

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, October 10, 2023

(00:00:05)

CALL TO ORDER

Commissioner Dan Woydziak called the Butler County Board of Commissioners meeting to order at 9:01 a.m. Present were Commissioner Jeff Masterson, Commissioner Marc Murphy, Commissioner Darren Jackson, Administrator Will Johnson, County Counselor Terry Huelskamp and Anna Wealand, Executive Assistant. Commission Chair Kelly Herzet was not in attendance.

(00:00:14)

INVOCATION

Commissioner Masterson presented the invocation.

(00:00:59)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the October 3, 2023, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:01:13)

PUBLIC COMMENTS

Richard Smith, 402 Village Rd, El Dorado, Kansas, and Pam Smith, 403 Village Rd, El Dorado, Kansas, came before the Board to discuss the facility at 420 N Industrial Rd, El Dorado, which used to house Integrated Plastics Solutions (IPS.) The Board currently has a nuisance abatement case filed in District Court for cleanup of the property. Mr. Smith stated he was present to ask for adjustment of Landfill fees for debris removed from the site. Counselor Huelskamp reminded the Board that a court date of December 28, 2023, has been set regarding this matter. Administrator Johnson and Counselor Huelskamp have a pre-scheduled meeting with the Smiths set for tomorrow to discuss the issue. Counselor Huelskamp cautioned the Board to be mindful of their responses since litigation is in process. Administrator Johnson confirmed the Butler County Public Works Department has previously allowed for reduced Landfill fees for sixty days for debris from the facility but no charges were made to that account during those sixty days. Commissioner Woydziak stated he desires to wait until after tomorrow's scheduled meeting before the Board makes a decision on this matter. The Smiths provided the Board copies of pictures of the facility which were taken within the past few days to demonstrate the cleanup progress which has been made. Mrs. Smith asked the Board if they would consider revisiting the issue in thirty days. Commissioner Murphy asked the Smiths as to their end goal for the property; the Smiths replied they are currently undecided but stated the facility needs to be cleaned up regardless. Mrs. Smith asked for a copy of estimates for Landfill fee costs to remove the debris in its entirety; Administrator Johnson stated the estimate from the County Engineer has been previously provided.

(00:12:13)

ITEM #1 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL (RR) AS SUBMITTED BY PL MAIN ST LLC ON PROPERTY LOCATED AT 0 SW 50TH ST, BENTON, KANSAS

Toby Stewart, Community Development, came before the Board to discuss the approval of a request for a change in Zoning from AG-40 to RR on property located at 0 SW 50th St, Benton, Kansas. Pl Main St LLC owned by Paul Gray owns a tract of land containing 78+/- acres located at 0 SW 50th St, Benton, and is currently zoned AG-40. The applicant is requesting a change in zoning which would allow him to consider a future plat. The property is located on the north side of SW 50th St between SW Butler Rd and SW Prairie Creek Rd and is within close proximity to other AG-40, RR and RE properties in the area. The case was originally heard by the Board of County Commissioners on September 26, 2023, and was tabled for two weeks to provide staff time to gather information from PL Main St or their agent on the paving or chip sealing of SW 50th St. and to allow the opportunity for PL Main St or their agent to be present at the hearing. The property in question 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 was important to note the 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. As required by State Statute all landowners located within a 1,000' radius of the site were 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 get paved. After some discussion the Planning Commission approved the request by a vote of 5-0 and staff supports the recommendation.

Mr. Stewart received notice via email from the company's representative that the company would like to request this item be tabled to October 24th to allow time for the company to determine some costs of the subdivision such as water lines and paving.

Phil Meyer, agent, was present for questions.

Administrator Johnson stated he is in receipt of information pertaining to the costs of developing the road and will forward the information to the Township.

Commissioner Woydziak motioned to table Item 1, A Request for a Change in Zoning from AG-40 to RR as Submitted by PL Main St LLC, to the October 24, 2023, Commission Meeting. Commissioner Jackson seconded. Motion carried 4-0.

(00:15:04)

ITEM #2- REQUEST TO AWARD BID FOR PAINTING BUILDINGS

Travis Cornell, Facilities Management Director, came before the Board to request the award of bid for the painting of the exterior of the Health Building and the painting of the interior of the Community Building. The Community Building is used for many different events and the walls

are beginning to deteriorate in aesthetic appeal in the South Room. The bathrooms and kitchen walls have peeling paint and scuff marks. The building’s lights need to be replaced with bright LEDs, the ceiling grid needs to be painted and the ceiling tiles need to be replaced. The panic bar on one of the building’s doors is in need of replacement. The Health Building has green tile around the exterior that is faded and needs a fresh coat of paint. The Department of Facilities Management presented sealed bids to the Board of County Commissioners during the October 3, 2023, Commission Meeting. Staff prepared a detailed tabulation of the bids opened and received for painting the outside of the Health Building and painting the inside of the Community Building. A CIP to refresh the community building is in place.

Commissioner Murphy motioned to award the bid for the painting of the Health Building and the Community Building to Kerry Unrein Painting and Signs for an amount of \$8,050.00. Commissioner Masterson seconded. Motion carried 4-0.

(00:16:11)

ITEM #3 – REQUEST TO OPEN SEALED BIDS FOR REPLACING THE BLOCK AT THE EL DORADO EMS BUILDING

Travis Cornell, Facilities Management Director, approached the Board to request to receive and open bids for replacing the block at the El Dorado EMS Building. The roof was in such a state of disrepair that water got behind the block and has caused some blocks to crumble and crack. In some places around the building the concrete block needs to be replaced. This project is proposed to be funded from the General Fund Reserve, fund 0085. This project is not in the County’s CIP.

The Commissioners opened and read the bids received. The bids are as follows:

Company:	Thomas L. Herrman Masonry	McClure Restoration		
Location:	Haysville, Ks	Augusta, Ks		
Material:	Matching block	Matching block		
Damage	Approximately 358 CMU	Approximately 358-400 CMU		
Price:	\$12,380.00	\$28,800.00		
Add Option:	No Paint	\$4,560.00 To repaint the repaired areas after completion		

Commissioner Masterson motioned to accept the sealed bids for the replacement of the block at the El Dorado EMS Building and to authorize the Department of Facilities Management to tabulate the bids and return at a later time with recommendations. Commissioner Murphy seconded. Motion carried 4-0.

(00:17:42)

ITEM #4 – APPROVE FINAL PURCHASE FOR JAIL MASTER CONTROL SYSTEM UPGRADE FROM AMERICAN CONTROL AND ENGINEERING SERVICE (ACES)

Ryan Adkison, Finance Director/Assistant County Administrator, and Larry Reynolds, Jail Administrator, came before the Board for the consideration of approval for the purchase of an upgraded control system at the Butler County Jail from American Control and Engineering Service (ACES.) The control system for the Butler County Detention facility is over twenty years old and experiencing issues which cannot be resolved without rebuilding the system. The project was expected to cost around \$500,000. Staff has been working with three different vendors to provide proposals for the work.

On September 12, 2023, staff reviewed potential options with the Board; the BOCC approved staff to move forward with ACES to perform maintenance on the Butler County Detention Center's Control System. Staff has finalized the terms and conditions per legal counsel. The Board was provided the updated quote and terms and conditions. Staff discussed with the Board the various proposals and costs received. The terms and conditions are approved as to form.

Commissioner Murphy asked for clarification as to what purpose the control system performs. Administrator Johnson explained that the system is the electronics that interface between a computer and a physical door. The new system for the intercom system will be upgraded to utilize a digital signal. Commissioners asked questions. Mr. Reynolds and Mr. Adkison answered questions from the Board pertaining to the subject. One the bids received was \$850,000.

Commissioner Jackson motioned to approve the purchase of an upgraded control system at the Butler County Jail from American Control and Engineering Service (ACES) and to authorize the chair to sign the terms and conditions as amended and to authorize staff to issue a purchase order for an amount not to exceed \$478,654. Commissioner Murphy seconded. Motion carried 4-0.

Commissioner Woydziak commented that the numbers at jail look good. Sheriff Monty Hughey was present. Commissioner Woydziak asked how the jail's operations are transpiring; Sheriff Hughey responded that overall operations are going well. The biggest issue for the Jail is not receiving employment applicants. Administrator Johnson stated staff is investigating the possibility of a project to build a platform around Central Control at the jail so staff can monitor the pods from above and in safer environment when needed. The project would not reduce the numbers of staff needed but will help alleviate some stress. Because the supervision is indirect instead of direct it would only be used during staffing shortages. The US Marshalls understands due to workforce issues nationwide jails have to modify management but will return to direct staffing when staffing increases. Commissioner Woydziak asked how the Jail's medical services were functioning; Mr. Reynolds stated the bids are due on October 17.

Commissioner Murphy inquired as to the Sheriff's Office's staffing levels; Sheriff Hughey responded that overall the Office is down one position in total.

(00:26:26)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated October 10, 2023, in the amount of \$471,552.22. Commissioner Murphy seconded the motion. Motion carried 4-0.

(00:026:44)

ADDS AND ABATES

There were no adds and abates.

(00:26:45)

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

Commissioner Woydziak said he and Administrator Johnson attended the League of Kansas Municipalities annual conference yesterday and presented on a workshop on the topic of city-county relationships.

Commissioner Woydziak informed the Board that he is in receipt of the resignation of Michael Seeds as the Clerk of Pleasant Township.

Commissioner Woydziak motioned to accept the resignation of Michael Seeds as the Clerk of Pleasant Township. Commissioner Murphy seconded. Motion carried 4-0.

Commissioner Woydziak motioned to approve Alainna Janzen, 14929 SW Mulberry Rd, Rose Hill, Kansas, as the Clerk of Pleasant Township. Commissioner Jackson seconded. Motion carried 4-0.

The Annual Butler County Safety Luncheon is today on the front lawn of the Historic Courthouse at 11:30 a.m.

An Event Center Meeting will be held at 6 p.m. during which the committee will hear the proposal from Swanson House regarding fundraising for the project.

Administrator Johnson will be out of the office Friday and Monday

The Towanda Senior Center Luncheon is Friday October 20th. Commissioner Woydziak stated he will be out of town on this date.

Administrator Johnson will be out of the office October 25th through October 31st.

Administrator Johnson informed the Board that the County is encountering more indigent deaths than in previous years and staff is concerned regarding the financial impacts to the County due to the increase. Administrator Johnson has been in discussion with Dr. Varner and the Carlson Colonial Funeral Home regarding the matter. Issues with hospice services not performing a thorough search for relatives of the deceased is contributing to the increase. In the past the

County has not bid out funeral services. The State used to financially contribute to indigent burials but ceased so doing about five years ago.

Administrator Johnson and Finance Director Adkison attended the International City/County Management Association (ICMA) conference last week.

Sheriff Hughey informed the Board of truck traffic issues on SW Haverhill Rd and encouraged the Board to consider modify the current resolution regarding trucks on Haverhill Rd to implement a set fine for truck traffic violations along the road instead of “fines not to exceed.” Sheriff Hughey also suggested reviewing the posted signage along the road. Darryl Lutz, County Engineer, stated he believes the resolution was redone in 2015. The Board was agreeable to the idea and asked Sheriff Hughey to bring back recommendations. Captain Andrews of the Sheriff’s Office spoke to the Board regarding the need for law enforcement to have a primary violation in order to pull a vehicle over.

(00:41:01)

EXECUTIVE SESSION

Commissioner Woydziak motioned to go into Executive Session for personnel matters of non-elected personnel to protect the privacy of an individual/employee who is non-elected starting at 9:40 a.m. with the public sessions resuming at 9:55 a.m. on October 10, 2023.

Commissioner Masterson seconded. Motion carried 4-0.

(00:41:45)

Commissioner Woydziak reconvened the meeting at 9:56 a.m. No action was taken.

Administrator Johnson notified the Board of the need to designate Kansas County Association Multiline Pool (KCAMP) and Kansas Association of Counties (KAC) voting delegates as the designations will occur at the KAC conference in December.

Commissioner Woydziak motioned to elect Commissioner Dan Woydziak as the primary voting delegate and Commissioner Darren Jackson as the secondary voting delegate to represent Butler County to the Kansas County Association Multiline Pool (KCAMP) and Kansas Association of Counties (KAC). Commissioner Masterson seconded. Motion carried 4-0.

(00:43:13)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:57 a.m.

Commissioner Masterson seconded the motion. Motion carried 4-0.