

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 12, 2023**

(00:00:19)

**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, Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier. Commissioner Dan Woydziak was not in attendance.

(00:00:25)

**INVOCATION**

Anna Wealand, Executive Assistant, presented the invocation.

(00:01:10)

**APPROVAL OF MINUTES**

*Commissioner Masterson motioned to approve the minutes from the August 29, 2023, Butler County Commission meeting as presented. Commissioner Jackson seconded the motion. Motion carried 3-0-1.*

(00:01:38)

**PUBLIC COMMENTS**

There were no public comments.

(00:01:45)

**ITEM #1 - CONSTITUTION WEEK PROCLAMATION**

Mary Jo Jurey, Daughters of the American Revolution (DAR) Chairman, came before the Board to declare September 17, 2023, through September 23, 2023, as Constitution Week. Ms. Jurey contacted Tatum Stafford, County Clerk, to inquire if the request for the dates of September 17, 2023, through September 23, 2023, to be declared Constitution Week before the 2023 Constitution Week dates elapsed. In 1955, DAR President General Gertrude Carraway desired to promote the observance of the US Constitution; thus, Constitution Week was born and was first declared in August of 1956 by President Eisenhower. The date of September 17<sup>th</sup> was chosen to begin Constitution Week to commemorate the creation of the United States' Constitution on September 17, 1787. Instituting Constitution Week in Butler County may spark some individuals to learn more about the subject.

Commission Chair Herzet read the Proclamation.

*Commissioner Masterson motioned to approve September 17, 2023, through September 23, 2023, Constitution Week. Commissioner Murphy seconded the motion. Motion carried 4-0.*

(00:09:30)

**ITEM #2 - RESOLUTION OF SUPPORT - THE STEPPING UP INITIATIVE**

Larry Reynolds, Detention Administrator, and Sara Wheeler, Court Services, came before the Board for approval of Resolution No. 23-39 to include Butler County as a Stepping Up Partner. The Stepping Up Initiative is a National Initiative focused on reducing the overpopulation of those living with a mental illness located in county jails. The goal of the Technical Assistance (TA) provided through the Kansas Stepping Up TA Center is as follows:

- to position each county in Kansas to have accurate baseline data on the number of people with mental illnesses in jails
- develop a customized implementation plan to scale up or implement high-impact strategies both within the jail and in the community
- set targets to track progress; and achieve results.

Mr. Reynolds and Ms. Wheeler presented a slide show and then Mr. Reynolds read Resolution No. 23-39, The Stepping Up Initiative.

*Commissioner Jackson motioned to approve Resolution No. 23-39 The Stepping Up Initiative to include Butler County as a Stepping Up Partner and authorize the chair to sign. Commissioner Murphy seconded the motion. Motion carried 4-0.*

(00:32:04)

**ITEM #3 - SHERIFF AND JAIL VEHICLE PURCHASES**

Patrick Light, Sheriff Administrative Lieutenant, came before the Board to discuss the approval of the purchase of Sheriff and Jail vehicles. Order banks have begun to open with limited pricing and ordering available for the 2024 models; ordering and availability continues to be an issue. The Sheriff’s Office has located 2023 models, which are still being built but not yet claimed by other agencies and are in current inventory. Staff received quotes from multiple dealers for 2023 models. The quotes received are lower than the anticipated 2024 pricing from State contracts. By purchasing 2023 model vehicles the Sheriff’s Office will remain in budget and keep the fleet management current and within rotation. The Detention Facility’s total purchase price is above the CIP amount but Staff believes this allows the Detention Facility to not purchase any vehicles in the upcoming year. To ensure a sufficient fund balance to encumber these purchases in the Sheriff’s Reserve fund, Resolution No. 23-40 was presented to transfer funds about three months earlier than normal. The detailed purchase request is as follows:

**Sheriff’s Office/ Roadside**

Parks Motors Inc., Augusta, Kansas - Total Cost \$254,622.00

- 6- 2023, Dodge Durangos, Police package, V8 (\$42,437.00 each)

Davis Moore, Wichita, Kansas / SERV, Andover, Kansas - Total Cost \$85,450.00

- 1-2023, Dodge Durango, Police package, V8 (\$43,500.00 each)
- 1-, 2023 Ram 1500, SSV pickup, V8 (\$41,950.00)

Allen Samuels, Hutchison, Kansas / SERV, Andover, Kansas - Total Cost \$38,900.00

- 1-, 2023, Dodge Charger, RWD, V8 (\$38,900 each)

1-ATV/Mule/utility vehicle not to exceed Total Cost \$23,000.00  
(Once one is located in inventory within the price range from a company)

Setup fees, decaling, removing of old decals/equipment from old vehicles, two new mobile radios, eight in car cameras systems, MDT stands upgrades, and other equipment which is needed for outfitting not to exceed the total amount of \$143,250.00 from different vendors.

Grand Total: \$545,222.00

### **Detention Facility**

Parks Motors Inc. Augusta, Kansas - Total Cost \$94,061.00

- 1-2023, Dodge Transit, 2500, V6, Cargo Van, High Roof (\$54,520.00 each)
- 1-2023, Dodge Durango, V6 (\$39,541.00 each)

Davis Moore, Wichita, Kansas / SERV, Andover Kansas - Total Cost \$41,900.00

- 1-2023, Dodge Durango, V6, (\$41,900.00 each)

Setup fees, decaling, removing of old decals/equipment from old vehicles, prisoner cages, three new mobile radios, two in-car camera systems, two MDT/ laptops, two docking stations, and other equipment which is needed for outfitting not to exceed the total amount of \$102,752.46 from different vendors.

Grand Total: \$238,713.46

*Commissioner Murphy motioned to approve Resolution No. 23-40 and the purchase of vehicles/ (UTV/ATV) for the Sheriff's Office and Detention Facility in an amount not to exceed \$783,935.46. Commissioner Jackson seconded the motion. Motion carried 4-0.*

(00:42:06)

### **ITEM #4 –DETENTION FACILITY RADIO FREQUENCY IDENTIFICATION (RFID) SYSTEM**

Larry Reynolds, Detention Administrator, came before the Board to discuss the approval of the purchase of Detention Facility radio frequency identification (RFID) system. The Butler County Detention Facility requires Detention Staff make regular security and cell checks during certain times per best practices and risk management principles. At its inception, the Detention Facility had a built-in electronic system for recording (logging) these checks. The Detention Facility has since moved to a hand written log due to the system aging out. Detention Staff vetted several different technological solutions to enhance the efficiency and functionality of cell and security checks. Guardian RFID was found to be not only the best system for logging cell and security checks, but it offers many other benefits the Detention Facility could employ immediately. The benefits are as follows:

- inmate tracking
- digital activity logging
- headcount
- cell checks and guard tour

- inmate identification
- pill call
- compliance monitoring

Staff believes all the benefits listed above would help the Detention Facility run more efficiently, enhance the inmate experience, reduce risk significantly and reduce Staff stress and, thus, turnover. In addition, operating the facility could be done in a more flexible way. Finally, this is a web-based solution; it should require little IT hardware or Staff time. Staff was prepared to issue a formal RFP, but since they found only one product satisfies their needs, they desire to enter into a contract using the sole source provisions in the County's purchasing policy. Staff performed several reference checks with no negative reports and reached out to other Kansas clients to ensure the quote was in line. This contract will cost \$44,161.64 in year one for implementation, hardware and support and \$22,089 per year thereafter.

***Commission Chair Herzet motioned to approve the agreement with Guardian RFID and to authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 4-0.***

(00:49:51)

#### **ITEM #5 - WORK SESSION - DETENTION CENTER CONTROL SYSTEM MAINTENANCE**

Larry Reynolds, Detention Administrator, came before the Board to discuss the Control System upgrades and for permission for Staff to move forward with formalizing a contract for the project. The control system for the Butler County Detention facility is over 20 years old and experiencing issues which cannot be resolved without rebuilding the system. The project is expected to cost around \$500,000. Staff has been working with three different vendors to provide proposals for the work. American Control and Engineering Service (ACES) provided the lowest and best proposal. ACES is a local company based near Rose Hill, Kansas. ACES provides maintenance to control systems similar to the system the Butler County Detention Center utilizes. The Detention Center's Control System is in need of updates before major issues occur that would prevent the control center from operating the facility in the manner got which it was designed.

Robert Duren and Eric Dulzo, ACES, discussed with the Board the rebuilding and updating of the system before major issues occur.

***Commission Chair Herzet motioned to approve Detention Staff to move forward with American Control and Engineering Service (ACES) to perform maintenance on the Butler County Detention Center's Control System. Commissioner Murphy seconded the motion. Motion carried 4-0.***

(01:05:21)

#### **RECESS**

Commission Chair Herzet recessed the meeting at 10:05 a.m. for three minutes.

(01:05:25)

## RECONVENE

Commission Chair Herzet reconvened the meeting to recess at 10:08.

(01:05:26)

### ITEM #6 - MODIFICATIONS TO THE BUTLER COUNTY SANITARY CODES

Will Johnson, County Administrator, and David Alfaro, Community Development Director, came before the Board to discuss approval for Staff to bring back formal modifications to the Butler County Sanitary Codes. This would allow County Building Inspectors to grant variances on Septic Tank sizes to comply with the recommended alternatives to include allowing for a 1,500-gallon split tank on residential structures with four or less bedrooms. Currently, the Butler County Sanitary Codes requires two 1,000-gallon septic tanks to be installed on any new house built in rural Butler County, but allows for a 1,500-gallon split tank on replacement systems or when an existing home changes from a lagoon to a septic tank. Staff would like to modify the regulations to allow for tiered sizing of septic tanks, which would be dependent on the number of bedrooms in the residential structure and move away from the two 1,000-gallon tank standard, which the County has had for some time. In order to modify the codes, the modifications need to be brought back to the Board for formal adoption and then submitted to the Kansas Department of Health and Environment (KDHE) for formal adoption. During this time, Staff asked to be allowed to grant variances on new construction homes with four or less bedrooms to be allowed to install a split 1,500-gallon tank in order to save the homeowners some expense. This modification would align with standards developed by KDHE. The requested Amendment for the 2016 Environmental Health Sanitary Code are as follows:

#### 2016 Environmental Health Sanitary Code REQUESTED AMENDMENT

The following amendment will apply to new construction and replacement systems.

Article 4 Regulations for Septic Tanks

Section 7. Construction Specifications

A. "Tank Requirements. Residential septic tanks shall be two- one thousand (1000) gallon capacity tanks connected in tandem."

Amend to:

A. Tank Requirements.

- a. Single bathroom and sink in Ag/Accessory Structure - single 500 gallon tank
- b. Residential one bedroom – single 1,000 gallon tank
- c. Residential two bedrooms – single 1,500 gallon two compartment tank
- d. Residential three bedrooms – single 1,500 gallon two compartment tank
- e. Residential with 4 or more bedrooms – two 1,000 gallon tanks in tandem

F. "Lateral Size. If the soil profile test indicates a wastewater-loading rate of 0.3 to 0.8 gallons per day per square foot, the lateral size shall be a minimum of 2000 square foot of total effective absorption area."

Amend to:

F. Lateral Size. If the soil profile test indicates a wastewater-loading rate of 0.3 to 0.8 gallons per day per square foot, the lateral size shall be a minimum of:

- a. Single bathroom and sink in Ag/Accessory Structure - No more than 300 square feet (100 linear feet in 3-foot wide trench)
- b. Residential one bedroom – 1,400 square feet (467 linear feet in 3-foot wide trench)
- c. Residential two bedroom – 1,700 square feet (567 linear feet in 3-foot wide trench)
- d. Residential three bedroom – 2,000 square feet (667 linear feet in 3-foot wide trench)
- e. Residential four bedroom – 2,300 square feet (767 linear feet in 3-foot wide trench)
- f. Residential five bedroom – 2,600 square feet (867 linear feet in 3-foot wide trench)

Add:

Variations may be made by the Butler County Sanitarian after site specifics and expected use criteria have been evaluated.

*Commissioner Jackson motioned to approve Staff to bring back formal modifications to the Butler County Sanitary Codes and allow County Building Inspectors to grant variances on Septic Tanks as presented. Commissioner Masterson seconded the motion. Motion carried 4-0.*

Commissioner Masterson and Mr. Alfaro discussed a case that will go before the Planning and Zoning Commission during tonight's meeting.

(01:18:21)

**ITEM #7 - TRUCK TRAFFIC RESTRICTION RESOLUTION**

Darryl Lutz, Public Works Director, came before the Board to discuss the approval of a Resolution restricting certain vehicle traffic on designated roads in Pleasant Township. The County received a request from Pleasant Township to consider restricting truck traffic on certain light type roads maintained by the Township near Rose Hill, Kansas. Several years ago the Public Works Department worked closely with legal counsel, the County Attorney and the Sheriff's Department to create a truck traffic restriction Resolution that was easily enforceable. Pleasant Township is experiences many trucks cutting through from SW Santa Fe Lake Rd to Sedgwick County on Township maintained roads. The resolution would restrict large trucks from using SW 160<sup>th</sup> St and SW 180<sup>th</sup> St from SW Santa Fe Lake Rd to the Sedgwick County line and SW 170<sup>th</sup> St from SW Santa Fe Lake Rd to Rose Hill Rd except for any portion of those roads within the city limits of Rose Hill, Kansas. Trucks hauling rock from Southwest Butler Quarry are currently using the roads. The Resolution will prohibit trucks with a gross vehicle weight rated (GVWR) of more than 33,000 pounds which, essentially, is any truck with more than a single rear axle. Any trucks with local deliveries to locations not accessible by other roads would be allowed, as well as Township maintenance vehicles and emergency vehicles. The most suitable routes for trucks to use are SW 150<sup>th</sup> St and SW 210<sup>th</sup> St, which are County maintained asphalt surfaced roads.

*Commissioner Murphy motioned to approve Resolution No. 23-41, a resolution restricting certain vehicle traffic in Butler County and to authorize the Chair to sign. Commissioner Jackson seconded the motion. Motion carried 4-0.*

(1:24:40)

**ITEM #8 - KDOT PROJECT AGREEMENT - SW BUTLER RD FROM SW 170<sup>TH</sup> ST TO SW 155<sup>TH</sup> ST**

Darryl Lutz, Public Works Director, came before the Board to discuss the approval of a project agreement with the Kansas Department of Transportation (KDOT) related to federal aid funding for the proposed reconstruction of SW Butler Rd from SW 170<sup>th</sup> St north 1.5 miles to SW 155<sup>th</sup> St. In 2022, the County was awarded federal aid funding through Wichita Area Metropolitan Planning Organization (WAMPO) for this project. An application for a project number was submitted to KDOT and KDOT has prepared a project agreement for approval by Butler County. The project is expected to go to bid for construction in late 2025 or early 2026. The agreement stipulates that KDOT will provide funding for 80% of the construction and construction engineering cost up to a maximum of \$9,065,021. The balance of the project costs will be funded by Butler County. The agreement is a standard form agreement prepared by KDOT. Staff understands the terms of the agreement and recommended approval.

*Commissioner Masterson motioned to approve the project agreement with KDOT for Project No. 08 N-0756-01 to receive federal aid funding in the amount of up to \$9,056,021 to reconstruct SW Butler Rd from the north side of SW 170<sup>th</sup> St to SW 155<sup>th</sup> St north of Rose Hill and to authorize the Chair to sign. Commissioner Murphy seconded the motion. Motion carried 4-0.*

(01:28:44)

**NON-AGENDA ITEM- RIGHT OF WAY (ROW) ACCEPTANCE – NORTH BRANCH HICKORY CREEK BRIDGE ON SE FLINTHILLS RD**

Darryl Lutz, Public Works Director, came before the Board to discuss the approval of the dedication of easement for ROW for a tract related to the project to replace the North Branch Hickory Creek Bridge on SE Flinthills Rd. located 4.8 miles north and one mile east of Latham. The North Branch Hickory Creek Bridge replacement project on SE Flinthills Rd is a County bridge replacement project in the County's adopted CIP. The final plans are complete and Staff has been working with property owners on ROW and easement acquisition. Agreements have been reached with all property owners and official offers based upon approved values have been presented. The project required two tracts of ROW from two property owners. The County received and accepted one of the signed ROW documents in June. The second ROW document was not received until this week due to a change in ownership on the affected property. The payments and settlements are based upon minimum payments typically offered for permanent easement and will include any additional cost to cure items such as fence replacements. The tract is a small tract and the property owner accepted the County's offer of \$500 as minimum payment.

*Commissioner Jackson motioned to approve the acceptance of the dedication of easement for right-of-way from Damian and Janelle Korte and to approve the settlement in the amount of \$500 for Project No. BR 14E2-28-7(23), the proposed bridge replacement project for the North Branch Hickory Creek Bridge on SE Flinthills Rd located 4.8 miles north and one mile east of Latham, Kansas, and to authorize the Chairman to sign the document. Commissioner Masterson seconded the motion. Motion carried 4-0.*

(01:32:26)

**ITEM #9 - ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT (EECBG) APPLICATION PROJECT APPROVAL**

Ryan Adkison, Assistant County Administrator / Finance Director, came before the Board to discuss the approval of the Energy Efficiency and Conservation Block Grant application and project. The County was made aware of the EECBG via the Kansas Association of Counties. The Energy Efficiency and Conservation Block Grant (EECBG) Program is designed to assist states, local governments, and Tribes in implementing strategies to reduce energy use, to reduce fossil fuel emissions, and to improve energy efficiency. Butler County's EECBG allocation is \$77,230. The grant can be used as a voucher to simplify the process. Grant application materials state:

Department of Energy (DOE) has sought to simplify and streamline the process for entities that choose a voucher in lieu of a grant. Entities that opt into a voucher are not required to apply for and administer a direct federal grant. Entities choosing vouchers will submit a separate application using a streamlined process with reduced

documentation, monitoring and reporting requirements compared to applying for and administering a federal grant.

A voucher can be used for technical assistance and equipment rebates. Under the equipment rebates option, updated windows is included under the weatherization materials category. Staff is proposing to apply the entire grant toward an equipment rebate of this type. Specifically, staff believes the grant would cover a portion of the cost to update the windows in the Historic Courthouse to more energy efficient ones. In addition to this grant, staff believes pursuing tax credits could also be a strategy to reduce the overall cost of upgrading the windows.

If the grant application is approved, Staff will work with an architect in conjunction with the Kansas Historical Society to ensure the replacement windows are historically equivalent. Staff will solicit quotes from that design, which will be presented to the Commission for final project approval.

### **Project Cost**

The Historic Courthouse has approximately 182 windows that are attached to HVAC controlled rooms. Staff estimates the cost to insulate and replace them would be approximately \$300,000. Below is the proposed funding:

- \$81,000 - Historic preservation tax credit of 30%, it would equal \$90,000 sold at 90 cents on the dollar
- \$77,230 - EECBG Grant
- \$141,770 - General Fund Reserve

### **Operational Savings**

The most recent energy audit estimated replacing the Historic Courthouse's windows would have a payback time or 21 years. Staff estimates a local portion payback time of approximately 10 years.

***Commission Chair Herzet motioned to approve the EECBG Grant Application and:***

- 1) Direct staff to use architectural services to obtain a historically equivalent design approved by the Kansas Historical Society, which is eligible for tax credits***
- 2) Solicit bids for new windows using the approved design***
- 3) Present the final project and winning bid at an upcoming Board meeting***

***Commissioner Murphy seconded the motion. Motion carried 4-0.***

Commissioner Masterson inquired as to the increase in the amount for Traveler's Insurance; Mr. Adkison replied the increase is due to worker compensations insurance increases as a result of mid-year pay raises.

(01:40:54)



**ITEM #10 - HEALTH INSURANCE PREMIUMS 2023 - 2024**

Will Johnson, County Administrator, came before the Board to discuss the approval of the health care insurance premiums as presented. Butler County has been self-insured for Health Insurance since 2012. Annually, the Commission makes modifications to the health insurance program and establishes premiums based on the cost of the program. Traditionally the County has attempted to share with the employees the cost of the program by paying 80% of the premium and the employees paying 20%. As the self-insurance program has changed over time, the County only has one plan at 80/20, which is the Preferred Provider Organization (PPO) plan, and the High Deductible Health Plan (HDHP) plans are at an actuarial equivalent. For 2023, the County Commission budgeted for a 5% increase in our self-insurance program. The traditional PPO plan was adjusted up at a rate of 5% and the premiums for the employees were adjusted for the increase. The premiums for the HDHP plans were adjusted to compensate for the cost of each program so they were actuarially equivalent to the PPO plan. The employer contribution for each plan is equal. The HDHP 2 plan premiums decreased as a result of the adjustment, the HDHP 3 plan premiums went up 5% and the Health Savings Account (HAS) contributions were adjusted to compensate.

Current						Renewal @ 5% & Adjusted					
	Enroll	Total	ER Cost	EE Cost	EE per Pay Period	Total	ER Cost	EE Cost	EE per Pay Period		
PPO			80%		Semi-Monthly		80%		Semi-Monthly		
EE	76	\$827.67	\$662.14	\$165.53	\$82.77	\$869.05	\$695.24	\$173.81	\$86.91	5.00%	
Family	123	\$1,829.97	\$1,463.98	\$365.99	\$183.00	\$1,921.47	\$1,537.17	\$384.29	\$192.15	5.00%	
Annual Subtotal	199	\$3,455,871	\$2,764,697	\$691,174		\$3,628,664	\$2,902,931	\$725,733			
HDHP 2			86.25%		Semi-Monthly		88%		Semi-Monthly		
EE	22	\$752.02	\$648.60	\$103.42	\$51.71	\$789.62	\$691.56	\$98.06	\$49.03	-5.18%	
Family	15	\$1,654.52	\$1,425.10	\$229.42	\$114.71	\$1,737.25	\$1,529.07	\$208.18	\$104.09	-9.26%	
Annual Subtotal	37	\$496,347	\$427,748	\$68,598		\$521,164	\$457,804	\$63,360			
HDHP 3			98.52%		Semi-Monthly		99%		Semi-Monthly		
EE	12	\$676.17	\$666.17	\$10.00	\$5.00	\$702.06	\$691.56	\$10.50	\$5.25	5.00%	
Family	16	\$1,423.77	\$1,403.77	\$20.00	\$10.00	\$1,550.07	\$1,529.07	\$21.00	\$10.50	5.00%	
Annual Subtotal	28	\$370,732	\$365,452	\$5,280		\$398,710	\$393,166	\$5,544			
Annual Total		\$4,322,950	\$3,557,897	\$765,053		\$4,548,539	\$3,753,902	\$794,637			

HDHP3

Reduce Single HSA rate \$100 annually and increase Family \$650 annually

*Commissioner Jackson motioned to approve the health insurance premiums for 2023-24 as presented by Staff. Commissioner Masterson seconded the motion. Motion carried 4-0.*

(01:46:08)

**VOUCHERS**

*Commissioner Jackson motioned to approve vouchers dated September 5, 2023, in the amount of \$562,787.24. Commissioner Masterson seconded the motion. Motion carried 4-0.*

*Commissioner Jackson motioned to approve vouchers dated September 12, 2023, in the amount of \$1,264,305.69. Commissioner Murphy seconded the motion. Motion carried 4-0.*

(01:46:48)

**ADDS AND ABATES**

*Commissioner Murphy motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$953.06. Commissioner Masterson seconded the motion. Motion carried 4-0.*

(01:47:04)

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

Commission Chair Herzet and Commissioner Jackson are attending the Farm Bureau Dinner at 6:00 p.m. tonight.

Administrator Johnson will be out of the office on Friday, September 15<sup>th</sup>.

The dinner at the Cassoday Senior Center is September 18, 2023, at 6:30 p.m.

Commissioner Woydziak will not be in attendance for next week's Commission meeting.

The health insurance meetings for employees are being held today and tomorrow.

(01:49:57)

**ADJOURNMENT**

*Commissioner Masterson motioned to adjourn the meeting of the Board at 10:54 a.m.*

*Commissioner Jackson seconded the motion. Motion carried 4-0.*