

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, August 23, 2022

(00:00:14)

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

(00:00:17)

INVOCATION

Commissioner Masterson presented the invocation.

(00:01:08)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes from the August 16, 2022 Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 3-0-1. Commissioner Wheeler abstained due to not being in attendance for the meeting.

(00:01:36)

PUBLIC COMMENTS

Stephanie Dean, Big Brothers and Big Sisters Representative for Butler County, introduced herself to the Board and gave a little background about her duties with Big Brothers and Big Sisters in El Dorado.

(00:05:02)

ITEM #1 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RE AS SUBMITTED BY TRACY LANDIS

David Alfaro, Community Development Director, came before the Board for approval for a change in zoning from AG-40 to RE on property located at 15253 SW 190th St Rose Hill, Kansas. Tracy Landis owns a tract of land that contains 156+/- acres and is requesting to rezone the 156+/- acres, which will allow her to potentially develop the property into a rural subdivision. The property is located just south of the city limits of Rose Hill and across the road from Rose Hill High School. One of the questions addressed was access to Rural Water; a letter from Sedgwick County Rural Water District #3 stated that they could supply up to 20 water meters to the site if the property is developed. SW 190th St is a gravel township road but the site is just half mile east of SW Butler Rd, which is a paved arterial road. State statute requires all landowners within a 1,000' radius of the site of the requested change be notified; staff did not receive any comments. Staff spoke with Warren Porter, City Administrator for the City of Rose Hill; after learning what is proposed and the impact to the infrastructure in the area Mr. Porter was comfortable with the proposed change. The Planning Commission approved the request by a vote of 4-0 and staff supports the recommendation.

Commissioner Woydziak motioned to approve the requested change in zoning on property located at 15253 SW 190th St from AG-40 to RE and direct the Chairman to sign Resolution No. 22-30. Commissioner Masterson seconded. Motion carried 4-0.

(00:07:50)

ITEM #2 – SPECIAL EVENT PERMIT FOR A TENT REVIVAL SUBMITTED BY LINDA PIERCE

David Alfaro, Community Development Director, came before the Board for approval of a Special Event Permit for a Revival to be held on October 15, 2022. Linda Pierce owns property located at 1189 NW Ohio St Towanda, and is asking permission to conduct a tent revival on her property. In June 2022, Ms. Pierce held a similar two day event and according to Ms. Pierce and the Butler County Sheriff's Office, the event went off without any problems or issues.

Commissioner Masterson motioned to approve the request for a Special Event Permit as submitted by Linda Pierce and direct Staff to work with her as needed. Commissioner Woydziak seconded. Motion carried 4-0.

(00:09:29)

ITEM #3 – AMENDMENT (2) TO MASTER AGENCY AGREEMENT WITH ALCOHOL MONITORING SYSTEMS (AMS)

Monty Herbert, Community Corrections Director, came before the Board for approval to adopt Amendment (2) to the Master Agency Agreement with AMS to include the use of GPS beacons at a daily service fee of \$1.24; adding the GPS beacons will allow the Electronic Monitoring Program (EMP) to use cell signal in rural areas when satellite signal is poor.

Mr. Herbert introduced Ed Ketley to the Board as the new Deputy Director of Community Corrections; Mr. Ketley has worked for the County since 2018.

Commissioner Wheeler motioned to approve Amendment (2) to Master Agency Agreement with Alcohol Monitoring Services to include the use of GPS beacons at a daily fee of \$1.24 and authorize chair to sign. Commissioner Masterson seconded. Motion carried 4-0.

(00:00:00)

ITEM #4 – FY 2023 ADULT AND JUVENILE CARRYOVER REIMBURSEMENT BUDGET

Monty Herbert, Community Corrections Director, came before the Board for approval of the FY23 Adult and Juvenile Carryover Reimbursement Budget. Each year Community Corrections is required to submit a proposed budget for reimbursed funds for the adult and juvenile programs to the Kansas Department of Corrections (KDOC). There is no impact on the County's budget or block grant budgets. These funds are required to be sent in support of their respective programs.

Commissioner Masterson motioned to approve the FY23 reimbursed adult budget in the amount of \$38,544.26 and the FY23 reimbursed juvenile budget in the amount of \$44,819.98 and authorize chair to sign. Commissioner Woydziak seconded. Motion carried 4-0.

(00:13:38)

ITEM #5 – SW BUTLER ROAD IMPROVEMENTS – SW 170TH NORTH TO SW 155TH

Darryl Lutz, Public Works Director, came before the Board for approval of a request to the Kansas Department of Transportation (KDOT) for project programming to receive federal funds for the proposed SW Butler Rd improvement project from SW 170th St north to SW 155th St near Rose Hill. The County, for the past 13 years has been planning and implementing improvement projects for the SW Butler Rd corridor between Rose Hill and Andover. The County and City of Andover have completed several phases of improvement projects including the most recent project for the roundabout and one mile of roadway improvements at SW 150th St. The next planned phase of improvements is for the remaining unimproved section of SW Butler Rd between the north side of the SW 170th St intersection and SW 155th St. This project includes one and a half miles of roadway designed to an urban four lane curb & gutter standard, 10' multi-use path, sidewalk, bridge over Eight Mile Creek and intersection improvements at SW 160th St. This segment was recently approved to receive federal funds through Wichita Area Metropolitan Planning Organization (WAMPO) in the 2023-2026 Transportation Improvement Plan (TIP). WAMPO is requesting that projects that were awarded funding to proceed with the process to program their projects with KDOT. Staff has completed the appropriate form from KDOT to request project programming. The project is currently approved for federal funds in the amount of \$9,065,021 which is approximately 77.6% of the estimated cost of construction and construction engineering. As more funds become available through WAMPO the County will request the funding amount to be increased to the maximum level of 80%.

Commissioner Woydziak motioned to approve the request to KDOT for project programming to receive federal aid funds allocated through WAMPO for the proposed SW Butler Rd improvement project from SW 170th St north for approximately one and a half miles to SW 155th St and to authorize the Chair to sign. Commissioner Wheeler seconded. Motion carried 4-0.

(00:18:49)

ITEM #6 – BIENNIAL BRIDGE INSPECTION PROGRAM - ENGINEERING REQUEST

Darryl Lutz, Public Works Director, came before the Board for approval to obtain a proposal for engineering services related to required biennial bridge inspection work for the County. At a minimum of every two years, every highway bridge with a 20 foot span or longer is required to be inspected by certified bridge inspection personnel. An inspection report and narrative are updated and new bridge sufficiency ratings are calculated for each bridge. Butler County has approximately 434 bridges that require this inspection. The County utilizes an engineering consultant for this work due to the amount of time and certified personnel required. This is a mandatory program under both state and federal law and must be completed in order to be eligible to obtain federal funding for road and bridge projects. Staff has worked with Finney & Turnipseed, the County's bridge engineering consultant, to perform this work. Mr. Lutz is proposing the County Commission to authorize the department to negotiate an agreement with Finney & Turnipseed. Finney & Turnipseed has performed this work for the County in the past and has demonstrated a consistent effort for providing a quality work product at a reasonable cost. The Department will return at a later date with an agreement for consideration and approval. This work is mandatory work which will need to be started by December 2022 and completed by April 2023.

Commissioner Woydziak inquired about the cost of the consultant; Mr. Lutz stated his estimate is between \$70,000 and \$75,000.

Commissioner Wheeler motioned to approve the Director of Public Works to negotiate a scope and fee for engineering services with Finney & Turnipseed, Topeka, Kansas to conduct the 2022-23 biennial routine bridge inspection work for Butler County. Commissioner Woydziak seconded. Motion carried 4-0.

(00:22:53)

ITEM #7 – KDOT BRIDGE FUNDING PROGRAMS – CALL FOR PROJECTS

Darryl Lutz, Public Works Director, came before the Board to review eligible bridge projects for possible funding under the Kansas Department of Transportation (KDOT) revised Off-system Bridge Program and under the revised Kansas Local Bridge Improvement Program. Each year KDOT distributes a portion of available federal aid transportation funds for eligible off-system bridge replacement projects. KDOT initiates this process about two years in advance by making a call for projects to counties and cities. Eligible projects include bridges on local (non-federal aid) roads that have a sufficiency rating of 50 or less. The off-system bridge application process is a competitive funding program. Mr. Lutz presented a map of bridges meeting eligibility requirements under the KDOT off-system bridge program and under the Kansas Local Bridge Improvement Program, which will include some projects proposed in the current adopted CIP as well as one or more prospective projects that have recently increased in priority. Staff also requested the Board's input on priority projects. Mr. Lutz will return the following week with project applications for approval. All project funding applications must be submitted to KDOT no later than September 2, 2022. Successful project applications will be mostly funded by KDOT. These programs could free up money for other planned projects that are being delayed due to increases in project costs.

No action was taken.

Mr. Lutz and the Board discussed leasing a County Stock pile site to SEMA/BSNF for a short period. SEMA/BSNF is needing a space to store materials while working in the area. Mr. Lutz will write an agreement and will bring it back for the Board's approval at a later date.

(01:01:23)

RECESS

Commission Chair Herzet called the meeting to recess at 10:01 a.m. for six minutes.

(01:01:45)

RECONVENE

Commission Chair Herzet reconvened the meeting at 10:07 a.m.

(01:01:46)

ITEM #8 – 2022- Q2 FINANCIAL/MANAGEMENT REPORT

Ryan Adkison, Finance Director, came before the Board for approval to receive and file the 2022-Q2 Financial/Management Report. The Board receives quarterly financial/management

reports as part of the County's overall transparency and management process. The information presented in this report should be considered by the Board during the formulation and implementation of the CIP, operating budget and with other important decisions affecting the County's operations.

Commissioner Woydziak motioned to receive and file the 2022-Q2 Financial/Management Report. Commissioner Masterson seconded. Motion carried 4-0.

(01:16:15)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers dated August 23, 2022 in the amount of \$344,226.97. Commissioner Masterson seconded the motion. Motion carried 4-0.

(01:16:56)

ADDS & ABATES

Commissioner Wheeler motioned to approve Adds in the amount of \$440.78 and Abates in the amount of \$00.00. Commission Chair Herzet seconded. Motion carried 4-0.

(01:17:16)

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

The Board is attending a luncheon at the Rose Hill Senior Center at 11:45 a.m. today.

Administrator Johnson discussed the County's Health Insurance Plans for the upcoming year.

Administrator Johnson is providing dinner for the Extension and Fair Board joint meeting this evening.

Administrator Johnson and the Board discussed a resolution for the Whitewater River Consolidated Fire District.

Administrator Johnson and the Board conversed about Sedgwick County pushing for a resolution concerning the Quad County meetings.

The Board and Administrator Johnson discussed issues with the City of Whitewater and USD 375 concerning the Revenue Neural Rate and publications of the Public Hearings in the Butler County Times Gazette.

(01:39:24)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:33 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.