

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 28, 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**

Reverend Christine Gilson, retired, presented the invocation.

(00:01:36)

**APPROVAL OF MINUTES**

Commission Chair Masterson requested “approve/disapprove” in the motion of Item #6 be changed to “approve.”

*Commissioner Wheeler motioned to approve the minutes from the September 21, 2021, Butler County Commission meeting as amended. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:02:24)

**PUBLIC COMMENTS**

There were no public comments.

(00:02:33)

**ITEM #1 –REQUEST FOR A HOMESTEAD LOT SPLIT ON PROPERTY LOCATED AT 19001 ARAPAHO RD. DOUGLASS, KANSAS, AS SUBMITTED BY KEVIN AND KATE SCHAUF**

Administrator Johnson came before the Board to discuss the approval of a request for a 5+/- Acre Homestead Lot Split with a 34+/- acre APO on property located at 19001 S Arapaho Rd., Douglass, Kansas. Kevin and Katie Schauf own a tract of land that contains 79+/- acres and is zoned AG-40. The property is commonly known as 19001 Arapaho Rd., Douglass. The applicant is proposing to split a 5+/- acre tract of land and place a 34+/- acre APO on some of the remaining property. The property is primarily used for farming activities and Staff feels the request meets the criteria for such a split and it is felt it is appropriate to place an APO on the 34+/- acres. All landowners located within a 1,000' radius of the site 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 4-0.

*Commissioner Woydziak motioned to approve the request for a 5+/- acre Lot Split with the placement of a 34+/- acre APO on a portion of the remaining property and direct the Chairman to sign APO Agreement. Commissioner Herzet seconded. Motion carried 5-0.*

(00:04:00)

**ITEM #2- CONSIDER A REQUEST FOR A CHANGE IN ZONING AS SUBMITTED BY DANIEL ARMSTRONG FROM AG-40 TO RESIDENTIAL ESTATES (RE) ON PROPERTY LOCATED AT 15941 SW MEADOWLARK RD, ROSE HILL, KANSAS**

Administrator Johnson approached the Board to discuss the approval of a request for a change in zoning from AG-40 to RE on property located at 15941 SW Meadowlark Rd., Rose Hill. Mr. Armstrong owns a tract of land that contains 49+/- acres located on the NW corner of SW Meadowlark Rd. and SW 160<sup>th</sup> in Pleasant Township. The applicant is requesting the rezone of the 49+/- acres which will allow him to potentially split off 11+/- acres to settle a Family Trust issue. It is not the intent of the applicant to split the property any more than the one time as to split it again would require a Small Plat to be approved. All landowners located within a 1,000' radius of the site 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 4-0.

*Commissioner Woydziak motioned to approve the request for a Change in Zoning on property located at 15941 SW Meadowlark Rd., Rose Hill, and directed the Chairman to sign Resolution No. 21-24. Commissioner Herzet seconded. Motion carried 5-0.*

(00:05:48)

**ITEM #3 – A REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTAIL (RR) ON PROPERTY LOCATED AT 15026 SW 160<sup>TH</sup> ST., ROSE HILL, KANSAS, (PLEASANT TOWNSHIP) AS SUBMITTED BY NUSZ PROPERTIES LLC**

Administrator Johnson came before the Board to discuss the approval of a change in zoning from AG-40 to RR on property located at 15026 SW 160<sup>th</sup> St., Rose Hill. Nusz Properties LLC owns a tract of land that contains 13+/- acres located at 15026 SW 160<sup>th</sup> St., Rose Hill. The applicant is requesting the rezoned which will allow them to potentially split the property into two tracts. If the property owner were to split the property it would create tracts of land that are similar in size to tracts of land currently in the area and would not be detrimental to the area. All landowners located within a 1,000' radius of the site 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 4-0. Commissioner Woydziak commented the whole are around the address in question has lots about that size. The Board agreed the proposed split should pose no issue for the area.

*Commissioner Woydziak motioned to approve the request for a Change in Zoning on property located at 15026 SW 160th as submitted by Nusz Properties LLC and directed the Chairman to sign Resolution No. 21-25. Commission Chair Masterson seconded. Motion carried 5-0.*

(00:07:24)

**ITEM #4 – OPEN PROPOSALS FOR AUDIT SERVICES**

Ryan Adkison, Finance Director, approached the Board to open and read the proposals received and state the name of the vendor, their location and requested the Board direct staff to evaluate the proposals and return at a later date with a recommendation for action. On August 31, 2021, the Commission authorized the issuance of a request for proposal (RFP) for audit services; the due date for proposal submission was September 24, 2021. Staff anticipates an audit will have minimal impact on the County's costs. Any contract resulting from this RFP will be reviewed and approved by legal counsel prior to governing body approval. Mr. Adkison announced the

County received seven proposals were received out of the twelve requests that were sent. Mr. Adkison requested the Commissioners read the name and location of the firm out loud but requested the financial amount bid not be disclosed. The bids received are as follows:

AGH	Wichita, Kansas
Swindoll, Janzen, Hawk and Loyd	Hutchinson, Kansas
Gordon CPA	Lawrence, Kansas
Varney and Associates, CPAs, LLC	Manhattan, Kansas
CLA	Overland Park, Kansas
Lindburg Vogel Pierce Faris, Chartered	Hutchinson, Kansas
BKD	Wichita, Kansas

Commissioner Woydziak asked if a committee will be reviewing the proposals; Mr. Adkison confirmed a committee of himself and Administrator Johnson, and perhaps County Treasurer Donna Farthing, will review the proposals.

***Commission Chair Masterson motioned to accept the proposals received and directed staff to evaluate the proposals and return at a later date with a recommendation for action. Commissioner Woydziak seconded. Motion carried 5-0.***

Commissioner Woydziak inquired how much the County current pays for audit services; Mr. Adkison provided the answer. Commission Chair Masterson asked about the timeframe for the 2021 audit; Mr. Adkison replied the 2021 audit will begin the second week in January, the RFP sent out specified the County needs the results by April 15<sup>th</sup>. Administrator Johnson stated the audit results need to be received in time to utilize when setting the budget for 2023.

Commissioner Wheeler asked Mr. Adkison as to when the Public Building Committee (PBC) will be paid in full; Mr. Adkison responded the last payment is scheduled for October. Commissioner Wheeler asked if there will be a celebration to commemorate the final payment; Mr. Adkison replied a celebration can be arranged if the Board desires.

(00:15:23)

**ITEM #5- ROAD GATING REQUEST – A PORTION OF SW WALNUT VALLEY RD**

Darryl Lutz, Public Works Director, approached the Board for consideration of receiving a request to put a gate across SW Walnut Valley Rd north of SW 50<sup>th</sup> St in El Dorado Township and consider setting a date for a hearing. Mr. Day Radebaugh owns the land on both sides of SW Walnut Valley Rd north of SW 50<sup>th</sup> St for the entire mile to SW 40<sup>th</sup> St. SW Walnut Valley Rd is a dead end road that provides access to property owned by Douglas Adlesperger. Mr. Radebaugh has inquired as to any available options to restrict or limit traffic on SW Walnut Valley Rd. The only persons that require use of the road are the property owners and any tenants. There are no houses on the road. The only option that the County Engineer is aware of would be to get permission to put a gate across the road, which is allowed by statute under certain conditions. Mr. Radebaugh has requested the County to initiate any required proceedings to allow the subject road to be gated. The County Engineer's Office sent an email request to the three (3) Township officers for El Dorado Township to determine if the Township has any concerns. Mr. Dana McCoy, Township Road Overseer for El Dorado Township, contacted the County

Engineer's Office to discuss the request. He wanted to make sure that the property owner at the north end of the road would not lose legal access. He was advised that this process maintains legal access, thus, he did not believe the Township would have any objection.

KSA 68-126 provides that County Commissioners are empowered to allow local roads to be gated where the area served is largely pasture. This statute has been used in similar cases where the area served is largely farm ground. The property owner will be required to install a swinging gate that can be readily opened when access is required. The County Commission has the discretion, if necessary, to set the times or year that the gate must be left open. The statutory process requires simply that an order be passed and such order be recorded in the journal of the Board of County Commissioners. Several years ago, at the advice of legal counsel, staff added a public notice and hearing process to assure that the public has an opportunity to comment. Staff believes the spirit of the statute is met to proceed with the gating process and that convenience of the travelling public will not be materially affected. Staff proposes to set a public hearing date for two (2) weeks out, being Tuesday, October 12, 2021 at 9:00 a.m. A public notice will be mailed to all adjacent property owners as well as the elected officers of El Dorado Township. The notice will also be published one (1) time in the County's legal publication. At the close of the public hearing\ the County Commission will be asked to consider adoption of an order to allow the subject road to be gated. No costs are anticipated, except costs for providing notice. Staff is following a statutory defined process for this request.

The Board confirmed with Mr. Lutz that the other landowner, Mr. Adlesperger, has been contacted regarding the request and is agreeable to the gating of the road. The Board asked questions regarding the request and Mr. Lutz provided the pertinent answers.

*Commissioner Herzet motioned to initiate the process to consider allowing a gate to be placed across SW Walnut Valley Rd north of SW 50<sup>th</sup> St. in El Dorado Township, to set a date and time of Tuesday, October 12, 2021, at 9:00 a.m. for a hearing on the request and to direct the County Engineer to provide notice to all adjacent property owners and to the El Dorado Township officers and to publish the notice one (1) time in the County's legal publication. Commissioner Woydziak seconded. Motion carried 5-0.*

(00:23:08)

**ITEM #6- SPEED LIMIT – SW 50<sup>TH</sup> ST IN BENTON TOWNSHIP**

Darryl Lutz, Public Works Director, came before the Board for the consideration of adopting a resolution to establish a reduced speed limit on SW 50<sup>th</sup> St between SW Butler Rd and SW Santa Fe Lake Rd in Benton Township. Benton Township has requested the County Engineer's Office to study the traffic and conditions on SW 50<sup>th</sup> St between SW Butler Rd and SW Santa Fe Lake Rd to determine if SW 50<sup>th</sup> St could be posted for a reduced speed limit. Under Kansas statute counties are the local public authority for adopting traffic control resolutions on all local roads in the unincorporated area of their respective County. Speed limits are only enforceable if properly adopted and posted. Engineering staff has conducted the appropriate study on SW 50<sup>th</sup> St and has determined that a reduced speed limit of 35 mph is warranted. The statutory maximum speed limit on rural two (2) lane roads not on the state highway system is 55 mph unless otherwise posted. Staff has prepared an appropriate resolution to present to the County Commission for consideration. SW 50<sup>th</sup> is one of the highest use roads in Benton Township. Benton Township

would like to consider a blanket maximum speed limit for all of their roads, however, the County Engineer advised that speed limits tend to be most effective if they can be enforced or if traffic will self comply. With SW 50th St being a high traffic volume road, Benton Township would like to try establishing a speed limit on this route and monitor compliance. The Township will be responsible for installing and maintaining speed limit signs on their roads. Staff is using a form of resolution previously prepared by legal counsel for adopting speed limits on local roads in Butler County.

Commission Chair Masterson asked how many speed limit signs will need to be placed along the roadway; Mr. Lutz stated the minimum at least one sign is needed at each end of the roadway and perhaps one in the middle. Commission Chair Masterson inquired if the Sheriff's Office has been consulted with regards to enforcing the new speed limit; Mr. Lutz replied the Sheriff's Office has not been contacted regarding enforcement. Commission Chair Masterson commented rules do not matter without the ability to enforce them. Mr. Lutz recommended to the Board approving the request. Administrator Johnson asked Mr. Lutz if Public Works has received a request for the placement of a stop sign at Tawakoni Rd and SW 50<sup>th</sup> St; Mr. Lutz replied they have and staff is evaluating the request. Commission Chair Masterson clarified with Mr. Lutz that the township will be responsible for placing and maintaining the speed limit signs.

***Commissioner Masterson motioned to adopt Resolution No. 21-26 establishing a maximum speed limit of 35 MPH on SW 50<sup>th</sup> St between SW Butler Rd and SW Santa Fe Lake Rd in Benton Township and authorized the Chair to sign. Commissioner Woydziak seconded. Motion carried 5-0.***

The Board and Staff discussed speed limits throughout the County.

Mr. Lutz stated the Public Works Department has a lot going on administratively right now. A cold mix overlay project has been placed on hold due to the contract's inability to provide the needed service

(00:40:10)

#### **VOUCHERS**

Commissioner Woydziak asked about a voucher for a recruitment video; Administrator Johnson provided the requested answers.

***Commissioner Wheeler motioned to approve vouchers dated September 28, 2021, in the amount of \$479,367.14. Commissioner Murphy seconded the motion. Motion carried 5-0.***

(00:41:42)

#### **ADDS & ABATES**

***Commissioner Wheeler motioned to approved Adds in the amount of \$0.00 and Abates in the amount of \$31,970.54. Commissioner Murphy seconded. Motion carried 5-0.***

(00:42:14)

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

Commissioner Wheeler mentioned the fact the Board had provided for some concessions for disposal fees for items out of trailer parks purchased by Tim and Natalie Donges; he noted the Dongeses have done a great job of cleaning up this property. Administrator Johnson agreed and stated theft at the Landfill has gone down considerably since the property was cleaned up. Commissioner Wheeler said this is an instance of how a concession worked out.

Commissioner Murphy relayed he received a call from the City of Augusta about a City Council meeting held regarding the Rails to Trails right of way letter the Board recently sent to local entities. Commissioner Murphy was unable to attend the meeting due to other engagements. Administrator Johnson stated he has had discussion with the Kansas Department of Wildlife and Parks (KDWP,) as the Andover Augusta Rail Trail Initiative (AARTI) reached out to Wildlife and Parks and there are possibly some grant funds available for improvements through KDWP.

Commissioner Woydziak mentioned the Workforce Alliance board has member openings and inquired if Commission Chair Masterson and Commissioner Murphy have communicated with Workforce Alliance as to their agreeability to be board members. Administrator Johnson stated Workforce Alliance has not been contacted regarding the vacancies but he will notify Workforce Alliance of the Commissioners' willingness to serve.

Commissioner Woydziak noticed other agencies like Sedgwick County have taken some of the relief funds they have received to provide a bonus to employees who worked through the COVID-19 pandemic. Commissioner Woydziak asked the Board and Administrator Johnson to consider such an idea and bring the subject back for discussion in a future meeting.

Administrator Johnson stated Butler County is concerned about recruitment and retention in the public safety departments. Butler County EMS lost its first EMS employee, a long term employee, to Sedgwick County due to changes Sedgwick County has made to entice the onboarding of EMS employees. Butler County staff will have discussions regarding retention techniques and options and bring their suggestions to the Board. The County is set to have a Salary Study performed soon but will only have a market analysis performed. Administrator Johnson and EMS Director Frank Williams have discussed how the County needs to enhance the pool of employees EMS has and is investigating education incentives toward that end.

Commissioner Herzet asked if other entities have Longevity Pay. Administrator Johnson responded some, but not many, have Longevity Pay.

Administrator Johnson announced the chip seal of SW 50<sup>th</sup> from Santa Fe Lake Rd to Tawakoni Rd has been completed although some residents have expressed annoyance about some of the chips remaining on the road. Administrator Johnson and the Board discussed the fact the chips will continue to be pressed into the roadway by traffic and soon be washed off by rain.

The audio enhancements at the Community Building are done, only video equipment is remaining to be completed.

The plumbers working on the Historic Courthouse are struggling to get the general contractor to come in to complete their part. Administrator Johnson stated the plumbers are doing a great job.

The painting of the exterior of the Community Building is complete.

Administrator Johnson reported the trip to Oklahoma to visit facilities in El Reno and Chickasha went very well and very useful information was gathered. Administrator Johnson stated meeting the venue managers was a big help and shared with the Board the ideas and concepts he learned and observed during the trip. The Board and Administrator Johnson discussed various aspects of and the decisions faced for those operating and planning a venue.

(01:14:25)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:17 a.m.  
Commissioner Wheeler seconded the motion. Motion carried 5-0.*