

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, August 22, 2023

(00:00:40)

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 Jeff Masterson, Commissioner Marc Murphy, Commissioner Darren Jackson, Commissioner Dan Woydziak, Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier.

(00:00:48)

INVOCATION

Commissioner Masterson presented the invocation.

(00:01:37)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes from the August 15, 2023, Butler County Commission meeting as presented. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:02:01)

PUBLIC COMMENTS

Jordan Buxton, Sevenfold, and Sarah Hoefgen, El Dorado, Inc., came before the Board to discuss the Butler County ACT- A Workforce Enhancement Project. This project works with high school students to prepare them for the workforce.

Jeff Dietrich, 6501 SW 60th St, Augusta, came before the Board to discuss the new appraisal of his property. Mr. Dietrich presented the Board with a handout to review.

(00:18:23)

ITEM #1 - 2024 BUDGET REVENUE NEUTRAL RATE (RNR) HEARING AND RNR RESOLUTION ADOPTION FOR BUTLER COUNTY AND BUTLER COUNTY FIRE DISTRICT 1, 2, 3, 4, 5, 6, 8 AND 9

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board to hold the 2024 Budget Revenue Neutral Rate (RNR) hearings for Butler County and for Butler County Fire Districts 1, 2, 3, 4, 5, 6, 8 and 9. Also, for adoption of Resolution No. 23-31 and Resolution No. 23-32. During the 2021 legislative session, the tax lid was removed and the legislature enacted SB 13 and HB 2104. This legislation established new notice of public hearing and resolution requirements if the proposed budget will exceed the property tax levy's RNR. On July 17th, the County Commission notified the County Clerk of their intention to exceed the RNR for the County budget and all Fire District budgets. Public notice of the RNR hearing was published on July 29th in the newspaper and added to the County's website on August 7th.

Commission Chair Herzet opened the Public Hearing for the RNR exceedance at 9:22 a.m.

The following Butler County residents came before the Board to speak:

- Roger Kornfeld – 16737 NW 110th St, Whitewater
- Matthew Black - 15622 SW Hunter Rd, Augusta
- Doyle High – 1017 N Elm St, Douglass
- Carl Crowdis – 20330 SW Richland Rd, Rose Hill
- Colette Green – 759 NE 177, El Dorado
- Woody Hess – 436 N Arthur St, El Dorado
- Deborah Levieux- 301 E 1st St, Douglass
- Mark Chairs – 12175 SW Valleyview Rd, Andover
- Tracey Flores – 2610 N Fieldstone St, Andover
- Alex Karkins – 11598 SW Tawakoni Rd, Augusta
- Kevin Lowmaster – 1293 SE Satchell Creek Rd, Rosalia
- Orlin Phelps – 11002 Hwy 77, Augusta
- Jim Tiede – 8236 SW Hillcreek Rd, Augusta
- Larry Yarbrough - 7505 SW Haverhill Rd, El Dorado
- Bill Kuhns – 15205 SW 60th St, Andover
- Steve Fellers - 2034 Chelsea Dr, El Dorado

(02:06:15)

RECESS

Commission Chair Herzet recessed the meeting at 11:06 a.m. for 9 minutes.

(02:06:26)

RECONVENED

Commission Chair Herzet reconvened the meeting at 11:15 a.m. and continued the Public Hearing.

- Kent and Nioma Cook – 209 S Emporia St, El Dorado
- Susan Salmans – 10896 SW 43rd Terr, Towanda
- Charles Hannah – 1510 N Socony St, Augusta

Commission Chair Herzet closed the Public Hearing for RNR exceedance at 11:32 a.m.

Commissioner Masterson motioned to approve the Resolution No. 23-31 allowing Butler County to exceed the Revenue Neutral Rate. (Roll call vote necessary called by County Administrator) Commissioner Woydziak seconded.

ROLL CALL VOTE

Governing Body Member	Yes	No	No Vote
Commissioner Masterson	X		
Commissioner Murphy	X		
Commissioner Herzet	X		
Commissioner Jackson	X		
Commissioner Woydziak	X		
Total	5		

Commission Chair Herzet opened the Public Hearing for Butler County Fire District 1, 2, 3, 4, 5, 6, 8 and 9 at 11:34 a.m.

Commission Chair Herzet closed the Public Hearing for Butler County Fire District 1, 2, 3, 4, 5, 6, 8 and 9 at 11:34 a.m. with no comments.

Commissioner Woydziak motioned to approve Resolution No. 23-32 allowing Butler County Fire District 1, 2, 3, 4, 5, 6, 8 and 9 to exceed their respective Revenue Neutral Rate. (Roll call vote necessary called by County Administrator) Commissioner Jackson seconded.

ROLL CALL VOTE

Governing Body Member	Yes	No	No Vote
Commissioner Masterson	X		
Commissioner Murphy	X		
Commissioner Herzet	X		
Commissioner Jackson	X		
Commissioner Woydziak	X		
Total	5		

(02:26:20)

ITEM #2 - 2024 BUDGET PUBLIC HEARING AND ADOPTION FOR BUTLER COUNTY

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board to hold the 2024 Budget Public Hearing for Butler County and approval of the Proposed 2024 Budget. The annual budget is a legal document that gives the county the authority to levy a property tax and spend funds. In addition, it is also a policy and communications device informing the public what the County's priorities and plans are for the next year. The notice of public hearing for the 2024 Budget for Butler County was published in the July 29th County newspaper. The Butler County proposed budget was presented as discussed with the Board. The 2024 Proposed Budget has a mill levy of 30.500, a 4.96% (or 1.593 mill) decrease over the 2023 mill of 32.093 mills. Taxes levied total \$31,262,933, an increase of 4.40% (or \$1,316,922) over 2023 Budget taxes levied of \$29,946,011. Budgeted expenditures for 2024 are \$61,704,435, a 7.11% increase over 2023 budgeted expenditures of \$57,606,830.

Administrator Johnson and the Board discussed the decrease in the mill levy over the last few years.

The Board and Administrator Johnson chatted about changes that could be made to the RNR Notice that might help the public understand the notice more clearly.

Commission Chair Herzet opened the Public Hearing for the Butler County 2024 Budget at 11:47 a.m.

Commission Chair Herzet closed the Public Hearing for the Butler County 2024 Budget at 11:47 a.m. with no comments.

Commissioner Murphy motioned to approve the 2024 Budget for Butler County. Commission Chair Herzet seconded. Motion carried 5-0.

(02:39:02)

ITEM #3 - 2024 BUDGET PUBLIC HEARING AND ADOPTION FOR BUTLER COUNTY FIRE DISTRICT 1, 2, 3, 4, 5, 6, 7, 8 AND 9

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board to hold the 2024 Budget Public Hearing for Butler County Fire District 1, 2, 3, 4, 5, 6, 7, 8 and 9. The annual budget is a legal document that gives the County the authority to levy a property tax. In addition, it is also a policy and communications device allowing the public to know what the County's priorities and plan is for the next year. The notice of public hearing for the 2024 Budget for Butler County Fire District 1, 2, 3, 4, 5, 6, 7, 8 and 9 was published on July 29th in the County newspaper. The Proposed 2024 Budget for Butler County Fire District 1, 2, 3, 4, 5, 6, 7, 8 and 9 was presented to the Board.

Commission Chair Herzet opened the Public Hearing for the 2024 Butler County Fire District 1, 2, 3, 4, 5, 6, 7, 8 and 9 budgets at 11:49 a.m.

Commission Chair Herzet closed the Public Hearing for the 2024 Butler County Fire District 1, 2, 3, 4, 5, 6, 7, 8 and 9 budgets at 11:49 a.m. with no comments.

Commissioner Jackson motioned to approve Commissioner Woydziak seconded. Motion carried 5-0.

(02:40:45)

ITEM #4 - ANNUAL SALARIES FOR ELECTED OFFICIALS

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board for the approval of Resolution No. 23-30, establishing the salaries of the all elected officials for 2024. This is an annual resolution setting the salaries for the upcoming year for the six elected official positions in Butler County. The 2024 Proposed budget has a 5% merit pool and the elected official salary matches that percentage.

Commissioner Masterson expressed his desire to discuss using dollar amounts instead of percentages for next year's salary increases.

Commissioner Woydziak motioned to approve Resolution No. 23-30 establishing the salaries of elected officials for 2024. Commissioner Masterson seconded. Motion carried 5-0.

(02:45:45)

ITEM #5 - 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 for approval of a request for a change in zoning from AG-40 to RE on property located at 1555 SW Butler Rd Benton, Kansas. Mike Hinnenkamp owns a tract of land that contains 48+/- acres, zoned AG-40. Mr. Hinnenkamp is proposing to rezone the 48 acres, which could allow him to possibly split the property, as well as match the zoning on adjacent property. The property is surrounded by both AG-40 and RE, so the change in zoning would not be considered detrimental to the area. The fact the property is located within the Urban Growth Area, and the part of the County that is seeing significant growth, the change would not be detrimental at all. State Statute required all landowners located within a 1,000' radius of the site be notified and Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 7-0; Staff also supports the request.

Mr. Alfaro discussed the properties surrounding Jeff Dietrich's property with Administrator Johnson, Counselor Huelskamp and the Board.

Commissioner Masterson motioned to approve the request for a change in zoning from AG-40 to RE and direct the Chairman to sign Resolution No. 23-28. Commissioner Murphy seconded. Motion carried 5-0.

(02:53:59)

ITEM #6 - RESOLUTION OF SUPPORT TO KDOT

Will Johnson, County Administrator and Darryl Lutz, Public Works Director, came before the Board for approval of Resolution No. 23-37 in support of design modifications by the Kansas Department of Transportation (KDOT) project for the 12th Avenue Bridge replacement near El Dorado State Park to include a pedestrian walkway. KDOT has plans for an improvement project of the 12th Avenue Bridge to El Dorado State Park. These improvements to the State Bridge are necessary to maintain the safe flow of traffic to and from El Dorado State Park to the City of El Dorado. Currently the bridge does not include a pedestrian crossing, nor does the design modifications include construction of a pedestrian crossing. City of El Dorado Staff reached out to the County indicating KDOT has requested a Resolution of Support requesting a design modification. The Resolution of Support was developed with justification of an extension to the City's pedestrian path out to the ball fields and the future County Event Center project at the lake. Staff recommends adoption of the Resolution of Support and submission to KDOT for a pedestrian path erected with the bridge project over the Walnut River.

Commissioner Jackson motioned to approve Resolution 23-37 in support of design modifications by the Kansas Department of Transportation project for the 12th Avenue Bridge replacement near El Dorado State Park to include a pedestrian walkway. Commissioner Woydziak seconded. Motion carried 5-0.

Commissioner Jackson and Mr. Lutz discussed the detour route for the SW Hickory Creek project. Commissioner Jackson has received calls with concerns that vehicles are not using the designated route and causing a lot of dust for homeowners in the area.

Commissioner Woydziak informed Mr. Lutz of excessive truck traffic coming from the SW Butler Quarry on roads surrounding the quarry.

Mr. Lutz, Administrator Johnson and the Board discussed the upcoming KDOT US 54 Bridge replacement project.

(03:07:30)

VOUCHERS

Commissioner Masterson questioned why this month's charge from Benchmark Government Solutions was so much higher than last month's charges; Administrator Johnson stated he would look into the matter.

Commissioner Masterson motioned to approve vouchers dated August 22, 2023, in the amount of \$981,439.64. Commissioner Murphy seconded the motion. Motion carried 5-0.

(03:08:48)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$579.22. Commissioner Jackson seconded the motion. Motion carried 5-0.

(03:08:55)

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

Commissioner Murphy reminded the Board he will not be in attendance for next week's meeting.

Commission Chair Herzet has been receiving phone calls from different solar farm developers concerning the proposed regulations. Counselor Huelskamp reminded Commission Chair Herzet to keep a record of the calls.

Due to the longer meeting today, Administrator Johnson had to reschedule the Commissioners lunch at the Rose Hill Senior Center.

Administrator Johnson informed the Board he will be in and out of the office most afternoons this week.

Counselor Huelskamp discussed the proposed Solar Facility Regulations with the Board. Mr. Huelskamp will present the Board with a copy of the proposed regulations to review.

(03:13:43)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 12:22 p.m. Commissioner Masterson seconded the motion. Motion carried 5-0.