

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 21, 2021

CALL TO ORDER

Commission Chair Jeff Masterson called the Butler County Board of Commissioners meeting to order at 9:02 a.m. Present were Commissioner Marc Murphy, Commissioner Dan Woydziak, Commissioner Kelly Herzet, Commissioner Mike Wheeler, County Administrator Will Johnson, and Executive Assistant Anna Wealand.

(00:00:05)

INVOCATION

Pastor Jordan Friesen, El Dorado First Baptist Church, presented the invocation.

(00:01:48)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the September 14, 2021, Butler County Commission meeting as presented. Commissioner Herzet seconded the motion. Motion carried 4-0-1. Commissioner Wheeler abstained due to his absence last week.

(00:02:21)

PUBLIC COMMENTS

There were no public comments.

(00:02:35)

ITEM #1 –SPECIAL USE PERMIT FOR 1425 E. 6TH AVENUE, EL DORADO

Dave Alfaro, Community Development Director, approached the Board to discuss and make a recommendation for or against a special use permit (SUP) to allow an Accessory Apartment on property located at 1425 E. 6th Avenue, El Dorado. Community Development Staff received a request for consideration by the City of El Dorado for a Special Use Permit to allow an Accessory Apartment on property located at 1425 E. 6th Avenue in El Dorado. The property is located in the El Dorado extra territorial jurisdiction (ETJ) thus the need to submit to the County for a recommendation for approval or denial. The Current Zoning Ordinance defines Accessory Apartments "as an accessory use residential unit that is located detached from a principal single-family residential unit" thus the need for the SUP. The property is zoned Agricultural Residential (A-R) and a SUP is necessary to allow for the construction of an Accessory Apartment. It is also important to note that the applicant is also interested in constructing a Residential Addition to his existing detached garage. The problem with the request is that currently the property has some Floodplain on the property and the construction of an Apartment attached to either the Garage or Existing Home could encroach into the Floodplain or require the new or expanded Septic System into the Floodplain which will NOT be allowed. Even if it does not encroach it will be required to stay 50' from the Floodplain and staff does not feel that is possible. Based upon the information submitted, Staff is recommending that prior to any construction a Survey be performed to identify the exact location of the Floodplain to determine if any structures or the Septic System will be encroaching. If the Survey does in fact show an encroachment by a structure or the septic system staff is recommending the request not be approved. The City of El Dorado is required to notify the County of any type of request made within the ETJ and any

recommendation made by the County will require a Super Majority to overturn the recommendation.

Mr. Alfaro stated the applicant has assured Community Development the floodplain will not be encroached. The City of El Dorado has recommended to Community Development staff the request be approved as presented. Commissioner Woydziak stated any concerns need to be notated in the building permit documents. Mr. Alfaro and Administrator Johnson clarified with Commissioner Woydziak that the County is responsible for and in charge of the building permit for this location and notations will be made. Eric Barrier, son of the applicant, came before the Board to answer questions posed by the Board, mainly centered on the subject of the floodplain.

Commissioner Wheeler motioned to approve the request submitted by the City of El Dorado and send a positive recommendation to the City of El Dorado with the requirement that the Applicant have a Survey completed to identify the location of the Floodplain prior to any construction. Commissioner Murphy seconded. Motion carried 5-0.

(00:09:25)

ITEM #2- WORK SESSION – HVAC PROJECT, STATE CONTRACT VS BID PROCESS

Dan Ingalls, Facilities Management Director, came before the Board to receive direction from the Commission on using the State Contract or Bid Process on the replacement of the Chiller at the East Annex Building and RTU #1 and RTU #2 at the Judicial Building. The chiller which supplies the cooling for the East Annex Building and the Historic Courthouse has had multiple issues over the years and a lack of technical support and parts availability has caused staff to look at replacing this chiller with a new unit, either a Daikin or Trane chiller. Multiple contractors can perform repairs and maintenance on Daikin and Trane chillers. Administrator Johnson stated the HVAC project is being brought before the Board due to the complexity of the size of the unit and the cost of the project as specialized designing may need to occur. Administrator Johnson noted pros and cons exist for both manners of purchase but did comment the state contract may assist in expediting the project. Chris Sele from Innovative Groups came before the Board to discuss the pros and cons of employing the State Contract or Bid Process. Mr. Ingalls asked for guidance from the Board to staff on the direction the Board would like to pursue in reference to State Contract vs Bid Process.

Commissioner Woydziak asked how many units are at the Judicial Center; Mr. Ingalls stated there are eight units in total but the two big units have been an issue since they were installed. Commissioner Woydziak inquired if there are any local vendors capable of performing HVAC work of this scope; Administrator Johnson confirmed there are no local vendors capable of doing work of this scope. The Board asked questions regarding the timing of the project; Mr. Sele provided answers to their questions. The Board asked questions about the different manufacturers available for projects of this type; Mr. Sele, Mr. Ingalls, and Administrator Johnson discussed various aspects of the different manufacturers. Discussion occurred regarding the benefits of electric versus gas units; the Board expressed their desire to closely investigate the feasibility of gas units. Discussion regarding funding options for the project occurred as well. Commissioner Woydziak expressed his support of utilizing the State Contract. The Board and staff discussed and agreed the need to begin work on the HVAC systems in the near future. The

Board requested Mr. Ingalls bring the item back next week as an action item with a gas option listed.

No action was taken.

Mr. Ingalls provided an update to the Board regarding the HVAC system in the East Annex Building. Earlier this week the Sheriff's Office experienced leakage in their office due to a leaking pan in the building's HVAC system. The pan itself can be replaced or rebuilt but the coils themselves must come out for the pan to be replaced. The repairs are going to take a few weeks due to the fact the coils must be removed in order to repair the pan.

(00:41:08)

ITEM #3 – KDOT COST SHARE PROGRAM – SW OHIO STREET RD/SW 20TH ST INTERSECTION FUNDING REQUEST

Darryl Lutz, Public Works Director, approached the Board for the consideration of authorizing the Director of Public Works to submit an application to the Kansas Department of Transportation (KDOT) under the KDOT Fall 2021 Cost Share Program for funding of the planned SW Ohio Street Rd/SW 20th Street intersection improvement project. In 2019 KDOT announced a new Cost Share Program for funding of local transportation improvement projects. The program is a takeoff of the former KDOT Economic Development Transportation Funding program. In response to the Kansas Joint Legislative Transportation Vision Task Force report recommendations the legislature approved an annual funding program of \$11 million per year with an initial funding pool of up to \$50 million based upon meeting certain revenue and federal grant thresholds. The current Fall 2021 application opportunity is offering up to \$9.5 million in state funding for a maximum of \$1 million per project. A copy of the program information was provided to the Board. Butler County was recently successful in applying for up to \$2 million in KDOT Cost Share funds for the Haverhill Rd Improvement Project on the west side of El Dorado. Butler County has had a planned major improvement project in the County's CIP for improving the current interchange at SW Ohio Street Rd and SW 20th St with a large single lane roundabout. Staff believes it would be prudent to apply for any available outside funds to help offset any local costs. The SW Ohio Street Rd/SW 20th St Roundabout project appears to be an ideal candidate for funding under the KDOT Cost Share Program. The Cost Share Program requires a minimum of 15% local match and allows for a maximum of \$1 million of state funds per project. Staff is working with the project engineer WSP to finalize completion of the program Application Form for the current application period. Staff is currently requesting letters of support from project beneficiaries. Mr. Lutz asked the County Commission to provide a letter of support for the application and to authorize himself to submit a project application for the Haverhill Rd project on behalf of the County; applications for the Fall 2021 program are due by September 24, 2021. The project has been included in the adopted CIP for Butler County.

The Board expressed their support of applying for the funds. The Board and Mr. Lutz discussed the amount of funding the County should request. Mr. Lutz informed the Board the City of Augusta has a project for which they will be applying for funds from the available pool and has been reluctant to provide a letter of support due to the fact they are applying for dollars from the same pool. Other County entities identified as shareholders have provided letters of support for the County's application.

Commissioner Herzet motioned to authorize the Director of Public Works to submit a project funding request to KDOT under the Fall 2021 KDOT Cost Share Program for the proposed SW Ohio Street Rd/SW 20th St improvement project near Towanda. Commissioner Murphy seconded. Motion carried 5-0.

(00:46:55)

ITEM #4 – SW OHIO STREET RD/SW 20TH ST INTERSECTION PRELIMINARY ALIGNMENT

Darryl Lutz, Public Works Director, came before the Board for the consideration of approving an option for the alignment of the proposed roundabout at the intersection of SW Ohio Street Rd at SW 20th Street. The County has a project in the adopted CIP to make improvements at the current SW Ohio Street Rd and SW 20th St. interchange located approximately six (6) miles north of Augusta. The County selected the civil engineering consulting firm of WSP Engineers, Wichita, Kansas, to study the location and to develop improvement options and cost estimates. The study, completed in late 2020, was approved by the County Commission in December 2020. The report recommended replacing the existing interchange and aging bridge with a roundabout. In December 2020 the County Commission authorized staff to proceed with negotiating a scope and fee with WSP to proceed with the design phase of the project and the design engineering agreement was approved in March 2021. The first major task under the design phase agreement was the development of alternative alignments for a roundabout for consideration. WSP has developed two (2) primary alignment options with two (2) vertical alignment alternatives for each option. Staff presented a PowerPoint presentation of the proposed options to the County Commission for consideration. Staff currently prefers the option that keeps the roundabout project aligned over the current intersection of the two (2) roads. The project has been included in the County's adopted CIP. The Board asked Mr. Lutz questions pertaining to the information provided; Mr. Lutz provided the answers to their questions. Commissioner Herzet and Commission Chair Masterson expressed their support of the first option.

Commissioner Herzet motioned to accept the County Engineer's recommendation for alignment of the proposed roundabout at the current intersection of SW Ohio Street Rd and SW 20th St. Commissioner Woydziak seconded. Motion carried 5-0.

(01:03:12)

RECESS

Commission Chair Masterson recessed the meeting at 10:03 AM for five minutes. Commission Chair Masterson reconvened the meeting at 10:08 AM.

(01:03:22)

ITEM #5- HAVERHILL RD IMPROVEMENT – KDOT COST-SHARE PROJECT AGREEMENT APPROVAL

Darryl Lutz, Public Works Director, approached the Board for the consideration of approving an agreement with KDOT for Cost Share Program funding for the planned Haverhill Rd improvement project near the HollyFrontier Refinery and Butler Community College. In 2019 KDOT announced a new Cost Share Program for funding of local transportation improvement projects. The program is a take-off from the former KDOT Economic Development

Transportation Funding program. In response to the Kansas Joint Legislative Transportation Vision Task Force report recommendations, the legislature approved an annual funding program of \$11 million per year with an initial funding pool of up to \$50 million based upon meeting certain revenue and federal grant thresholds. The spring 2021 application opportunity offered up to \$25 million in state funding due to availability of extra funds from the federal coronavirus response act. Butler County was successful in being approved for up to \$2 million in KDOT Cost-Share funds for the proposed Haverhill Rd Improvement project on the west side of El Dorado. KDOT has prepared and submitted a project agreement to Butler County for consideration and approval. A copy of the proposed KDOT agreement was provided to the Board for review. The program allows Butler County to administer the project and apply for reimbursement of funds from KDOT in the amount of \$2 million.

Commission Chair Masterson inquired as to the participation in funding from local shareholders including HollyFrontier Refinery and Butler Community College; Mr. Lutz and Administrator Johnson stated funding has not been secured as of yet.

Commissioner Herzet motioned to approve the project agreement with KDOT under Project No. 8 C-5141-01 for the County to receive KDOT cost share funding in the maximum amount of \$2,000,000 related to the proposed Haverhill Rd improvement project near the HollyFrontier refinery and authorized the Chair to sign the agreement. Commissioner Woydziak seconded. Motion carried 5-0.

Mr. Lutz reported Public Works staff stated about 200 sheets of designs will be involved in the Haverhill Rd project. Staff will reach out to a local consulting firm for help to expedite the design plan sheets. Mr. Lutz stated he will be approaching the Board in the near future for a proposal to engage a local firm in the designs.

Mr. Lutz reported the Kansas Turnpike Authority (KTA) is making great progress on the Santa Fe Lake Rd Bridge project, currently appearing to be ahead of schedule.

Commissioner Woydziak asked Mr. Lutz if he knew the timeline for the completion of the US 400/HWY 77 project; Mr. Lutz replied he does not currently know the timeline.

(01:12:48)

ITEM #6- SPOUSAL INCENTIVE PLAN POLICY ADOPTION

Administrator Johnson came before the Board for the consideration of the approval of the spousal incentive plan policy AR 21-01. Aaron Wells with USI presented an update to the County's self-insurance program in August and proposed a program to help diversify and lower the overall cost to the County's insurance program. This program would be a spousal incentive program. The County Commission asked staff to develop a proposed policy and present it to the Commission at the September 14th meeting. The Spousal Incentive program would provide an incentive for employees to take their spouse's insurance and move them and/or their families off the County's plan, thus reducing the overall cost of the County's health insurance program to the County. At this point the Spousal Incentive would be strictly an optional program and employees will not be forced to participate. Employees who choose to utilize this incentive will receive reimbursement to co-pays and out of pocket costs up to a specific threshold defined by

the policy. The proposed policy has been vetted by USI and meets their satisfaction. The program should be able to save 5-7% on the self-insurance plan if participation levels hit projected targets. No adjustments have been made to the proposed policy except for those grammatical corrections which were noted last week. The Board will be provided an update on participation after the open enrollment period has elapsed. Commissioner Herzet inquired if staff has received feedback from employees regarding the proposed program; Administrator Johnson stated he is not aware of feedback as of yet but not much has been relayed to employees.

Commission Chair Masterson motioned to approve the spousal incentive plan policy AR 21-01. Commissioner Herzet seconded. Motion carried 4-1. Commissioner Woydziak objected.

(01:16:56)

ITEM #7 – WORK SESSION – PROPOSED HAZARDOUS MATERIALS RESPONSE AGREEMENT

Administrator Johnson approached the Board for discussion on a proposed new agreement with the City of El Dorado on the Hazardous Materials (HAZMAT) Response Agreement. The City of El Dorado has performed hazardous material responses in the County since the mid 1990's when the original agreement was initiated. The cost to the County has been nominal in the amount of \$16,000 annually since the program's inception. The City is in need of upgrading equipment and a response vehicle and has asked the County to consider a new agreement to include participation with the vehicle purchase. In the new agreement the City maintains the fixed cost of \$16,000 per year to help offset staff training/certifications along with some disposable equipment. The City is asking for participation in the purchase of a replacement response vehicle in the new contract. Staff has proposed two different levels of participation depending on the utilization of the vehicle. If the vehicle is solely utilized for HAZMAT response then the County would take on a larger cost share of the vehicle than if the truck is a multi-response fire truck with HAZMAT capabilities. The remaining terms of the agreement are essentially the same as they have been for the last twenty-five (25) years: \$16,000 annually for HAZMAT support and then cost share of a response vehicle either in the amount of \$187,500 or a maximum of 75% for a vehicle dedicated to HAZMAT response or \$62,500 or a maximum of 25% for a multipurpose response vehicle. The agreement also includes language for the City to reimburse the County \$125,000 should they convert the dedicated vehicle to a multi-response vehicle. The agreement will need to be vetted by legal counsels.

Keri Korthals, Emergency Management Director, came before the Board and provided clarification of the chain of events involving a HAZMAT call-out in Butler County. Mrs. Korthals also clarified the manner in which the County is billed for HAZMAT call-outs. Commissioner Woydziak expressed his lack of support for contributing to the City of El Dorado's vehicle purchase from fire district funds. Administrator Johnson stated himself and City of El Dorado Administrator David Dillner are both in favor of the contract but neither side has sent the contract to their legal counsel. Mrs. Korthals confirmed having a local HAZMAT response agency is a big benefit to the County as the next closest resource is Sedgwick County, which has an almost hour response time. Commission Chair Masterson informed Administrator Johnson to move forward with presenting the contract to legal counsel.

No action was taken.

(01:35:39)

VOUCHERS

Commissioner Wheeler motioned to approve vouchers dated September 21, 2021, in the amount of \$616,511.32. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:36:24)

ADDS & ABATES

There were no Adds and Abates.

(01:36:28)

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

Administrator Johnson briefed the Board on an upcoming trip to Oklahoma to tour fair facilities to gain ideas and perspective on scopes for Butler County's proposed fairgrounds facility to be built at the former Honor Camp location at El Dorado State Park. About ten individuals from Butler County will travel to Oklahoma Thursday of this week to tour the facilities and talk to the staff that manage them. Commissioner Woydziak inquired if the County's proposed fairgrounds would be in competition with the arena at the Casino in Mulvane; Administrator Johnson admitted he is uncertain if that would be the case and that possibility will need to be investigated.

Andover Police Chief Michael Keller's retirement party is Thursday from 2 p.m. - 4 p.m.

Work on the Community Building audio upgrade is almost complete. Staff is currently waiting on the projector screen and acoustic panels to arrive.

The first batch of chip seal has been completed on SW 50th St and Santa Fe Lake Rd.

The plumbers will complete plumbing work on the fourth floor of the Historic Courthouse today. Progress on the 3rd floor restrooms is halted as crews are waiting for the needed tile to arrive. It is possible work may soon start on the restrooms located on the first floor of the Historic Courthouse.

The exterior painting of the Community Building is complete. The stripe color did not match what the County desired so the County may repaint the stripe

The County has asked Delta Dental to price out a modification to move to a 100/80/50 plan. Administrator Johnson stated he is supportive of this change. The cost to the County for the new plan enhancement will be 3.3%. This change will help enhance the benefits available to County employees. The Board expressed their support of the plan enhancement.

Executive Assistant Anna Wealand will be taking the Commission Minutes to fill in for the Clerk's Office as they are currently understaffed.

(01:49:03)

ADJOURNMENT

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:54 a.m.
Commissioner Wheeler seconded the motion. Motion carried 5-0.*