

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, July 26, 2022

(00:00:02)

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 Mike Wheeler, Commissioner Marc Murphy, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Jennifer Currier. Commissioner Jeff Masterson was not in attendance.

(00:00:08)

INVOCATION

Pastor Ray Pile, Retired First Assembly, presented the invocation.

(00:01:38)

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes from the July 19, 2022, Butler County Commission meeting as presented. Commissioner Murphy seconded the motion. Motion carried 4-0.

(00:02:05)

PUBLIC COMMENTS

There were no public comments.

(00:02:24)

ITEM #1 - REQUEST FOR A 5+/- MORTGAGE LOT SPLIT WITH 35+/- ACRE APO AS SUBMITTED BY LEON TRAMMELL

David Alfaro, Community Development Director, came before the Board for approval for a mortgage lot split with APO on property located at SW 30th St and SW Adams Rd. Leon Trammell owns the tract of land that contains 159+/- acres. Mr. Trammell is proposing to split a 5+/- acre tract of land with the placement of a 35+/- acre APO on a portion of the remaining property. The property is used for AG related activities and Staff feels the request meets the criteria for such a split and the placement of the APO. State Statute requires all landowners within a 1,000' radius of the site be 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 4-0.

Commission Chair Herzet motioned to approve the request for a 5+/- acre mortgage lot split with a 35+/- acre APO on property located at the SE Corner of SW 30th St and SW Adams Rd and direct the Chair to sign the APO agreement. Commissioner Murphy seconded. Motion carried 4-0.

(00:04:40)

ITEM #2 - REQUEST FOR CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL AS SUBMITTED BY BJ VENTURES

David Alfaro, Community Development Director, came before the Board for approval for a Change in Zoning from AG-40 to RR on property located on the NW Corner of SW 40th St and SW Santa Fe Lake Rd. BJ Ventures owns the tract of land that contains 156+/- acres. BJ Ventures has requested to rezone 80+/- acres of the 156, which BJ is proposing to then sell tracts of land and match the surrounding zoning classification. The property is accessible off SW Santa Fe Lake Rd, a paved County arterial road, which reduces travel on the gravel township road; numerous tracts of RR zoned property are in the immediate area. State Statute requires all landowners located within a 1,000' radius of the site be notified of the request and Staff did not receive any comments for or against. The Planning Commission approved the request by a vote of 4-0.

Commissioner Murphy motioned to approve the change in zoning from AG-40 to RR on property located at the NW Corner of SW 40th St and SW Santa Fe Lake Rd and direct the Chair to sign Resolution No. 22-27. Commissioner Wheeler seconded. Motion carried 4-0.

(00:07:18)

ITEM #3 - REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL

David Alfaro, Community Development Director, came before the Board for approval of a Change in Zoning from AG-40 to RR on property located at 11574 SW 150th St, Augusta, Kansas. Montie Phinney owns the tract of land that contains 18+/- acres. Mr. Phinney has requested the rezoning of the 18+/- acres, to accommodate a request by the BNSF Railroad and allow for the possible splitting of the property if the request is approved. The request simply arises from the desires of BNSF to widen their right of way on the eastern edge of the Phinney property and Mr. Phinney is willing to accommodate the request. The property in the area consists of numerous tracts of RR zoned properties and access is off a paved arterial County road. State Statute requires all landowners located within a 1,000' radius of the site be notified of the request and Staff did not receive any comments for or against the request. The Planning Commission approved it by a vote of 4-0.

Roger Cutsinger, 120 N Main, El Dorado, Kansas was present for questions.

Mr. Cutsinger and the Board discussed access to the property.

Commissioner Woydziak motioned to approve the request for a change in zoning from AG-40 to RR on property located at 11574 SW 150th St and direct the Chair to sign Resolution No. 22-28. Commissioner Wheeler seconded. Motion carried 4-0.

(00:11:08)

ITEM #4 - REQUEST FOR A CHANGE IN ZONING FROM AG-80 TO RE AS SUBMITTED BY BILL SCHNITTKER

David Alfaro, Community Development Director, came before the Board to discuss and approve the recommendation for denial of the Change in Zoning on property located at 1385 SW 170th St Leon, Kansas. Bill Schnittker owns the tract of land that contains 40+/- acres and has requested to rezone the 40+/- acres, which will allow him to potentially split out a five acre tract of land that contains an existing residence and then construct a new single-family residence on the

remaining 35+/- acres. The property is located outside the Urban Growth Area (UGA) but is located on SW 170th St which is a paved County arterial road. While the RE zoning classification would allow more development than what is allowed in the AG-80 zoning classification, the applicant is merely wishing to split off an existing residence and build a new residence on the remaining 35+/- acres. The construction of any additional single-family residences or rural subdivision would not be supported due to the lack of infrastructure in the area. State Statute requires all landowners within a 1,000' radius of the site be notified of the request and several property owners were present to discuss the request. After some lengthy discussion the Planning Commission denied the request for the change by a vote of 4-0. To overturn that recommendation would require a Super Majority of the Board of County Commissioners; meaning no less than a 4-1 vote to overturn the Planning Commission's recommendation would be required. The Commissioners could also remand the issue back to the Planning Commission for further discussion as well.

Bill Schnittker, property owner, spoke with the Board about the reasons for wanting the change in zoning from AG-40 to RE.

Tim Connell, Attorney of Law, was present representing Ron Garcia, neighbor of the property. Mr. Connell voiced reasons why the change in zoning should not take place.

Commissioner Murphy motioned to approve the recommendation for denial as recommended by the Planning Commission. Commissioner Wheeler seconded. Motion carried 3-1. Commissioner Woydziak was opposed.

(00:32:10)

ITEM #5 - DISASTER RELIEF DETERMINATION AND ORDER

Deb Studebaker, County Appraiser, came before the Board for approval for disaster relief from 22 applicants and deny one applicant for damage that occurred as a result of the tornadoes on April 29, 2022. The State of Kansas adopted through statute the ability for County Commissioners to abate taxes on homestead and structures that have been impacted by disasters which would include fires, tornados, flooding or earthquakes. The Board approved Resolution 22-19 on May 17, 2022 establishing a policy for property tax abatements of properties impacted by disasters. Ms. Studebaker reviewed 23 applications and 22 of them qualified for disaster relief as outlined in K.S.A. 79-1613 and Resolution 22-19. One application does not qualify as it does not meet the 50% statutory requirement of damage to the structure. The 2022 total certified appraised value of the 23 properties requesting relief is \$7,814,290. The pro-rated total appraised value of disaster relief if granted is \$3,054,200. The estimated tax relief abatement of the 22 qualified properties totals \$89,159.

Butler County Commissioners Disaster Relief Determination and Order

Q Ref	Parcel ID	Property Address	Applicant	Structure destroyed by 50% or more of market value	Declared Disaster by Governor	Source of Damage	Date of Destruction	Abatement-After Jan 1 taxes not paid	Refund-After Jan 1 and at least part of taxes paid	Documents Provided by Applicant	No Abate or Credit	Abate/Credit of % of Assessed Value then prorated	Applicable Tax Year
R13522	232-09-0-00-00-006.00-0	9118 SE 20th St	Deborah Keplar	Yes	Yes	Tornado	4/29/2022	X		Photos		100% Ag-Barn	2022
R20376	302-09-0-00-00-028.00-0	2922 E Prairie View Ln	Lamont & Vicki Bloom	Yes	Yes	Tornado	4/29/2022	X		Photos		100% Residence, Ag buildings not damaged	2022
R24060	304-20-0-40-01-020.00-0	405 S Brown Dr	William E Stulsatt, Sr Liv Tr	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R24061	304-20-0-40-01-021.00-0	1304 E Hwy 54	Larry Shippy	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R24149	304-20-0-40-08-005.00-0	1508 E Hwy 54	Gary G Lawson Rev Trust	Yes	Yes	Tornado	4/29/2022	X		Photos and Quote		100% of Commercial Structure	2022
R24185	305-16-0-00-00-007.00-0	1904 E Central	Green Meadow Properties	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R25273	309-29-0-10-01-004.00-0	1313 E Hwy 54	B & B Traveland Inc	Yes	Yes	Tornado	4/29/2022	X		Insurance Quote and Photo		53% of BLDG 1, 100% of BLDG 2 and Fence, 85% of BLDG 3	2022
R25451	309-29-0-20-02-080.00-0	720 S Hedgewood St	Thu Ha T Le	Yes	Yes	Tornado	4/29/2022	X		Quote & Photos		79%	2022
R25455	309-29-0-20-02-084.00-0	724 S Hedgewood St	Kyle Ferral	Yes	Yes	Tornado	4/29/2022	X		Photo		100%	2022
R25456	309-29-0-20-02-085.00-0	746 S Hedgewood St	Brooks & Sydney Rummary	Yes	Yes	Tornado	4/29/2022	X		Quote & Photos		100%	2022
R25459	309-29-0-20-02-088.00-0	810 S Hedgewood St	Daniel Warner	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R25551	309-29-0-20-06-060.00-0	721 E Hedgewood St	Anna Jordan	No	Yes	Tornado	4/29/2022			Quote	X	0%	2022
R25563	309-29-0-20-07-004.00-0	717 E Minneha Ave	Kimberly Allen	Yes	Yes	Tornado	4/29/2022	X		Quote & Photos		100%	2022
R25566	309-29-0-20-07-007.00-0	834 S Stonewood St	Mandy Greenfield	Yes	Yes	Tornado	4/29/2022	X		Photo		100%	2022
R25567	309-29-0-20-07-008.00-0	718 E Hedgewood St	Audree Sprague	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R25568	309-29-0-20-07-009.00-0	724 E Hedgewood St	Jacob & Jessica Horn	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R25669	309-29-0-30-04-009.00-0	220 E Hamlin Rd	Steen Danielsen	Yes	Yes	Tornado	4/29/2022	X		Quote		100%	2022
R25673	309-29-0-30-04-013.00-0	1313 S Aldrich St	John Lewallen	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R25676	309-29-0-30-05-003.00-0	1420 S Andover Rd	Matthew & Holly Plank	Yes	Yes	Tornado	4/29/2022	X		Insurance Quote & Photos		100%	2022
R25966	309-31-0-10-02-011.00-0	1740 S Lantern Lane Ct	Lance & Michelle Tompkins	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R350250	302-09-0-30-10-005.00-0	2413 E Velvet Leaf Ct	Dylan Clark	Yes	Yes	Tornado	4/29/2022	X		Photos		100%	2022
R350270	302-09-0-30-10-018.00-0	1558 N Aster Cir	McKlayne & Samantha Marshall	Yes	Yes	Tornado	4/29/2022	X		Insurance Quote		93%	2022
R350272	302-09-0-30-10-020.00-0	1561 N Aster Cir	Anne Clemens	Yes	Yes	Tornado	4/29/2022	X		Insurance Quote & Photos		83%	2022

IT IS SO ORDERED, this 26th day of July, 2022

Commissioner Woydziak motioned to approve disaster relief for 22 applicants and deny one applicant for damage that occurred as a result of the tornadoes on April 29, 2022. Commissioner Murphy seconded. Motion carried 4-0.

(00:39:52)

ITEM #6 - AWARD FOR EL DORADO EMS ROOF

Travis Cornell, Facilities Management Director, came before the Board for approval for the award of bid for the new roof on the El Dorado EMS Building. The El Dorado EMS Building has been patched many times and it is time for it to be replaced. June 21, 2022 the Board authorized the Facilities Management to solicit bids for a new roof. Sealed bids were received and opened by the Board on Tuesday, July 19, 2022. Staff has tabulated the bids and evaluated the individual scope of work and warranty. Staff recommends awarding the bid to WRAY Roofing, Newton, Kansas in the amount of \$107,300.00.

Commissioner Woydziak motioned to approve the award of bid for the new roof on the El Dorado EMS Building as recommended by the Department of Facilities Management to WRAY Roofing in the amount of \$107,300.00. Commissioner Murphy seconded. Motion carried 4-0.

(00:43:55)

ITEM #7 - EMS TRAINING OFFICER

Will Johnson, County Administrator, and Monty Hughey, Butler County Sheriff, came before the Board for approval of adjustment to the EMS Training Officer, to correspond with adjustments made to EMS staff as part of the 2022 pay plan adjustments. In May of 2022 the Commission approved the adoption of modifications to the County pay plan to be effective on July 1, 2022 for EMS and Detention and then January 1, 2023 for the rest of the organization. In reviewing the pay adjustments for EMS it was noted that the EMS Training position was omitted from the pay

plan master sheet presented for approval to the Commission. The current range for the position is a 23 and it should have moved to a range 24, which correlates with the rest of the public safety positions. The adjustments for pay will be made retro-active to July 1, 2022 in correlation to all other adjustments to EMS. The position and funding was accounted for in the budget, but was omitted for official approval which staff is now requesting. The cost of the modification is \$2,218.02.

Commissioner Wheeler motioned to approve the adjustment to EMS Training Officer from a range 23 to range 24 to correspond with other adjustments made to EMS staff as part of the 2022 pay plan adjustments. Commissioner Murphy seconded. Motion carried 4-0.

(00:45:31)

ITEM #8 - SHERIFF DEPARTMENT CORPORAL POSITIONS

Will Johnson, County Administrator, came before the Board for approval to adjust three deputy positions and one Lieutenant to four Corporal positions in the Sheriff's Department. The Sheriff's Department eliminated Corporal positions in the early 2000's. It is not clear why those positions were eliminated but they do exist in the structure of the Detention Division, which allows for some upward mobility and flexibility within the division. Currently, the Department has one open Lieutenant position which will convert to a Corporal position and then convert three Deputy positions to Corporals. There will not be any additional new positions, just a conversion of the four positions. The increase in range from a Deputy will be two steps and the reduction from a Lieutenant to a Corporal is three steps in the pay plan. The budget impact from the changes is approximately \$6,000. The shift can be accommodated with the current budget and will be accounted for in the 2023 budget. The breakdown is as follows:

- Three Deputies shifting from range 20 to 22 will cost \$11,742.
- The reduction of a Lieutenant position from range 25 to 22 will save \$5,698.

Commissioner Woydziak motioned to approve adjusting three deputy positions range 20 and one Lieutenant position, range 25, to four Corporal positions, range 22, in the Sheriff's Department. Commission Chair Herzet seconded. Motion carried 4-0.

Commissioner Woydziak and Sheriff Hughey discussed the Douglass School Resource Officer (SRO).

Commission Chair Herzet inquired about the Sheriff's Department handling calls for the City of Leon. Sheriff Hughey stated the Sheriff's Office is assisting the City. Sheriff Hughey and the City of Leon have a meeting this evening at 6:00 p.m. to discuss details.

Commissioner Wheeler inquired about Dam Jam. Sheriff Hughey stated the event went well but did not have the turnout that was expected.

(00:51:02)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers dated July 26, 2022, in the amount of \$433,868.13. Commissioner Wheeler seconded the motion. Motion carried 4-0.

(00:51:27)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$172.10. Commissioner Wheeler seconded. Motion carried 4-0.

(00:51:44)

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

Commissioner Wheeler and the Board talked about the electing of a Commission Chair in Johnson County

Commissioner Wheeler inquired about Liquor by the Drink; Administrator Johnson stated it will be on the Ballot in the 2022 General Election.

Commissioner Woydziak reminded the Board of the luncheon at the Andover Senior Center at 11:45 a.m. today and the Candidate Forum at the Civic Center on July 27, 2022 at 5:30 p.m.

Administrator Johnson reminded the Board of the Budget meeting during next week's Commission Meeting and that there will not be a meeting on August 9, 2022.

Administrator Johnson will be sending an email to the Board about the animal purchased during Butler County Fair by the Commission and Elected Officials.

Administrator Johnson attended the 20 year Anniversary Celebration for the YMCA and stated it was a great event.

Butler County Farm to Fork took place last weekend and had a decent turnout considering the hot temperatures.

(00:59:45)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:59 a.m. Commissioner Wheeler seconded the motion. Motion carried 4-0.