded. Motion carried 4-0.

(00:15:30)

ITEM #9 - LANDFILL COMPACTOR - BID AWARD

Darryl Lutz, Public Works Director, came before the Board for approval of the award of bid for the purchase of a new landfill compactor for the Landfill Division of Public Works. Public Works develops and maintains an equipment replacement plan for all of its divisions. Equipment is operated until it is ready to be replaced. Several pieces of equipment are ready for replacement or purchase in 2023, which will include some equipment carried over from prior years. In January 2023, Public Works received permission from the Board to go out for bids for several pieces of equipment for the Public Works Department. Staff followed up in March to request permission to proceed with obtaining bids to replace the landfill compactor. Staff developed the preferred specifications for the equipment and solicited bids from equipment vendors that serve the Wichita market. Sealed bids were received and opened by the Board on Tuesday, July 18, 2023. Bids were received from three vendors for three different models of equipment. Due to the

significant level of investment being proposed and the importance of maximum uptime, the equipment is being heavily evaluated on historical maintenance and service experience and upon anticipated long-term ownership cost. Staff chose to award the bid to Foley Equipment, Wichita, Kansas, in the amount of \$1,108,419.

Commissioner Murphy motioned to approve the award of bid for the purchase of one new landfill compactor for the Landfill Division of the Public Works Department to Foley Equipment, Wichita, Kansas, for a 2023 Cat 826K landfill compactor with warranty for the delivered price of \$1,108,419 without trade. Commission Chair Herzet seconded. Motion carried 4-0.

(00:25:28)

ITEM #10 - BID AWARDS – ANNUAL TIRE PURCHASES

Darryl Lutz, Public Works Director, came before the Board for approval of the award of bids for the annual purchase of tires for Public Works. Each year the Department of Public Works solicits bids for the purchase and delivery of tires, amongst other items needed, for its fleet of equipment. In January 2023, the Board of County Commissioners authorized Public Works to solicit bids for several annual commodity purchases including tire purchases. Bids were requested from tire vendors with a business location in Butler County. Sealed bids were received and opened by the County Commission on Tuesday, July 18, 2023. Sealed bids were received from four tire vendors with businesses in Butler County. Staff tabulated the bids and evaluated the individual tire that was proposed by each vendor for each line. The awards were made on a line item basis and awarded to the following vendors:

- Patton Automotive, El Dorado, Kansas - \$28,452.50
- Cannady Collision, Augusta, Kansas - \$13,981.22
- Firestone, Andover, Kansas - \$11,205.45
- Steve and Sons Tire Inc., El Dorado, Kansas - \$33,421.04

Commissioner Murphy motioned to approve the award of bid for tires as recommended by the Department of Public Works to:

- *Patton Automotive, El Dorado, Kansas - \$28,452.50*
- *Cannady Collision, Augusta, Kansas - \$13,981.22*
- *Firestone, Andover, Kansas - \$11,205.45*
- *Steve and Sons Tire Inc., El Dorado, Kansas - \$33,421.04*

Commissioner Jackson seconded. Motion carried 4-0.

Mr. Lutz stated the bridge replacement project for the North Branch Hickory Creek Bridge will begin August 7th.

Mr. Lutz informed the Board that the Butler Road project is almost complete; the road is projected to be opened back up for use on August 14, 2023.

Commissioner Woydziak inquired about how the chip seal program is progressing; Mr. Lutz stated the project is going very well and as planned.

(00:15:30)

ITEM #8 - ANNUAL RENEWAL OF THE 4PC SOFTWARE SUPPORT AGREEMENT FOR HONEYWELL SOFTWARE

Lew Harter, Information Technology (IT) Director, came before the Board for approval of the annual renewal of the 4PC software support agreement for the Honeywell MaxPro and Prowatch software. 4PC has provided software support for the County for the MaxPro and Prowatch software that has been part of the camera and access control security system used by the County for many years. 4PC has always provided very responsive and timely service. Renewal of this agreement will extend support for the time period from October 1, 2023 to September 30, 2024.

Commissioner Woydziak motioned to approve the annual renewal of the 4PC MaxPro and Prowatch support in the amount of \$9,237.43 and authorize staff to sign all purchase documents as needed. Commissioner Murphy seconded. Motion carried 4-0.

(00:34:27)

ITEM #11 - DISTRICT CORONER APPOINTMENT

Will Johnson, County Administrator, came before the Board for approval of Resolution 23-25 appointing Dr. Ronald Varner to a four-year term as the District Coroner for the Thirteenth Judicial District of the State of Kansas. K.S.A. 22a-226 requires the County Commissioners of a single-county Judicial District or the County Commissioners of the county with the largest population in multiple-county Judicial Districts to appoint a District Coroner for the district. The District Coroner shall serve for a term of four years, which term shall begin on the second Monday in January of the year in which such coroner is appointed, The Position of District Coroner has been filled by Dr. Ronald Varner since the 1990's when K.S.A. 22a-226 was adopted and appointments began in 1995. Dr. Varner has been serving in the capacity of Coroner for over 25 years, and Staff recommends the reappointment of Dr. Varner for another four-year term beginning on January 1, 2023. Compensation for Dr. Varner's salary was set at \$3,360 monthly for 2023, and he is eligible for annual adjustments with the Board's approval. His next reappointment will be in 2027 or, upon his retirement, a successor will be appointed to fulfill his term. Staff will bring an additional Resolution appointing Deputy Coroners for appointment at a later date. Dr. Harder is currently serving in that capacity and is being paid per call at a rate of \$50/call.

Commissioner Murphy motioned to approve Resolution 23-25 appointing Dr. Ronald Varner to a four-year term as the District Coroner for the Thirteenth Judicial District of the State of Kansas. Commissioner Jackson seconded. Motion carried 4-0.

(00:37:35)

ITEM #12 - PROPERTY CASUALTY AND WORKERS COMPENSATION CONSULTING SERVICES AGREEMENT

Will Johnson, County Administrator, came before the Board for approval of the Property Casualty and Workers Compensation Consulting Services Agreement between Insurance Center, Inc. and the Butler County Commission. The County has utilized the Insurance Center, Inc. (ICI)

for over 20 years for property casualty and workers compensation consulting services. In the past, the fees paid to ICI were paid through commissions with the insurance company through which the County's services were placed. Over the past few years, the County has discussed with ICI the need to enter into a separate agreement to account for the fees being paid directly from the County, so the costs would be more transparent. As a result of the change from Travelers to KCAMP and KWORCC, which are pool plans that do not pay commissions to brokers, the County needed to enter into a separate agreement with ICI. The term of the agreement is for a one-year period and will automatically renew unless either party chooses to terminate with 60 days' notice. ICI will continue to provide ongoing assistance to the County and will continue to review the comprehensive insurance program. Some of the major duties of ICI will be to review loss experience reports, negotiate insurance carrier renewals annually, analyze claim utilization data, survey the market place for adequate coverage and pricing, provide the 360 safety program and participate in the monthly meetings, and provide the MedCor work comp program for County utilization.

Commission Chair Herzet motioned to approve the Property Casualty and Workers Compensation Consulting Services Agreement between Insurance Center, Inc. and the Butler County Commission, and allow the Chairman to sign. Commissioner Murphy seconded. Motion carried 4-0.

(00:40:03)

VOUCHERS

Commissioner Murphy motioned to approve vouchers dated July 25, 2023, in the amount of \$195,284.23. Commissioner Woydziak seconded the motion. Motion carried 4-0.

(00:40:23)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$181.02 and Abates in the amount of \$8,095.46. Commissioner Jackson seconded the motion. Motion carried 4-0.

(00:40:42)

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

Commission Chair Herzet discussed with the Board an email he and Travis Cornell, Facilities Management Director, received from Brad Cool about putting lights on the memorials located on the grounds of the Historic Courthouse.

Administrator Johnson is meeting with the Health Insurance Committee at 9:00 a.m. on Thursday, July 27th, to discuss pricing of a few possible new health insurance plans. A cancellation notice has been sent to Meritain Health to go into effect November 1, 2023.

Administrator Johnson informed the Board is will be out of the office on Monday, July 31, 2023.

Administrator Johnson and the Board conversed about the Butler County 4-H Fair that just took place. All agreed there was a great turn out. The County purchased a lamb at the sale. The Commissioners' team won First Place in the Celebrity Goat Milking Competition.

Gravity Works Architecture displayed a photograph of the proposed Event Center during the 4-H Fair and received many positive comments for the proposed project.

County Counselor Terry Huelskamp provided an update on the legal action with the Smith Family concerning the clean-up of the IPS property.

(00:51:52)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:51 a.m.

Commission Chair Herzet seconded the motion. Motion carried 4-0.