

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, August 24, 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 Dan Woydziak, Commissioner Kelly Herzet, Commissioner Mike Wheeler, County Administrator Will Johnson, and Clerk Recorder Koleen Laney.

(00:00:40)

INVOCATION

Pastor Matt Click, First Baptist Church, El Dorado, KS, presented the invocation.

(00:02:25)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the August 23, 2021, Butler County Commission meeting as written. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:02:55)

PUBLIC COMMENTS

Mr. Jim Weaver, 11627 SW Indianola Rd, Augusta, KS, came before the Board to address three (3) issues that he wanted to discuss. The first issue was concerning the bridge located at 120th and Indianola Rd. and the condition of it as it has been a target for graffiti as well as a dumping area. Mr Weaver would like to see signs posted to deter these acts. The second was a pasture also located in that area that is being overrun with Sericea Lespedeza as well as Johnson Grass, Mr. Weaver feels the County should spray the weeds with an aerial sprayer and charge the landowner. The last issue was the closure of 120th St due to the expansion of the Augusta Airport; Mr. Weaver feels this closure would greatly affect people who travel this road and would like the Commissioners to explore other options.

(00:21:00)

ITEM #1 –2022 Budget Revenue Neutral Rate (RNR) Hearing and RNR Resolution Adoption

Ryan Adkison, Finance Director, came before the Board for consideration of the adoption of the County's 2022 Budget Revenue Neutral Rate (RNR) as well as Butler County Fire District's 1,2,3,4,5,6,7,8, and 9 Revenue Neutral Rates. During the 2021 legislative session the tax lid was removed and the legislature enacted SB 13 and HB 2104. This legislation establishes new notice and public hearing requirements if the proposed budget will exceed the property tax levy's Revenue Neutral Rate (RNR). On July 14th the County Commission notified the County Clerk of their intention to exceed the RNR and hold a RNR hearing on August 24. Public notice of the RNR hearing was published on July 27th in the newspaper and added to the County's website on July 23.

Commission Chair Masterson opened the public hearing at 9:21 a.m. There were no comments. Commission Chair closed the public hearing at 9:21 a.m.

Commissioner Woydziak motioned to approve Resolution 21-18 allowing Butler County, Kansas to levy a property tax rate exceeding the Revenue Neutral Rate. Commissioner Herzet seconded the motion. Motion carried 5-0.

Commission Chair Masterson opened the public hearing at 9:22 a.m. There were no comments. Commission Chair closed the public hearing at 9:22 a.m.

Commissioner Woydziak motioned to approve Resolution 21-19 allowing Butler County, Kansas, Fire District 1, 2, 3, 4, 5, 6, 7, 8, and 9 to levy a property tax rate exceeding the Revenue Neutral Rate. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:23:39)

ITEM #2- 2022 Budget Public Hearing and Adoption for Butler County Fire District 1,2,3,4,5,6,7,8 and 9

Ryan Adkison, Finance Director, came before the Board for consideration of the adoption of the 2022 Budget for Butler County Fire Districts 1,2,3,4,5,6,7,8 and 9.

Commission Chair Masterson opened the public hearing at 9:23 a.m. There were no comments. Commission Chair closed the public hearing at 9:24 a.m.

Commissioner Murphy motioned to adopt the 2022 Budget for Butler County Fire District 1,2,3,4,5,6,7,8 and 9. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:24:06)

ITEM #3 – 2022 Budget Public Hearing and Adoption for Butler County

Ryan Adkison, Chief Financial Officer, came before the Board for consideration of the adoption of the County's 2022 budget. Counties, Cities and Special Districts are required by statute to adopt an annual operating budget to enable the entities to assess taxes for the operation and delivery of services by the organization. The Proposed 2022 Butler County budget has been developed to continue a stable delivery of services to the residents of Butler County. The Mill Levy was reduced by 1.2 mill.

Commission Chair Masterson opened the public hearing at 9:25 a.m. There were no comments. Commission Chair closed the public hearing at 9:25 a.m.

Commissioner Woydziak moved to adopt the 2022 Budget for Butler County. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:26:30)

ITEM #4 – Requested Change in Zoning on Property locate at 14264 SW 50th St., Benton, KS, from AG-40 to Rural Residential (RR) as Submitted by Cero Family Living Trust.

David Alfaro, Director of Planning and Zoning, came before the Board requesting change in zoning on property located at 14264 SW 50th St. Benton, KS from AG-40 to Rural Residential (RR) as submitted by Cero Family Living Trust. Cero Family Trust owns a 9+/- acre tract of land located at 14264 SW 50th St. Benton that is currently zoned AG-40. The applicant is requesting

a change in zoning from AG-40 to RR which will allow the Trust to potentially split the property into two tracts. This would allow the Trust to separate an existing house from the remainder of the property. It should be noted that a commercial operation, Atlas Traps, is also located on this particular tract of land but the change in zoning has no bearing on the operations of the business. All conditions currently on the operations of the business will still remain in place. The change in zoning will not have a negative impact on the area as numerous tracts with RR zoning exist in the area and if the property is split the newly created tracts will be similar in size to what is already there.

Commissioner Woydziak motioned to approve a request for a change in zoning from AG-40 to RR as submitted by Cero Family Living Trust and directed the Chairman to sign Resolution No. 21-20. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:33:50)

ITEM #5- Consider Acceptance of a Final Plat for Gryffin Manor as Submitted by ET Enterprise, LLC on Property Located at SW 80th St. and 1/2 mile East of SW Haverhill Rd. El Dorado, KS

David Alfaro, Director of Planning and Zoning, came before the Board for consideration of the acceptance of a Final Plat for Gryffin Manor as submitted by ET Enterprise, LLC, on property located at SW 80th St. and 1/2 mile East of SW Haverhill Rd. El Dorado, KS. As mentioned, the property is zoned Rural Residential and the size of the proposed Lots, though larger than the 10-acre maximum, will conform to the size requirements of the RR zoning classification. Sewage Disposal will be handled by either a Lagoon or Septic System and Domestic Water will be provided by the Rural Water District or Private Wells. It should be noted that access to the back two (2)-thirty (30) acre Lots will be via a 70' Road Right-of-Way with a cul de sac at the end providing a turnaround for emergency vehicles as well as school buses and any other vehicular traffic. Kristy Randall, 7806 SW Haverhill, El Dorado, Kansas, and Christie Bowman 1704 SW 80th St, El Dorado, Kansas, came before the Board with concerns about the drainage along SW 80th, The Commissioners determined a conversation would need to happen with Spring Township in reference to this issue. Mrs. Randall also had concerns about the split due to the trees located on the property to be split, if trees were removed this would create an issue with dust and noise. Mrs Bowman mentioned traffic issues as well.

Commissioner Murphy motioned to approve a request by ET Enterprise, LLC for the approval of a Final Plat for Gryffin Manor and direct the Chairman to sign the Final Plat as presented. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:51:39)

ITEM #6- Request for a Conditional Use Permit Allowing for the Operation of a Dog Breeding Operation on Property Located at 5499 SW Kansa Rd, El Dorado, KS, as Submitted by Sharon Leible-Teeter.

David Alfaro, Director of Planning and Zoning, came before the Board to Request a Conditional Use Permit allowing for the operation of a dog breeding operation on property located at 5499 SW Kansa Rd, El Dorado, KS, as submitted by Sharon Leible-Teeter. Mrs. Leible-Teeter owns a tract of land that contains 39+/- acres and is use for farm/homestead related activities. She is looking to start a Dog Breeding Operation that will be known as Teeter Doodles, LLC. The activities on the property will consist of breeding Labradoodles, Goldendoodles and

Doubledoodles. An existing building will be used as part of the operations and will be required to meet Commercial Building Codes and will be inspected by County Inspectors. Access to the site is off SW Kansa or SW 55th St. which are unpaved Township Roads. While vehicular traffic to the site will be light, delivery of all the dogs will be done off site limiting traffic to the area. The applicant lives on site and will continue to live there as the business continues to operate.

Commissioner Woydziak motioned to approve the request for a Conditional Use Permit for a Dog Breeding Operation as submitted by Sharon Leible-Teeter on property located at 5499 SW Kansa Rd. and directed the Chairman to sign Resolution 22-21. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:59:54)

ITEM #7- Request for a Conditional Use Permit for an Event Venue on Property Located at 3254 NW Butler Rd. Benton as submitted by Stacy and Melissa Van Tassel.

David Alfaro, Director of Planning and Zoning, came before the Board to Request a Conditional Use Permit for an Event Venue on property located at 3254 NW Butler Rd. Benton as submitted by Stacy & Melissa Van Tassel. The Van Tassels own a tract of land that contains 8+/- acres and is used for farm/homestead activities. The applicants are looking to start a business that will be known as Venues at Van Tassel Ridge. The Venue will be a site that will host a myriad of activities on the property. The Venue will provide a unique opportunity to either utilize a future Barn for activities or enjoy nature by having their events outside. Currently there is a Shop on the property that will be required to be improved to meet Commercial Building Codes and will be inspected by County Inspectors. Any future structures will need to meet Commercial Codes as well. Access to the site is off NW Butler Rd. which is a paved County Arterial Road and all parking will take place on site. The property surrounding the site is owned by the applicants parents/in-laws.

Commissioner Herzet motioned to approve a request for a Conditional Use Permit for an Event Venue on property located at 3254 NW Butler Rd. as submitted by Stacy and Melissa Van Tassel and directed the Chairman to sign Resolution No. 21-22. Commission Chair Masterson seconded the motion. Motion carried 5-0.

(01:03:38)

RECESS

Commission Chair Masterson recessed the meeting at 10:03 a.m. for five minutes. Commission Chair Masterson reconvened the meeting at 10:15 a.m.

(01:15:49)

ITEM #8- Public Works Department Pickup - Bid Opening

Darryl Lutz, Director of Public Works, came before the Board to receive and open sealed bids for the purchase of one (1) new 3/4 ton extended cab 4WD cab and chassis pickup for the Department of Public Works. No bids were submitted at this time. Staff will revisit this item again in the future.

No action was taken

(001:17:50)

ITEM #9- FY22 Adult Carryover Reimbursement and Juvenile Carryover Reimbursement Budget

Monty Herbert, Deputy Director of Community Corrections, came before the Board for approval of the fiscal year 2022 Adult Carryover Reimbursement and Juvenile Carryover Reimbursement Budget. Each year Community Corrections is required to submit reimbursed funds for the juvenile and adult programs to the Kansas Department of Corrections (KDOC). Reimbursement for the juvenile budget is \$35,775.05 and \$25,528.10 for the Adult reimbursement. 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 Wheeler motioned to approve the FY22 reimbursed juvenile budget in the amount of \$35,775.05 and the FY22 reimbursed adult budget in the amount of \$25,528.10 and authorized the chair to sign. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:19:26)

ITEM #10- ProQA Annual Support Payment

Jeremy Seglem, Director of Emergency Communications "E911", came before the Board for approval of the annual ProQA support payment in the amount of \$25,338.00 for software maintenance. ProQA is the computerized version of the protocols used on every 9-1-1 call received. These protocols dictate how calls are prioritized and provide the scripted instructions for 9-1-1 callers specific for the emergency they are reporting. These instructions range from general safety tips to step-by-step life support instructions. This maintenance agreement allows staff to access technical support twenty-four (24) hours per day, 365 days per year and receive several software updates throughout the year.

Commissioner Murphy motioned to authorize the 9-1-1 Director to make the payment of \$25,338.00 for the ProQA annual software maintenance agreement. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(01:20:46)

ITEM #11- Annual Salaries for Elected Officials

Will Johnson, Butler County Administrator, came before the Board for approval of Resolution 21-17 establishing the salaries of the all elected officials for 2022. The 2022 Proposed budget has a 6% merit pool, therefore increasing elected officials salaries.

Commissioner Woydziak motioned to approve Resolution 21-17 establishing the salaries of elected officials for 2022 with a 6.0% increase. Commissioner Herzet seconded the motion. Motion carried 5-0.

(01:20:45)

ITEM #12- Longevity Policy update

Will Johnson, Butler County Administrator, came before the Board for approval of an update to the longevity policy. The current longevity policy dates back to the early 2000s and was designed to progressively reward employees for their length of employment with the County. During the 2021 Strategic Retreat at The Point in Augusta, staff and the Commission cited

employee compensation as an issue that needed addressed in the 2022 Budget. To this end, the 2022 Proposed Budget had a general merit increase of 6% for all staff. However, staff is more specifically concerned about short-term employees (1-5 years), who consistently have higher levels of turnover, sometimes between 25% and 30%. To address the correlation between higher turnover and shorter time with the County, staff included in the 2020 Proposed budget an amendment in the longevity policy to basically pay \$100/yr starting in year one through year twenty (20). This was slightly more aggressive than the current policy which pays \$300 after three years. In budget discussions, the Commission directed staff to further increase the aggressiveness of the longevity pay up-front so that it is was even more targeted to employees in their first five years of service. The policy change included in the 2022 Proposed Budget (option 1) is estimated to cost \$34,300 over the current policy while the newly updated policy (option 2) is estimated to cost \$93,000 over the current adopted policy or \$59,600 over option 1. The option 2 amount is included in the 2022 Budget the Commission agreed to publish for the budget hearing.

Commissioner Woydziak motioned to approve the updated longevity pay policy. Commissioner Herzet seconded the motion. Motion carried 5-0.

(01:27:30)

ITEM #13- County Commission Performance Evaluation AR14-01 Policy Update

Will Johnson, Butler County Administrator, came before the Board for approval of an update to the County Commission Performance Evaluation Policy AR14-01. This policy defines the program requested by the Commission and implemented with all new pay increases for employees in 2014. In 2015 the County amended the policy eliminating range pay adjustments based on score and changed to pay adjustments based on preliminary raise amount based on the employees evaluation score and then adjusted based on the budget performance pay funding. The modification in 2021 adjusts the merit dates to January of each year so all employees receive their merits at the same time, which provides equity between all employees and clarity for budget purposes. Staff believes moving the evaluation time frame all to the 4th quarter and applying the resulting merit increase for the entire county on the first paycheck in January will simplify and streamline the process and create uniformity: 1) it will streamline and simplify both budgeting for and explaining the merit increase budget, which is typically one of the largest budget items each year. Currently, a 3% merit increase pool (for example) will not affect the budget by 3% because many employees will get the increase after half the year is over. This fact makes it harder to spot errors and explain why salaries are going up 1% for certain departments and 2.5% for others. Going forward, a 3% merit pool will result in a 3% increase for most positions. 2) It will create uniformity between departments and staff should feel more equally valued, which may help with turnover rates for certain departments. For example, currently the Sheriff's Office (Road Patrol) does their evaluations in April while the Jail does them in October. This policy change is included in the 2022 Proposed Budget.

Commissioner Herzet motioned to approve the updated County Commission Performance Evaluation Policy AR14-01. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:30:49)

VOUCHERS

Commissioner Wheeler motioned to approve vouchers dated August 23, 2021, in the amount of \$275,237.23. Commission Chair Masterson seconded the motion. Motion carried 5-0.

(01:31:14)

ADDS & ABATES

Commissioner Wheeler motioned to approve Adds in the amount of \$428.44 and Abates in the amount of \$42.14. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:31:43)

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

Commissioner Wheeler let the Commissioners know he will not be in attendance at the September 14th meeting.

Administrator Johnson said a Commissioner heard a rumor of the County mandating employees receive the COVID-19 vaccine, He clarified the county will not mandate the vaccine but does encourage it.

Administrator Johnson relayed he was notified that Public Works will be sending out legal notices regarding weed issues within the County.

Administrator Johnson stated he was contacted by Dr. Varner who stated Sedgwick County is considering cutting a forensic pathologist position and not taking any outside county autopsies.

Dan Ingalls, Director of Facilities Management, came before the Board with an estimate of repair for the two bathrooms located on the third floor of the Historic Courthouse. Because of the new plumbing extensive work needs to be done to both bathrooms. The men's bathroom would be at a cost of \$4,620.00 and the women's a total of \$5,050.00 for a grand total of \$9,670.00.

Commission Chair Masterson motioned to approve the expenditure for the walls and tile for the bathrooms located on the third floor of the Historic Courthouse. Commissioner Herzet seconded the motion. Motion carried 5-0.

Administrator Johnson stated he was contacted by Brad Loveless, Secretary of Wildlife and Parks. Mr. Loveless relayed the Kansas Department of Corrections allocated \$625,000.00 in their budget for demolition of the Honor Camp facilities located in both El Dorado and Toronto.

(01:51:14)

ADJOURNMENT

Commissioner Herzet motioned to adjourn the meeting of the Board at 10:52 a.m. Commissioner Murphy seconded the motion. Motion carried 5-0.

The Commissioners attended a luncheon at 11:45 AM at the Rose Hill Senior Center located at 217 E Silknitter, Rose Hill, KS.