

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, November 22, 2022**

(00:00:34)

**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 Mike Wheeler, Commissioner Marc Murphy, Commissioner Jeff Masterson, Commissioner Dan Woydziak, County Administrator Will Johnson and Clerk Recorder Jennifer Currier.

(00:00:38)

**INVOCATION**

Commissioner Masterson presented the invocation.

(00:01:33)

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes from the November 15, 2022, Butler County Commission meeting as amended on page one, Approval of Minutes. Commissioner Masterson seconded the motion. Motion carried 4-0-1. Commission Chair Herzet abstained due to not being present.*

(00:02:02)

**PUBLIC COMMENTS**

There were no public comments.

(00:02:08)

**ITEM #1 – RURAL WATER DISTRICT NO. 3, SEDGWICK COUNTY, KANSAS ANNEXATION**

Will Johnson, County Administrator, and Ray Connell, Connell and Connell Law Firm, came before the Board for approval of a request from Rural Water District No. 3 (RWD#3), Sedgwick County, Kansas, for an order of the Board of County Commissioners of Butler County, Kansas, annexing lands attached to RWD#3. Legal Counsel for RWD#3 contacted staff and requested to be on the agenda to present a petition to annex four properties into RWD#3. The property owners of the land described have requested annexation to obtain service and RWD#3 has agreed to modify the boundaries of record. K.S.A. 82a-623 allows districts to request a hearing of the Board of County Commissioners through petition and requires the County to establish a public hearing and review the petition and enter into the record any findings resulting from the hearing. Legal Counsel for RWD#3, Connell and Connell, has developed the petition and order for the Boards review and approval. The action is simply clerical in nature and not substantive. Staff recommends approval of the order by the Board.

*Commissioner Woydziak motioned to approve the request from Rural Water District No. 3, Sedgwick County, Kansas, for an order of the Board of County Commissioners of Butler County, Kansas, annexing land attached to Rural Water District No. 3, Sedgwick County, Kansas, and allow the Chairman to sign. Commissioner Masterson seconded. Motion carried 5-0.*

(00:05:49)

**ITEM #2 – COUNTY ATTORNEY SALARY MODIFICATIONS**

Will Johnson, County Administrator, and Darrin Devinney, County Attorney, came before the Board for approval of proposed salary modifications for existing Attorneys and open Attorney I positions. The County Attorney's Office has had three open Attorney I positions for several months, and has not had any success with recruiting new attorneys or receiving any applications. The County Attorney came before the Board two weeks ago in a work session to discuss options for retention of existing Attorneys along with modifications of salaries to hire new attorneys. The Board suggested eliminating one of the three existing open positions and spreading that cost savings to the three current staff and increasing starting salary to \$73,000 for new attorneys. The Board was provided with a summary of the costs associated with raising existing attorney salaries \$12,000 above the existing salary with their projected COLA at the end of 2022. The summary also includes costs to raise starting wages for new attorneys. These costs include all costs which would impact budget such as benefits and increased merit. Net costs of the changes are \$5,504.94, which should be able to be absorbed within the 2023 budget due to vacancies. Staff is supportive of the modifications.

Mr. Devinney stated the County Attorney's Office has two applicants and is planning on making formal offers once the salary modifications are approved by the Board.

*Commissioner Masterson motioned to approve the proposed salary modifications for existing Attorneys and open Attorney I positions, increasing current attorney salaries \$12,000 for 2023 and starting pay for Attorney I positions to \$73,000 for 2023. Commissioner Murphy seconded. Motion carried 5-0.*

(00:17:58)

**ITEM #3 – EMS AND CENTURION AGREEMENT**

Frank Williams, Emergency Medical Services (EMS) Director, came before the Board for approval of the Centurion Letter of Agreement. Centurion is the newest State of Kansas contracted provider of healthcare services for all Kansas Department of Corrections (KDOC) facilities. This includes the local El Dorado Department of Corrections (EDOC) Prison. EMS has increased the fees for EMS services that Centurion will not honor unless they have an agreement. Centurion is currently paying EMS Medicare rates for our services. EMS has invoiced and attempted collections of the full amount of fees charged. This option is a solution to receive 100% reimbursement for the current EMS fee structure. County counsel has reviewed and approved to form.

*Commissioner Murphy motioned to approve the Letter of Agreement with Centurion for EMS services provided and allow the Chair to sign. Commissioner Wheeler seconded. Motion carried 5-0.*

(00:20:12)

**ITEM #4 – DOUGLASS TOWER SITE SYSTEM UPGRADE AGREEMENT**

Jeremy Seglem, Emergency Communications (E911) Director, came before the Board for approval of the payment of \$8,785.60 to Motorola for annual System Upgrade Agreement (SUA)

costs associated with the tower site near Douglass, Kansas. In order to manage the statewide radio system the Kansas Department of Transportation (KDOT) must maintain current software versions. Butler County executed a new six year contract with Motorola on March 21, 2017 to provide matching upgrades. Butler County executed a contract with Motorola for the installation of equipment at a tower site near Douglass on July 11, 2017. The annual maintenance agreement was part of the contract for the Douglass tower and is a separate payment until the SUA contract for the system expires at which time staff will request the Douglass tower equipment to be incorporated into the same agreement.

***Commissioner Woydziak motioned to approve the payment of \$8,785.60 to Motorola for the annual SUA costs for the Douglass tower site. Commissioner Masterson seconded. Motion carried 5-0.***

(00:22:29)

**ITEM #5 – PRICE LIST ADDENDUM FOR THE EMPLOYEE ASSISTANCE PROGRAM (EAP) WITH COMPLIANCE ONE**

Sherry Hoelker, Human Resources Director, came before the Board for approval of the increase in the EAP Price List Addendum to include six visits per employee, per year. The current EAP price list calls for one visit per employee, per year. For a number of years employers have seen the need for a more comprehensive mental wellness benefit to provide to employees in the workplace. Some of this is related to the generational shifts in our culture that have impacted work environments. Anxiety and depression are more widespread in the younger generations, but they are also more willing to speak up and are more accepting of others when discussing mental wellness. This is why it is important for employers to encourage self-care and mental wellness for employees. Butler County currently has a contract with Compliance One for a 24/7/365 hotline, but the program ~~on~~ offers one free face to face visit per year per full-time employee, and their household dependents. This price addendum would increase those annual visits to six per employee. Currently, the County's annual cost to Compliance One is \$5,247; the price addendum would increase the cost to \$6,360.

***Commissioner Woydziak motioned to approve the increased Price List Addendum for the Compliance One Employee Assistance Program. Commissioner Masterson seconded. Motion carried 5-0.***

(00:33:56)

**ITEM #6 – WORK SESSION FOR CHANGES TO THE BUTLER COUNTY PERSONNEL POLICIES AND GUIDELINES**

Sherry Hoelker, Human Resources Director, and Will Johnson, County Administrator, came before the Board to discuss updates for the Employee Handbook. Several changes concerning different policies were discussed. The policies discussed as follows:

Vacation/Sick Leave  
Shared Leave Program  
Holiday Benefits  
Family Medical Leave Assistance (FMLA)  
Americans with Disability Act (ADA)

Transfers within the County

Ms. Hoelker will return to the Board for final approval at a later date.

*No action was taken.*

(01:11:45)

**VOUCHERS**

*Commissioner Woydziak motioned to approve vouchers dated November 22, 2022, in the amount of \$617,134.05. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:12:14)

**ADDS AND ABATES**

*Commissioner Woydziak motioned to approve Adds in the amount of \$57,389.82 and Abates in the amount of \$52,865.74. Commissioner Masterson seconded. Motion carried 5-0.*

(01:13:27)

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

Commissioner Wheeler, Commissioner Murphy and Commissioner Woydziak are not able to attend the Whitewater Senior Center Luncheon today.

Administrator Johnson needs RSVP's for the Quad County meeting on December 12<sup>th</sup>. Commissioner Woydziak, Commissioner Murphy, Commissioner Wheeler and Commission Chair Herzet will be attending.

The Quad County Resolution will be on next week's agenda.

Administrator Johnson informed the Board that the Elected Officials salaries need to be completed during the next Commission Meeting. Commissioner Woydziak suggested Elected Officials Salaries be completed when the yearly budget is done.

(01:19:49)

**EXECUTIVE SESSION**

*Commissioner Woydziak motioned to recess to Executive Session under the following exceptions to the Kansas Open Records Act, starting at 10:22 a.m. for personnel matters of ~~non-elected~~ non-elected personnel, to protect the privacy of an individual/employee who is non-elected with the public session resuming at 10:32 a.m. Commissioner Masterson seconded the motion. Motioned carried 5-0.*

(01:20:52)

**RECONVENE**

*Commission Chair Herzet reconvened at 10:32 a.m.*

*No action was taken.*

(01:20:54)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:33 a.m.  
Commissioner Wheeler seconded the motion. Motion carried 5-0.*