

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, September 26, 2023

(00:00:59)

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, Commissioner Dan Woydziak, Assistant County Administrator/ Finance Director Ryan Adkison, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier.

(00:01:05)

INVOCATION

Ryan Adkison presented the invocation.

(00:02:00)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the September 19, 2023, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:02:23)

PUBLIC COMMENTS

There were no public comments.

(00:02:36)

ITEM #1 - REQUEST FOR A HOMESTEAD LOT SPLIT, SUBMITTED BY ROGER CUTSINGER ON BEHALF OF RALSTON FARMS, ON PROPERTY LOCATED AT 13373 SW SANTA FE LAKE RD, AUGUSTA, KANSAS.

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a 9.5+/- acre Homestead Lot Split with the placement of a 30.5+/- acre APO on a portion of the remaining property. Ralston Farms owns a tract of land containing 123+/- acres and is zoned AG-40. The property is used primarily for farming purposes. Staff feels the request meets the criteria for such a split and it is appropriate to place an APO on a portion of the remaining property. State Statute required all landowners located within a 1,000' radius of the property be notified of the request; Staff did not receive any comments for or against the request. The Planning Commission approved the request by a vote of 5-0 and Staff supports the recommendation as well.

Roger Cutsinger, Savoy Surveying, was present for questions.

Commissioner Woydziak motioned to approve the request for a Homestead Lot Split with APO on property located at 13373 SW Santa Fe Lake Rd, Augusta, Kansas, and direct the Chairman to sign the APO Agreement. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:04:23)

ITEM #2 - REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL (RR), SUBMITTED BY PL MAIN ST, LLC, ON PROPERTY LOCATED AT 0 SW 50TH ST, BENTON, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a request for a change in Zoning from AG-40 to RR on property located at 0 SW 50th St, Benton, Kansas. PI Main St LLC (Paul Gray) owns a tract of land containing 78+/- acres and is currently zoned AG-40. Mr. Gray is requesting a change in zoning which would allow a future plat. The property is located on the north side of SW 50th St between SW Butler Rd and SW Prairie Creek Rd; which is within close proximity to other AG-40, RR and RE properties in the area. The property is defined by the County Comprehensive Plan as a Gradient area that is in close proximity to city limits of a respective community and located within the Urban Growth Area. The property has been used for AG related activities and there are currently no structures located on the property. Mr. Stewart stated it is important to note this case is about a change in zoning and any future use of the property such as a plat will need to be addressed at a later date. State Statute required all landowners located within a 1,000' radius of site be notified of the request. Staff did speak with two individuals who were not necessarily concerned about the rezoning of the property, but were concerned about SW 50th St being unpaved; the individuals would like to see the road paved. After some discussion, the Planning Commission approved the request by a vote of 5-0 and Staff supports the recommendation as well.

After the Planning Commission approved the request, Benton Township requested a condition of the zoning to require a hard surface road (chip seal) to the eastern entrance to the subdivision, which would be ¾ mile. With further discussion, the County Commission agreed to the condition as well.

Mr. Stewart and the County Commission felt Mr. Gray should be given a chance to respond to the condition before a motion is made to approve the Zoning change.

Commissioner Woydziak motioned to table the request to change Zoning from AG-40 to RR for two weeks. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:11:39)

ITEM #3- REQUEST FOR CONDITIONAL USE PERMIT FOR THE OPERATION OF AN EVENT VENUE, SUBMITTED BY SKY CONTRACTING ON BEHALF OF DOROTHY MCPHERSON, ON PROPERTY LOCATED AT 12700 SW PRAIRIE CREEK RD, ANDOVER, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a request for a Conditional Use Permit for an Event Venue on property located at 12700 SW Prairie Creek Rd, Andover, Kansas. Dorothy McPherson owns a tract of land containing 80+/- acres and appears to be used for residential purposes at this time. Ms. McPherson purposes to build a new commercial structure, approximately 6,900 square foot in size to be operated as an Event Venue, which would host weddings, be used as a multi-use meeting area and host other related activities. Adjacent to the structure Ms. McPherson purposes to construct an outside seating area and a parking lot. It is anticipated the venue would be able to accommodate approximately 300 attendees. The property is currently zoned AG-40 and borders the City of Andover on SW Prairie Creek Rd. The property is surrounded by AG 40 and some RR properties on the north, south and east. Directly across the street on Prairie Creek to the west is the Flint Hills National subdivision. The location of the property may be considered in conformance with the County's Comprehensive Plan; however, the location may be considered detrimental to the area. State Statute required all landowners within a 1,000' radius of the property be notified of the request. Staff received many letters of concern from property owners to include the Flint Hills National HOA and the City of Andover. Property owners presented these same concerns during the Public Hearing. Concerns such as noise pollution, wandering of intoxicated patrons, drunk driving, the possibility of 150+/- vehicles leaving the venue at the same time, road conditions/road

maintenance, resale values of existing properties and lighting. The Planning Commission voted to deny the request by a vote of 5-0 and Staff supports the recommendation. Mr. Stewart noted the Board would need a unanimous vote or a super majority vote of 4 to 1 to overturn the Planning Commission's vote to deny.

Commissioner Woydziak motioned to deny the request for a Conditional Use Permit on property located at 12700 SW Prairie Creek Rd. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:16:14)

ITEM #4 - REQUEST FOR A CONDITIONAL USE PERMIT, SUBMITTED BY TERRY ROGERS FOR THE OPERATION OF RV AND BOAT STORAGE, ON PROPERTY LOCATED AT 5601 NE ELLIS RD, EL DORADO, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a request for a Conditional Use Permit to operate RV and boat storage on property located at 5601 NE Ellis Rd El Dorado, Kansas. Terry Rogers owns a tract of land on 20+/- acres. Ms. Rogers wants to develop approximately two acres of land as an open area to store RVs and boats. Later, Ms. Rogers hopes to develop approximately eight more acres. During the second phase, covered storage spaces may be constructed. Ms. Rogers plans to gravel the area. The property is currently zoned Rural Residential (RR). The property is surrounded by RR properties to the north, south and west. AG properties are located to the East. Mr. Stewart noted Ms. Rogers also owns three bordering, adjacent properties to the north and west. With this location, the proposed CUP may not be detrimental to the area. State Statute required all landowners within a 1,000' radius of the property be notified of the request. Staff did have contact with two landowners who were worried about additional traffic to the roads. NE Ellis is a gravel road, however due to the nature of the CUP the traffic may be minimal. The Planning Commission approved the request by a vote of 5-0 and Staff supports the recommendation as well.

Terry Rogers, 5601 NE Ellis Rd, came before the Board and discussed her plan for the RV and boat storage.

Commission Chair Herzet motioned to approve the request for a Conditional Use Permit on property located at 5601 NE Ellis Rd and direct the Chairman to sign Resolution No. 23-43. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:19:35)

ITEM #5 - REQUEST TO CONSIDER APPROVAL OF FINAL PLAT FOR MOORE ADDITIONS, SUBMITTED BY THE CITY OF EL DORADO ON BEHALF OF BRITT MOORE, ON PROPERTY LOCATED AT 0 SE TETER RD, EL DORADO, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a Final Plat for Moore Additions on property located at 0 SE Teter Rd, El Dorado, Kansas. Brit Moore owns a tract of land containing 134+/- acres. Mr. Moore is proposing to plat 68+/- acres into six tracts. Four tracts located off SE Teter Rd, equaling seven +/- acres each and known as the Moore Addition. In addition, two tracts located off SE 20th St, equaling 20+/- acres each and known as the Moore North Addition. Jurisdictionally, property zoning falls to the City of El Dorado as it is within their growth area. The size lots presented on the Plat would conform to normal Butler County size requirements or meet size requirements for the area proposed. There are many similar sized lots within the immediate area. The properties will be accessed via SE Teter Rd and SE 20th St. It was noted the Planning Commission is the approving body for Plats, however since there will be dedicated Right-of-

Way (R.O.W.), the dedication must be accepted by the Board of County Commissioners. Mr. Moore is dedicating an additional 40' of R.O.W. on both SE Teter Rd and SE 20th St. Staff did not send out notification to property owners as the responsibility falls to the City of El Dorado. Staff has heard of no concerns from adjacent property owners. The Planning Commission approved the Final Plat by a vote of 5-0. Staff as well as the County Engineer reviewed the Plat and have no issues.

Mr. Stewart stated the City of El Dorado approved the Plat on September 18, 2023.

Commission Chair Herzet motioned to approve the Final Plat for the Moore Additions as presented and direct the Chairman to sign the Plat. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:23:03)

ITEM #6 - KNOWBE4 PHISHING TRAINING SOFTWARE

Lew Harter, Information Technology (IT) Director, came before the Board for approval of the purchase of the KnowBe4 software to provide email phishing testing and training for all County employees. The County has used the KnowBe4 system since 2020 to help train employees in recognizing and preventing phishing related email compromises and for general training. Staff found great value in the system and would like to continue to utilize KnowBe4. Knowbe4 provides an industry-leading product to improve employee awareness and training with respect to current email phishing and vulnerabilities. The system will provide IT with the ability to customize testing and training specific to departments, with Active Directory integration and a high degree of automation and scheduling. KnowBe4 will contribute to an overall improvement in the County's resistance to phishing, and email cyber-attacks in general and fits well with Staff's layered defense method of securing the network. Combining the KnowBe4 training with our existing spam and virus filtering will give the County the best likelihood of success. The current contract will provide IT with additional capabilities to customize content and greatly expands the training content available to the County. The contract totals \$18,241.41, with 1/3 due now, 1/3 due in 12 months and 1/3 due in 24 months; this represents \$6,080.47 per yearly renewal period, an increase over the previous three-year agreement of \$3242.55. To offset this increase, KnowBe4 has agreed to give the County an additional three months for no charge, and has upgraded the County from Platinum to Diamond account status, which will give IT interactive training content as well as thousands of additional training articles.

Commissioner Woydziak motioned to approve the purchase of KnowBe4 software and authorize Staff to sign all purchase documents as needed. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:26:00)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers dated September 26, 2023, in the amount of \$1,044,145.30. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:26:19)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$1,034.96. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:26:34)

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

Commission Chair Herzet reminded the Board of the retirement party for David Alfaro, Community Development Director, on Wednesday from 2:00 to 4:00 p.m. Cindy Boone, Appraiser's Office, is retiring as well her party will be Thursday from 2:00 to 4:00 p.m. Both parties will be on the fourth floor of the Historic Courthouse in the Commission Meeting Room.

The luncheon at the Rose Hill Senior Center is today at 11:45 a.m. Mr. Adkison stated he is driving if any of the Board would like a ride.

Lucas Herb-Mullin has been hired as the new Community Development Director. Mr. Herb-Mullin is currently the City Administrator in Eureka, Kansas, and will begin his new role with the County on November 27th.

Administrator Johnson will be out of the office on Friday, September 29th to attend the Kansas Junior Livestock Show.

Administrator Johnson and Mr. Adkison will both be out of the office October 2nd, through October 4th to attend the ICMA conference in Austin, Texas.

The Benefits Fair is next Thursday, October 5th at the Community Building from 7:00 a.m. to 2:00 p.m.

(00:28:35)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:28 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.