

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, October 31, 2023

(00:00:36)

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.

(00:00:41)

INVOCATION

Pastor Mac Martin, Augusta First Baptist Church, presented the invocation.

(00:02:08)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the October 24, 2023, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:02:25)

PUBLIC COMMENTS

There were no public comments.

(00:02:36)

ITEM #1 - FENCE VIEWING ORDER ALVAREZ ("APPLICANT") AND COUNTERMAN ("RESPONDENT")

Terry Huelskamp, County Counselor, came before the Board to discuss the Fence Viewing Order and Assignment from the fence viewing held on October 17, 2023, between Ronald Alvarez and Cheryl Alvarez, Trustees, or their successors in trust, under the Ronald Alvarez and Cheryl Alvarez Living Trust, dated July 29, 2022, and William C. Counterman Jr. and Michelle R. Counterman pursuant to K.S.A. 29-20. On September 11, 2023, the Petitioner, Ronald and Cheryl Alvarez Living Trust, submitted an application for a fence viewing through Tim Connell, Attorney, to the County Commission in conformance to K.S.A. 29-201. According to statute, the Board of County Commissioners in each County shall be fence viewers in each township of such County, any two of whom shall be authorized and empowered to act under the provision of the act to settle controversies that arise about the rights of respective owners in maintenance of fences, should the parties not agree among themselves. Either party may apply for viewing of the fence, should resolution between the two parties not occur. The viewers are required to view the disputed fence in accordance to K.S.A. 29-304 and make a determination and assign to each party in writing, his equal share or part of such fence to be kept up and made in good repair. The assignment of responsibility shall be filed in the Register of Deeds and shall be final, conclusive and binding upon the parties and upon all succeeding owners of the land, and they shall be

obligated thereafter to maintain their respective portions of the fence. Failure to comply with the mandate of the viewers can then be disputed in District Court. K.S.A. 29-105 stipulates the requirements for a legal fence in which the landowners are prescribed to maintain to be in conformance with a legal fence as required by the State of Kansas.

Chuck and Michelle Counterman, 104 W Sunflower, Augusta, Kansas, came before the Board to present their position why they should be able to remove the fence.

After discussion between the Board and Counselor Huelskamp it was decided to table the Fence Viewing Order and Assignment for two weeks.

Commissioner Woydziak motioned to table the Fence Viewing Order and Assignment from the fence viewing held on October 17, 2023, between Ronald Alvarez and Cheryl Alvarez, Trustees, or their successors in trust, under the Ronald Alvarez and Cheryl Alvarez Living Trust, dated July 29, 2022 (“Applicant”) and William C. Counterman Jr. and Michelle R. Counterman (“Respondent”) pursuant to K.S.A. 29-201. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:26:17)

ITEM #2 - 2024 LANDFILL FEES

Darryl Lutz, Public Works Director, came before the Board for approval of implementation of a planned increase in landfill fees for 2024. During budget presentations to the Board in June 2023 a proposed fee increase of \$1 per ton for MSW and C and D landfill fees. The fee increases would go into effect in 2024 to help offset the increases in fuel costs and other operating costs. The last fee increases for waste disposable at the landfill was implemented January 1, 2023, with a \$1 per ton increase for MSW and C and D wastes, a \$2 per ton increase for special waste, and increases for various sized tires. The proposed fee increase will generate about \$100,000 in additional revenue and is expected to generate enough revenue to cover the 2024 budgeted operating expenditures of \$3,310,000. The proposed increase for MSW and C and D tipping fees by \$1 per ton each for a total tipping fee including the state tipping fee of \$35 per ton and \$29 per ton respectively. By policy, the fee for special waste is double the MSW fee, so special waste would increase by \$2 per ton to \$70 per ton. In addition, it is being recommended to increase the minimum load charge from \$10 per load to \$12 per load. It is also being recommended to add a fee of \$10 per mattress or box springs and to officially adopt a surcharge of \$20 per appliance received with spoiled food. No fee increases are being proposed for tires or commercially generated brush. The Board was presented a table showing the proposed revenue impacts for each type of waste received at the landfill and the proposed 2024 rate sheet.

Commissioner Woydziak motioned to approve the proposed user fees for the landfill for 2024 to increase MSW and C&D disposal fees by \$1 per ton each, Special Waste disposal fees by \$2 per ton and the minimum load charge by \$2 per load and to add a charge of \$10 each for mattresses and box springs and to add a surcharge of \$20 each for appliances with spoiled food to be effective January 1, 2024. Commissioner Murphy seconded the motion. Motion carried 5-0.

Commission Chair Herzet inquired about the new scale house's progression. Mr. Lutz stated staff should be ready for final plans to go out for bids by the end of December.

Mr. Lutz gave the Board a flyer with information on the next K-254 Corridor Management Plan Public Meeting, which is November 8, 2023, at Circle Middle School, Benton, Kansas.

(00:39:04)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated October 31, 2023, in the amount of \$337,364.78. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:39:29)

ADDS AND ABATES

There were no Adds and Abates.

(00:39:33)

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

Donna Farthing, County Treasurer, came before the Board to present the Idle Funds Report to the Board.

The Board and Ms. Farthing discussed the possible remodel and moving of the Driver's License Office which will be in the CIP for next year.

Commission Chair Herzet reminded the Board to RSVP if attending the KState Extension dinner on November 16, 2023.

Commissioner Jackson informed the Board of Phil Hughey's passing. Mr. Hughey worked for the County for 42 years.

Mr. Adkison reminded the Board that Administrator Johnson will be back in the office on November 1st.

During the Kansas Association of County Commissioners Conference, the County Voting Delegates will need to attend both the KCAMP and KWORK meetings on December 5, 2023.

The Butler County Employee Appreciation Breakfast is this Friday from 6:30 a.m. to 8:30a.m. at the Community Building.

November 7th is Government Day for Butler County.

Mr. Adkison, Commission Chair Herzet and Frank Williams, EMS Director, will be attending the Elbing City Council Meeting at 7:00 p.m. to talk about the transition from Newton EMS to Butler County EMS responding to emergency calls in the area.

Mr. Adkison met with Jail Staff and approved issuing and receiving bids for Medical Services; three bids were received.

(00:54:20)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:54 a.m.

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