

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, October 24, 2023

(00:00:30)

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, County Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier.

(00:00:036)

INVOCATION

Reverend Christine Gilson, Retired, presented the invocation.

(00:01:48)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the October 17, 2023, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:02:10)

PUBLIC COMMENTS

There were no public comments.

(00:02:24)

ITEM #10 - PRE-CAMPAIGN ASSESSMENT STUDY

Will Johnson, County Administrator, came before the Board for approval of an agreement with Swanson House Fundraising Professionals for a Pre-Campaign Assessment Study in the amount of \$35,000. The County has worked to move forward with the proposed Butler County Event Center and Arena and recently approved \$4 million in the CIP for the project, contingent on the raising of private funds of no less than \$6 million. County staff reached out to the Butler Community College to learn how they raised private funds for projects and learned about a consultant heavily utilized in Kansas for such fund raising efforts. Swanson House Fundraising Professionals is a well known consultant to non-profits and colleges in Kansas that specializes in helping these entities raise private funds for capital projects. Staff and the County Architect, Vince Haines, recently met with the consultant firm's owner Robert Swanson to discuss the project. Mr. Swanson was enthusiastic about the project and he suggested a three-step approach to fundraising in which the first stage is to engage in a pre-campaign assessment study to gauge the feasibility of the project in the eyes of prospective donors. Staff requested a proposal from Mr. Swanson for the initial study and reviewed proposal with the Event Center Committee, who recommended bringing it before the Board. The goal of the study would be to determine the ability and then the structure and strategies for helping the County complete a comprehensive campaign. The study would evaluate proposed initiatives and goals of the project with prospective donors, organizational leaders, and staff. The study would further evaluate how

fundraising could be engaged to determine if campaign initiatives and goals would be achievable. Finally, Swanson House would develop and present specific recommendations for framing, launching, and completing a multi-million-dollar campaign. Details for the study are included in the agreement. If the study concludes, a willingness of donors to participate in the campaign Staff would then move into the second phase of the project with Swanson House to solicit funding and finally the third phase of securing funding. Each phase would be independent of the previous phase and Staff would not further contract with the firm unless success was had with the previous phase.

Jacob Kehler of the advisory Event Center Committee was present for questions.

Commissioner Jackson motioned to approve an agreement with Swanson House Fundraising Professionals for a Pre-Campaign Assessment Study in the amount of \$35,000. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:15:16)

ITEM #1 - REQUEST TO CONSIDER APPROVAL OF FINAL PLAT SUBMITTED BY BJ VENTURES ON PROPERTY LOCATED AT 0 SW SANTA FE LAKE RD, TOWANDA, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a Final Plat for Santa Fe Oasis on property located at 0 SW Santa Fe Lake Rd (SW Santa Fe Lake Rd and SW 40th St). BJ Ventures owns a tract of land containing approximately 155 +/- acres. Prior to this meeting a portion of the property was approved to be rezoned from AG-40 to Rural Residential. It is proposed to Plat three Tracts, known as the Santa Fe Oasis, on the corner of SW 40th St and SW Santa Fe Lake Rd. The size of the lots proposed conform to RR zoning classification size requirements. The properties will be accessed via SW Santa Fe Lake Rd, a paved County arterial road, SW 40th St is an unpaved Township road. The Planning Commission is the approving body for plats, however, since there will be a dedicated right-of-way, the Board of County Commissioners must approve as well. State Statute required all landowners within a 1,000' radius be notified of the request and Staff did not receive any comments for or against the request. The Planning Commission did approve the Final Plat by a vote of 5-0 and Staff supports the recommendation as well.

Commissioner Masterson motioned to approve the Final Plat for Santa Fe Oasis and direct the Chairman to sign the Plat. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:17:19)

ITEM #2 - REQUEST TO CONSIDER FINAL PLAT, SUBMITTED BY BRADLEY AND SHERI GLOVER ON PROPERTY LOCATED AT 13955 SW 150TH ST, ROSE HILL, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a Final Plat for Glover Farms, located at 13955 SW 150th St Rose Hill, Kansas. Bradley and Sheri Glover own a tract of land containing 35 +/- acres and zoned Rural Residential. The Glovers are proposing to Plat the 35 +/- acres into three tracts; known as Glover Farms. The size of lots proposed would conform to the Rural Residential zoning classification. The

ingress/egress to the properties would be located off SW 150th St, a paved roadway; and SW Meadowlark Rd, is a chip-sealed roadway. The Board of County Commissioners is the approving body for right-of-way (R.O.W.) dedication. The Glover's are dedicating 60' of R.O.W. on SW 150th St and 50' of R.O.W. on SW Meadowlark Rd. State Statute required all landowners within a 1,000' radius 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.

Commissioner Woydziak motioned to approve the Final Plat for Glover Farms and direct the Chairman to sign the Plat. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:18:54)

ITEM #3 - REQUEST FOR HOMESTEAD LOT SPLIT, SUBMITTED BY RUSSELL JANZEN ON PROPERTY LOCATED AT 17637 NW PRAIRIE CREEK RD, NEWTON, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a request for a six+/- acre tract of land with placement of a 75+/- acre APO on a portion of the remaining property. Russel and Kristina Janzen own a tract of land containing 312+/- acres of land zoned AG 80. The Janzens are proposing to split a six+/- acres with the placement of a 74+/- acre APO on a remaining portion of the property. The property is used for agricultural purposes. Staff feels the request meets the criteria for such a split and feels it is appropriate to place an APO on a portion of the remaining property. State Statute required all landowners with a 1,000' radius be notified of the request; Staff received no 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.

Commissioner Jackson motioned to approve the request for a Homestead Lot Split with the placement of an APO on property located at 17637 NW Prairie Creek Rd Newton, Kansas, and direct the Chairman to sign the APO Agreement. Commission Chair Herzet seconded the motion. Motion carried 5-0.

(00:20:26)

ITEM #4 - REQUEST FOR MORTGAGE LOT SPLIT, SUBMITTED BY JAMES SAWYER ON PROPERTY LOCATED AT 4254 SW 60TH ST, EL DORADO, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a 10+/- acre Mortgage Lot Split with the placement of a 30+/- acre APO on a portion of the remaining property. James and Donita Sawyer own a tract of land containing 149+/- acres and zoned AG-40. The Sawyers are proposing to split a 10+/- acre tract of land with the placement of a 30+/- acre APO on a portion of the remaining property. The property has been used for AG purposes but is largely covered with trees at this time. Staff feels the request meets the criteria for such a split and it would be appropriate to place an APO on a portion of the remaining property. Mr. Stewart noted there is a dam breach area located on the property; the area to be split is not located in the dam breach area. State Statute required all landowners within 1,000' radius be notified; Staff received no comments for or against the proposed split. The Planning Commission approved the request by a vote of 5-0 and Staff supports the recommendation as well.

Commissioner Murphy motioned to approve the request for a Mortgage Lot Split with an APO on property located at 4254 SW 60th St El Dorado, Kansas and direct the Chairman to sign the APO Agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:22:16)

ITEM #5 - REQUEST FOR CHANGE IN ZONING FROM AG-40 TO RR SUBMITTED BY JAMES SAWYER ON PROPERTY LOCATED AT 4254 SW 60TH ST, EL DORADO, 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 a portion of property located 4254 SW 60th St, El Dorado, Kansas (SW Purity Springs Rd and SW 60th St). James and Donita Sawyer own a tract of land containing 149+/- acres and zoned AG-40. The Sawyer's desire to rezone approximately 30+/- acres of the property from AG-40 to RR, which would allow them to split or plat the rezoned portion. The property is located within an Urban Growth Area. The property borders the City of Augusta's growth area and with other properties within the area that would be similar in size. Both SW 60th St and SW Purity Springs Rd are gravel township roads. The property has been used for AG related activities but has a large number of trees covering the property at this time. Mr. Stewart noted there is a dam breach area located on the property; the area to be rezoned would not be located inside the dam breach area. State Statute required all landowners within a 1,000' radius be notified; Staff received no comments for or against the proposed split. The Planning Commission approved the request by a vote of 5-0 and Staff supports the recommendation as well.

Commissioner Murphy motioned to approve the requested change in Zoning from AG-40 to RR and direct the Chairman to sign Resolution No. 23-45. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:24:41)

ITEM #6 - REQUEST FOR CHANGE IN ZONING FROM AG-80 TO RR SUBMITTED BY RAYMOND TRAHERN, ON PROPERTY LOCATED AT 14454 SW OHIO STREET RD AUGUSTA, KANSAS

Toby Stewart, Floodplain Administrator/Community Development, came before the Board for approval of a change in zoning from AG-80 to RR on property located at 14454 SW Ohio Street Rd Augusta, Kansas, which is a gravel township road. Raymond Trahern owns a tract of land containing 20+/- acres and zoned AG-80. Mr. Trahern requests to rezone the property to RR and consider a future split, as he desires to build a future home site for a family member. The property is located outside of the Urban Growth Area and is located approximately half a mile east of SW Highway 77. There are many other RR zoned properties within the immediate area. If the proposed rezone is approved, the newly created lot, if split, would be similar in size to others in the immediate area. The proposed change in zoning may not be considered detrimental to the area. Mr. Stewart noted the proposed change in zoning would not guarantee a future home could be built on a newly created lot. Most likely Mr. Trahern would need to apply for a variance to the lot depth ratio requirement of 3:1 and or the property frontage would require enough space to allow for a 30' easement to the back parcel. State Statute required all landowners within a 1,000' radius be notified; Staff received no comments for or against the proposed split. The Planning

Commission approved the request by a vote of 5-0 and Staff supports the recommendation as well.

Commissioner Woydziak motioned to approve the requested change in Zoning from AG-40 to RR and direct the Chairman to sign Resolution No. 23-46. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:30:12)

ITEM #7 - TABLED - 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. PL Main St, LLC (Paul Gray) owns a tract of land containing 78+/- acres, located at 0 SW 50th St Benton, Kansas and is currently zoned AG-40. Mr. Gray 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 rezone case was originally heard by the Board on September 26, 2023. The case 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 Commission tabled the item originally at the end of September for two weeks and again for two weeks on October 10th awaiting further direction from the developer. 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 noted 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. The developer has indicated they would like to have the zoning tabled for 90-120 days to allow time to assess the costs associated with the rural water and road paving. State Statute required all landowners within 1,000' radius 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.

Mr. Meyer, agent, was present for questions.

Commissioner Masterson motioned to table the requested item for 90 days to allow the developer to review water infrastructure costs. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:32:13)

ITEM #8 – EMERGENCY MEDICAL SERVICES (EMS) AMBULANCE REPLACEMENT BIDS

Scott Stueven, Emergency Medical Services Deputy Director, came before the Board for approval to consider allowing Butler County EMS Staff to solicit ambulance manufacturer bids as proposed by Staff. Each year, as part of the ongoing Capital Improvement Plan (CIP), EMS

researches and forecasts the need to maintain the ambulance fleet, which is critical to ensure safe and dependable 911 EMS response and patient care transport vehicles in an emergency. Staff reviews mileage, miles traveled, age, total number of in-service and out of service time, maintenance cost and fuel cost results in a recommendation as to when and which ambulances to replace. The purchase is reviewed and approved in the annual CIP process. The standard fleet of EMS ambulances is eight total; Six front-line and two reserve/spare ambulances. The current ambulance fleet includes three box style (Type III - Ford E450) ambulances and five van style (one-Type II-Mercedes and four Type II Ford Transits) ambulances. To maintain a safe and reliable fleet of ambulances based on the 2019-2022 data review, the average replacement timeline is recommended at one ambulance every eight months. In 2020-2021 EMS purchased two new replacement ambulances and one additional ambulance. EMS has one Type II (Van) ambulance and one Type III (box) ambulance currently on order to replace two ambulances. Three of the current ambulances have 150,000 + miles. EMS did not receive any ambulances in 2022. The new van ambulance replacement is expected to be delivered December 2023. The new box ambulance replacement is estimated to be delivered in late 2024. The Ambulance Design Committee has reviewed and revised the Van style (Type II) ambulance bid specifications. Due to ambulance build timelines of over two years from awarding a bid until delivery/payment, EMS now recommends authorizing bid purchases two years in advance. This practice helps maintain the fleet with ambulances delivered in 2023, 2024, and this purchase approval for delivery in 2025. Ambulance replacement is an ongoing CIP approval process. EMS has allocated \$460,000.00 in 2025 and \$300,000 in 2026. The estimated cost includes replacing the power load and power cot system with each ambulance purchase. EMS is requesting to purchase one now for delivery in 2025, but have planned in the CIP to purchase a van and a box ambulance in 2025 just to keep up with the fleet replacement plan. This means encumbering funds from EMS reserves, which will not be available until 2025 as forecasted by the budget process. Finance Director Ryan Adkison has recommendations for fund allocations.

Commission Chair Herzet motioned to approve EMS Staff to begin the bid process for up to a total of two ambulances as recommended by Staff. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:40:23)

ITEM #9 - EMS AND SUSAN B. ALLEN (SBA) EDUCATION AGREEMENT

Frank Williams, Emergency Medical Services Director, came before the Board for approval to sign the EMS and SBA Education Agreement. EMS has been working toward a goal of receiving education and training from physicians and advanced practice providers at SBA hospital. This project approval has been in progress for over a year. The hospital administration recently changed and Staff was able to secure a signed agreement. EMS has the obligation to maintain and enhance their ability to provide safe and high quality patient care. This ongoing continuing education lowers the risk for patient care incidents and allows EMS personnel to provide best practice to patients. SBA, their physicians, Advanced Providers Associates (APA) Anesthesia Group, and advanced practice providers have the ability to provide this high quality patient care education. SBA and APA also provide a controlled environment to enhance patient care education and training for EMS; examples are as follows:

- Airway management and special procedures in the operating room

- Pharmacology in the Emergency Department
- Hospital Pharmacy
- Operating Room
- Obstetrics care in the in-hospital unit.

Overall, this will also enhance the working relationship between EMS, SBA, and APA. The agreements, have been signed by the SBA CEO and APA Group Owner.

Commissioner Masterson motioned to approve the agreements with Advanced Practice Associates and Susan B. Allen Memorial Hospital as presented and allow the Chairman to sign. Commissioner Murphy seconded the motion. Motion carried 5-0.

Mr. Williams and Commission Chair Herzet attended the Whitewater Commission Meeting on Monday, October 23, 2023. Mr. Williams gave the City Board an update on the pending EMS service in that area beginning January 2024.

Mr. Williams stated EMS would be moving into the new Fire Station in Andover until the remodel is completed on the EMS Station in Andover.

(00:48:00)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated October 24, 2023, in the amount of \$724,544.46. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:48:20)

ADDS AND ABATES

There were no Adds and Abates.

(00:48:24)

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

Commissioner Woydziak has been in communication with the City of Rose Hill and Sedgwick County to discuss the extension of the bike paths to connect the two communities.

Administrator Johnson received a request from the Capper Foundation for a letter of support for a Kansas Department of Transportation Grant.

Commissioner Masterson motioned to approve a letter of recommendation for the Kansas Department of Transportation Grant to the Capper Foundation. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Administrator Johnson informed the Board that Counselor Huelskamp has been working on the Fence Viewing Order that took place last week and will present the findings at next week's meeting.

The Employee Appreciation Breakfast is next Friday, November 3rd, at the Community Building from 6:30 a.m. – 8:30 a.m.

Administrator Johnson reminded the Board that Government Day is November 7th.

Administrator Johnson was contacted by the USDA Grant Director to assist the homeowners effected by the oil in the water wells and went over options for the homeowners.

Counselor Huelskamp, Darryl Lutz and the City of Cassoday have been working together to get the assessments ready for the property owners surrounding Fox Lake.

Administrator Johnson will be out of the office starting tomorrow for vacation.

(01:05:38)

EXECUTIVE SESSION

Commissioner Woydziak motioned to go into Executive Session for the personnel matters of non-elected personnel to protect the privacy of an individual/employee starting; at 10:10 a.m. and resuming at 10:25 a.m. on October 24, 2023. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:06:32)

Commission Chair Herzet reconvened the meeting at 10:25 a.m.

No action was taken.

(01:06:37)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:26 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.