

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 24, 2019**

**CALL TO ORDER**

Commission Chairman Marc Murphy called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Ed Myers, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

**INVOCATION**

Father John Lanzrath, St. John's Catholic Church, El Dorado, presented the invocation.

**APPROVAL OF MINUTES**

*Commissioner Myers provided the following amendment: strike the word "tobacco" from Item #6*

*Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from September 17, 2019, with the above amendment. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(00:03:09)

**PUBLIC COMMENTS**

There were no public comments.

(00:03:19)

**ITEM #1 – REQUEST FOR REZONE FROM AG-80 TO AG-40 ON PROPERTY LOCATED AT 12450 SW HAVERHILL ROAD, SUBMITTED BY WILLIAM AND NANCY GRAHAM**

David Alfaro, Community Development Director, came before the Board for approval of a request for a change in zoning from AG-80 to AG-40 on property located at 12450 SW Haverhill Road, submitted by William and Nancy Graham. The applicants have requested to rezone 47 of their 55+/- acres and then combine the remaining eight acres into a tract that they own that contains 110 acres. The newly created tract would then contain the Graham's house, out buildings and would be considered a legal lot of record. All landowners located within a 1,000' radius of the property were notified of the request and staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 5-0.

*Commissioner Woydziak motioned to approve the request for a change in zoning from AG-80 to AG-40 on property located at 12450 SW Haverhill Road as submitted by William and Nancy Graham and directed the Chairman to sign Resolution #19-31. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:05:42)

**ITEM #2 – ACCEPTANCE OF REVISED PLAT FOR LOT 1 BLOCK 1 OF NORTHRIDGE SUBDIVISION AND CHANGE IN ZONING FROM A-ASSEMBLY TO R-6A RURAL RESIDENTIAL**

David Alfaro, Community Development Director, came before the Board for approval of a revised plat of Lot 1 Block 1 of Northridge Subdivision and change in zoning. In April of 2003

the Northridge Subdivision was approved as a housing subdivision by the City of Augusta. With the Subdivision being located on Ohio Street, just north of the City of Augusta and adjacent to SW 60th, acceptance by the Board of County Commissioners was also required due to the Subdivision being located within Augusta's ETJ. At that time Lot 1 Block 1 was approved for the construction of a Church. The Church was never constructed and now the developer is wanting to divide the 5.1 acre tract into 5-1 acre lots.

***Commissioner Wheeler motioned to approve the request for the acceptance of a revised plat, drainage plan and change in zoning on Lot 1 Block 1 in Northridge Subdivision and directed Staff to send a positive recommendation to the City of Augusta. Commissioner Myers seconded the motion. Motion carried 5-0.***

(00:08:15)

**ITEM #3 – WORK SESSION – CONDEMNATION OF CERTAIN PROPERTIES**

Will Johnson, County Administrator, came before the Board for discussion on public concerns on a property located at 10605 SW 114<sup>th</sup> Terrace, Augusta, and to consider directing staff to proceed with condemnation of the property. Staff received complaints on the property and upon inspection found the house to be solely inhabited with feral cats. The house was being rented but the renter has not lived there for two years and was coming out and feeding the cats periodically. The Sheriff's Office and Community Development Department are working on animal abuse charges for the renter and nuisance charges against the property owner. The cats are currently being trapped and delivered to a local vet to be euthanized due to their health. The property is in such a state that the cats have access to the walls and up into the attic and cannot be caught without trapping them. There is so much feces in the house and attic some of the exterior soffits are starting to fall through. Due to the condition of the property and adverse health effects associated with it, staff recommended the property be condemned. The County has not done a condemnation to our knowledge and will need to work with legal staff and the Commission to navigate through the process. David Alfaro, Community Development Director, presented pictures of the inside of the property to the Commission. Commissioner Woydziak agreed that this is a health concern and the County needs to work on expediting the process. It was noted that the property owner is aware of the request for a condemnation order. Commissioner Myers felt everyone involved should be positive that the property is not redeemable in any way. Mr. Alfaro assured the Commission that the house is not redeemable.

Sheriff Kelly Herzet came before the Board and addressed the criminal part of the condemning of the property. Sheriff Herzet stated the renter is current with her rent and the homeowner did not feel the need to go to the property often. They have collected fifteen live cats thus far and are being taken to a local vet. Sheriff Herzet stated the main concern needs to be getting the property cleaned up.

The Board came to the consensus to move forward with the condemnation order.

Stephanie Heinz, 10571 SW 114<sup>th</sup> Terrace, came before the Board and stated she is a neighbor directly to the east of the property. Ms. Heinz stated she is in favor of the Board moving forward with condemning the property and hoped the Board would move quickly. Ms. Heinz also stated her property has suffered a decline in property value because of the condition of her neighbor's property. Ms. Heinz stated the house will never be habitable again and is a permanent health hazard.

Dean Bird, 11180 SW Carman Road, came before the Board and stated there are many other properties around the area that are in a downward spiral and felt the County should take more action on cleaning up properties before it gets to the condition to condemn. No action was taken.

(00:41:24)

**ITEM #4 – SEEK BIDS FOR FLOOR COVERINGS FOR THE NEW ELECTRONIC MONITORING PROGRAM BUILDING**

Dan Ingalls, Facilities Management Director, came before the Board for approval to seek bids for the installation of new carpet and floor tile in the front half of Election Central, which will soon be the Electronic Monitoring Program part of Community Corrections.

*Commissioner Woydziak motioned to allow the Director of Facilities Management to seek bids for the replacement of floor coverings at the Electronic Monitoring Program buildings.*

*Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:47:13)

**ITEM # 7 – PARTIAL ROAD VACATION REQUEST ON SW 110<sup>TH</sup> STREET EAST OF SW INDIANOLA ROAD**

Darryl Lutz, Public Works Director, came before the Board for approval of an Interlocal Agreement with the City of Augusta to allow for the partial road vacation of SW 110<sup>th</sup> Street east of SW Indianola Road. The City of Augusta is updating its Airport Master Plan to include adjusting and lengthening of the runway for the Augusta Municipal Airport located at SW Indianola Rd on the south side of US-54/400. In order to receive approval from the FAA for proposed runway improvements in the Master Plan, the City of Augusta is needing some sort of commitment to vacate a portion of SW 110th St. along the south side of the airport property. The request from the City of Augusta is to vacate approximately 1,100' feet of SW 110th St going east from SW Indianola Rd. The County has gone through the proper legal measures to allow for the closure and the County Counselor and City Attorney have worked together to develop an Interlocal Agreement that meets the intent of the County Commission. The County will need to approve the Interlocal Agreement to allow for the City to move forward with their airport master plan and partial closure of the road. The last sentence in Section 1 Vacation will be changed from “has commenced to the construction phase” to “has entered into a construction contract on the project” before executed by the Chairman. Commissioner Myers noted that all of the property owners in the area were in opposition to the road vacation and stated he could not support it.

*Commission Chairman Murphy motioned to approve the Interlocal Agreement with the City of Augusta to allow for the partial road vacation on SW 110<sup>th</sup> Street east of SW Indianola Road, with the last sentence in Section 1 Vacation being changed from “has commenced to the construction phase” to “has entered into a construction contract on the project” before allowing the Chairman to sign. Commissioner Woydziak seconded the motion. Motion carried 4-1. Commissioner Myers opposed.*

(00:52:23)

**ITEM #5 – RIGHT OF WAY ACCEPTANCE & APPROVAL – SW BUTLER ROAD PROJECT AT SW 150<sup>TH</sup> STREET**

Darryl Lutz, Public Works Director, came before the Board for approval of accepting the dedication of easements and rights-of-way for several tracts related to the SW Butler Road Improvement Project at SW 150<sup>th</sup> Street. The SW Butler Rd Improvement Project and

Roundabout at SW 150th St. is a federal aid project funded through WAMPO. The final plans are nearly completed and Butler County staff has been working with property owners on right-of-way and easement acquisition. In June 2019, the Board of County Commissioners approved right-of-way values and authorized the Director of Public Works to begin the right-of-way acquisition process. Contacts have been made with all property owners and official offers based upon approved values have been presented. Due to the project being funded with federal funds, Butler County must follow very strict requirements for acquisition of right-of-way.

***Commissioner Woydziak motioned to approve the acceptance of dedications of easements and rights-of-way and to approve the settlements negotiated for Project #8C-4942-01, the SW Butler Road Improvement Project at SW 150<sup>th</sup> Street as presented and authorized the Chairman to sign the documents with the exception of the Larson's property which will be brought back at a later time. Commissioner Masterson seconded the motion. Motion carried 5-0.***

Mr. Lutz stated he received notice from KDOT that they will be closing K-196 west of Whitewater on October 1<sup>st</sup> in order for Union Pacific to re-do the rail road crossing. The road will only be closed to traffic for one day.

(01:19:00)

**ITEM #6 – SW 170<sup>TH</sup> STREET – SLURRY SEAL IN ROSE HILL**

Darryl Lutz, Public Works Director, came before the Board for approval of a proposed slurry seal surface maintenance project on SW 170<sup>th</sup> Street in Rose Hill. SW 170<sup>th</sup> Street is a four lane curb and gutter County maintained road that was improved in 2006. The road surface is approximately thirteen years old and in need of normal surface preservation treatment. In lieu of putting a standard chip seal on this road, staff proposed a slurry seal. This type of treatment has a much smoother surface texture which is more conducive to city traffic. Staff requested cost proposals from several vendors that perform slurry seal road surfacing work in the region. The lowest and best bid was received from Circle C Paving, Goddard, KS, in the amount of \$61,803.90.

***Commissioner Woydziak motioned to approve the lowest and best bid from Circle C Paving, Goddard, Kansas in the amount of \$61,803.90, to construct a slurry seal surface treatment on SW 170<sup>th</sup> Street in Rose Hill. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(01:26:13)

**RECESS**

Commission Chairman Murphy recessed the meeting of the Board at 10:26 a.m. for five minutes.

Commission Chairman Murphy reconvened the meeting at 10:31 a.m.

(01:26:17)

**ITEM #8 – HEALTH INSURANCE PREMIUM POLICY MODIFICATIONS AND INSURANCE RATES**

Will Johnson, County Administrator, came before the Board for approval of the modifications to the Health Insurance Premium Policy and Health Insurance Plan rates for the 2019-2020 Plan year. Some of the changes being recommended are requiring employees to have at least one bio-metric within parameters on their annual bio-metric scan and increasing the points threshold.

Employees still will have the ability to obtain biometric goals through a reasonable alternative standard. The second modification is increasing the threshold from 3,500 to 4,000 points, which if they meet the other standards, will leave them about 1,000 points short of meeting the new goals which are easily obtainable. Staff believes these are necessary to help push employees to be more consumer driven with their health insurance decisions. Staff is proposing a 3.5% increase to the PPO plans and a decrease to the HDHP employee participation shares to encourage movement to those plans.

***Commissioner Woydziak motioned to approve the modifications to the Health Insurance Premium Policy and Health Insurance Plan rates for the 2019-2020 Plan year. Commission Chairman Murphy seconded the motion. Motion carried 5-0.***

(01:41:36)

#### **VOUCHERS**

***Commissioner Woydziak motioned to approve vouchers for September 24th, 2019, in the amount of \$485,957.03. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(01:43:50)

#### **ADDS & ABATES**

***Commissioner Masterson motioned to approve Adds & Abates #2743 dated September 24, 2019; Adds in the amount of \$0.00 and Abates in the amount of \$1,399.46. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

(01:44:06)

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

Commissioner Wheeler discussed the condemnation of the house that was discussed in Item #3.

Commissioner Myers received a letter from a constituent requesting that Butler County would pass an ordinance that would ban carry out plastic bags in Butler County because they are toxic to our health and bad for the environment. The Board stated they do not have the authority to take action on that issue.

IPS will be at the Commission meeting next week.

The Butler County Employee Safety luncheon is Friday, September 27<sup>th</sup>, at the Community Building.

Administrator Johnson stated he would be out of the office on Friday, September 27<sup>th</sup>.

Commissioner Wheeler stated he will be gone for the October 8<sup>th</sup> and 22<sup>nd</sup> Commission meetings.

(02:02:30)

#### **ADJOURNMENT**

***Commissioner Wheeler motioned to adjourn the meeting of the Board at 11:07 a.m. Commissioner Myers seconded the motion. Motion carried 5-0.***