

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, July 27, 2021

CALL TO ORDER

Commission Chair Jeff Masterson called the Butler County Board of Commissioners meeting to order at 9:00 a.m. Present were Commissioner Marc Murphy, Commissioner Mike Wheeler, Commissioner Kelly Herzet, Commissioner Dan Woydziak , County Administrator Will Johnson, and Clerk Recorder Koleen Laney.

(00:00:58)

INVOCATION

Pastor Hyun Jung Choi, Trinity Methodist Church, El Dorado, KS, presented the invocation.

(00:03:09)

APPROVAL OF MINUTES

Commissioner Wheeler noted a correction on page three (3) of last weeks' minutes the word "motioned" should have been "motion".

Commissioner Wheeler motioned to approve the minutes from the July 20, 2021, Butler County Commission meeting as amended. Commissioner Murphy seconded the motion. Motion carried 4-0-1. Commissioner Dan Woydziak abstained as he was not in attendance at last week's meeting.

(00:04:07)

PUBLIC COMMENTS

Commission Chair Masterson received a letter of resignation from Benton Township Treasurer Joyce Jones. Samantha Morgan, 13188 SW 50th St, Benton, KS 67017, was selected as Mrs. Jones's replacement.

Commission Chair Masterson motioned to appoint Samantha Morgan, 13188 SW 50th St, Benton, KS, 67017, as Benton Township Treasurer. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:05:05)

ITEM #1- Wilda Brewer Mortgage Lot Split @ 14748 SE Stoney Creek Rd. Latham, KS

David Alfaro, Director of Planning and Zoning, came before the Board for approval of a Mortgage Lot Split with APO on property located at 14748 SE Stoney Creek Rd, Latham, KS, and owned by Wilda Brewer Revocable Trust. Mrs. Brewer's Revocable Trust owns a tract of land that contains 236+/- acres and zoned AG-80. The property is commonly known as 14748 SE Stoney Creek Rd. The applicant 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 farming activities and Staff feels the request meets the criteria for such a split and it is appropriate to place an APO on the 70+/- acres. All property owners 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 5-0.

Commissioner Wheeler motioned to approve a request for a 10+/- Acre Mortgage Lot Split with the placement of a 70+/- Acre APO on property located at 14748 SE Stoney Creek Rd, Latham, as submitted by the Wilda Brewer Revocable Trust and directed the Chairman to sign the APO Agreement. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:07:56)

ITEM #2- Request for a 10+/- Acre Mortgage Lot Split with a 70+/- Acre APO on property located at the SE corner of SW Haverhill Rd. and SW 120th St. Augusta as submitted by James Reeves

David Alfaro, Director of Planning and Zoning, came before the Board for approval of a 10+/- acre Mortgage Lot Split with the placement of a 70+/- acre APO as submitted by Jim Reeves on property located at the SE corner of SW Haverhill Rd. and SW 120th St. Augusta. Jim Reeves owns a tract of land that contains 120+/- acres and zoned AG-80. The property is commonly known as the SE corner of SW Haverhill Rd. and SW 120th St. The applicant 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 Ag related activities and staff feels the request meets the criteria for such a split and appropriate to place an APO on the 70+/- acres. All property owners located within a 1,000' radius of the property 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 5-0.

Commissioner Woydziak motioned to approve a request for a 10+/- acre Lot Split with the placement of a 70+/- acre APO as submitted by James Reeves on property located at the SE corner of SW Haverhill Rd. and SW 120th St. and directed the Chairman to sign the APO Agreement. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:10:38)

ITEM #3 – Request for Change in Zoning from AG-40 to Residential Estates (RE) on property located at 3897 SW Indianola Rd., Benton, KS, as submitted by Linda Highbarger & Mark Burden

David Alfaro, Director of Planning and Zoning, came before the Board for approval of a request for a Change in Zoning from AG-40 to RE on property located at 3897 SW Indianola Rd as submitted by Linda Highbarger & Mark Burden. Ms. Highbarger & Mr. Burden own a tract of land that contains 29+/- acres and are requesting to change it from A-40 to RE. This change in Zoning would allow them to split the property into 2-tracts and combine some of the property with a tract of land owned by Mr. Burden. It should be noted the applicants are brother and sister and the potential split would give them equal amounts of property. There are numerous tracts zoned RR and some RE zoning in the area as well. Staff believed the change in zoning would NOT be detrimental to the area and recommended approval of the request as presented. As required staff notified all property owners within a 1,000' radius and staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 5-0.

Commission Chair Masterson motioned to approve the request for a change in Zoning from AG-40 to RE on property located at 3987 SW Indianola Rd., Benton, and directed the

Chairman to sign Resolution No. 21-15. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:13:03)

ITEM #4 – Request for a Conditional Use Permit (CUP) for the construction of a Rural Water District Water Tower as submitted by Miller Land LLC on property located at 0 SW 29th St., Andover, KS (AG-40 Zoning)

David Alfaro, Director of Planning and Zoning, came before the Board for approval of a request for a CUP for the construction of a Water Tower as submitted by Miller Land LLC on property located at 0 SW 29th St., Andover. Miller Land LLC owns a tract of land that contains 158+/- acres. Currently they are discussing the potential sale of 2+/- acres to Butler Rural Water District #5 for the construction of a new Water Tower, in order to allow them to continue to serve the customers of the District. If approved, the purchase is scheduled to take place before the end of July. Access to the site is assumed off SW 21st St., which is a paved county arterial road and then North on SW Prairie Creek Rd. to the site. The placement of the Tower in this location will allow the District to continue to serve a growing area and will have a redundant Water Source to the Tower as it will have a supply line from the City of Wichita. One of the Conditions is that a Road Maintenance Agreement is reached between the Water District and Bruno Township as well as Butler County to address any road issues that might pop up during the construction phase of the project. Staff recommendation is to support the request. As required staff notified all landowners within a 1,000' radius of the site and staff did receive comments from one adjacent landowner who supports the request. The Planning Commission approved the request by a vote of 5-0.

Commissioner Herzet made a motion to approve a request for a Conditional Use Permit for the Construction of a Water Tower as submitted by Miller Land LLC and directed the Chairman to sign Resolution No. 21-16. Commission Chair Masterson seconded the motion. Motion carried 5-0.

(00:22:39)

ITEM #5 – Banking and Purchase Card Services Contract

Ryan Adkison, Director of Finance, came before the Board for Approval of Intrust Bank banking services proposal and to approve UMB Bank purchasing card agreement. The Butler County Commission approved soliciting proposals for banking services and purchasing card services on April 6, 2021. The Board of County Commissioners opened three banking services proposals and seven purchasing card proposals on May 25, 2021. Staff met on June 25, 2021, to review and rank the proposals. After the selection committee reviewed and discussed each proposal they scored and ranked them. In regards to the banking services portion, staff ranked Intrust Bank the highest. Regarding the purchasing card proposal, Intrust Bank slightly edged UMB with the understanding that Finance Department staff would ask detailed follow up questions with Intrust Bank on the rebate information. After final review staff believed UMB is the better option and recommended awarding the purchasing card bid to UMB.

Commissioner Murphy motioned to approve the Intrust Bank banking services proposal with amendments and the UMB purchasing card proposal and authorized the chairman and staff

to sign all necessary documents with amendments to jurisdiction. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:36:45)

ITEM #6 – SW Butler Rd Project Application - WAMPO Call for Projects

Darryl Lutz, Director of Public Works, came before the Board for approval to authorize the Director of Public Works to submit an application for available project funds through WAMPO for a proposed project on SW Butler Rd between SW 170th St and SW 160th St. WAMPO has recently announced a call for project funding applications to utilize remaining FY 2021 year end balances and special project funding allocated to WAMPO through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA). The SW Butler Rd corridor is within the WAMPO planning area boundaries and thus is eligible for funding programs administered by WAMPO.

Commissioner Woydziak motioned to approve the Director of Public Works to submit an application to WAMPO for available CRRSAA funds for improvements at the intersection of SW 160th St and SW Butler Rd as well as a second and a separate application for improvements to the 8 Mile Creek Bridge project. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(01:07:21)

ITEM #7- Western Tag Office parking lot project change order (Non agenda item)

Darryl Lutz, Director of Public Works, came before the Board for approval to negotiate a change order with Cornejo & Sons Construction to regrade part of the east parking lot and to construct a concrete valley gutter. It was discovered during construction of the parking lot project currently underway at the Western office, some changes are needed to be made in regards to the drainage away from the building. Due to grades being very flat, sheet drainage on the parking lot away from the building could no longer be achieved. A portion of the east parking lot will need to be regraded and a concrete valley gutter is now being proposed. Grading and base rock work was already finished for the new east parking lot and sidewalk which will now have to be partially removed to correct this issue. Staff believed the cost would be approximately \$26,000 but hope to negotiate something closer to \$20,000.

Commissioner Woydziak motioned to authorize the Director of Public Works to negotiate a change order with Cornejo & Sons Construction to regrade part of the east parking lot and to construct a concrete valley gutter in an amount not to exceed \$26,000. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:17:22)

VOUCHERS

Commissioner Wheeler motioned to approve vouchers dated July 27, 2021, in the amount of \$415,267.07. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:17:51)

ADDS & ABATES

Commissioner Wheeler motioned to approve Adds in the amount of \$0.00 and Abates in the amount of \$32,412.98. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:18:00)

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

Commissioner Wheeler inquired about the plumbing project currently underway in the Historic Courthouse. Administrator Johnson stated the project may take a little more time than originally predicted. Mr. Johnson explained that a few problems have been encountered along the way and that a portion of the floor had to be removed in the bathrooms on the third floor. Staff is currently getting pricing on replacing the tile for those bathrooms.

Commissioner Woydziak stated Jamie Downs, Director of the Butler County Health Department, will be speaking at the Superintendents meeting on Friday of this week. He has asked Director Downs to give an update at next weeks' meeting for requirements for COVID-19 and how Butler County schools will move forward this fall.

Commissioner Woydziak stated he would like to see some progress on the Railroad abandonment and would like to see an open case with the Surface Transportation Board.

(01:30:35)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:33 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.

The Commissioners attended a luncheon at Augusta Senior Center following the meeting.