

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, November 26, 2019

CALL TO ORDER

Commission Chairman Marc Murphy called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Ed Myers, Commissioner Mike Wheeler, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel. *Commissioner Woydziak joined the meeting at 9:10 a.m.*

INVOCATION

Chaplain David Griffis, Heaven Sent Ministries, Andover, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers motioned to table approval of the minutes of the Butler County Commission meeting from November 19, 2019, until clarification from the County Engineer is received for the motion of Item #10. Commissioner Wheeler seconded the motion. Motion carried 4-0.

(00:07:00)

PUBLIC COMMENTS

There were no public comments.

(00:07:06)

ITEM #1 – REQUEST FOR CONDITIONAL USE PERMIT FOR SALE OF LIVESTOCK TRAILERS AS SUBMITTED BY DUSTIN RAUPE ON PROPERTY LOCATED AT 13623 SW 210TH ST. DOUGLASS, KS

David Alfaro, Community Development Director, came before the Board for approval of a CUP for sale of livestock trailers submitted by Dustin Raupe on property located at 13623 SW 210th Street, Douglass, KS. Dustin Raupe owns a tract of land that contains 19+/- acres and is primarily used for farm related activities. Mr. Raupe currently owns and operates Raupe Sales in Haysville, KS, and is currently operating at 7046 South Broadway. The company originally sold pickups and horse trailers but due to the growth of internet retail shopping the market has changed and the need for a retail outlet has gone by the wayside, thus the request to operate the business out of his home. There is an existing building on the proposed site and the parking of all the horse trailers will take place to the east of the large building. Hours of operation will be Monday-Thursday 8-5:30 pm, Friday 8-5 pm & Saturday 8-noon. The applicant lives on the property and will continue to live there as the business continues to operate. As required by State Statute all landowners located within a 1,000' radius were contacted and comments were received from a neighbor who supported the project. The Planning Commission approved the request by a vote of 5-0.

Commissioner Masterson motioned to approve the request for a CUP for the sale of livestock trailers on property located at 13623 SW 210th Street, Douglass, KS, with the following conditions: 1- All livestock trailer parking must occur in the designated parking area east of the large building. 2- Hours of operation will be 8:00 a.m. to 5:30 p.m. Monday – Thursday, 8:00 a.m. – 5:00 p.m. on Friday, and Saturday hours 8:00 a.m.- 12:00 p.m. and directed the

Chairman to sign Resolution #19-39. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:12:04)

ITEM #2 – REQUEST FOR A CHANGE IN ZONING FROM AG-40 TO RURAL RESIDENTIAL (RR) AS SUBMITTED BY JERRY AND LINDA TREKEL ON PROPERTY LOCATED AT 7105 SW INDIANOLA ROAD, ANDOVER, KS

David Alfaro, Community Development Director, came before the Board for approval of a request for a change in zoning submitted by Jerry and Linda Trekel from AG-40 to RR on property located at 7105 SW Indianola Road, Andover, KS. The applicant requested to rezone 22+/- acres which would allow them to split the property, sell the existing residence and then construct a new single family dwelling on the newly created tract of land. A portion of the land is used for farming activities as well. Mr. Alfaro noted the change in zoning from AG-40 to RR would not be detrimental to the surrounding area. Also, the tracts of land created if the applicant does in fact split the property are compatible to what is currently in the area.

Commissioner Masterson motioned to approve the request for a change in zoning from AG-40 to RR as submitted by Jerry and Linda Trekel on property located at 7105 SW Indianola Road, Andover, KS, and directed the Chairman to sign Resolution #19-40. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Mr. Alfaro gave the Board an update on IPS. Mr. Alfaro stated KDHE still has an active case against IPS and Mr. Alfaro informed KDHE that the Board of Commissioners is moving forward with a cease-and-desist order. Mr. Alfaro also stated KDHE is going to speak with legal counsel for the State of Kansas and they will get in touch with Butler County Legal Counsel to take care of the issue at the same time. Mr. Alfaro stated he has not recently had any discussions with Mr. Riley or the property owner, Mr. Smith.

(00:16:38)

ITEM #3 – 911TELEHEALTH – MD ALLY AGREEMENT

Franks Williams, EMS Director, came before the Board for approval of an agreement with MD Ally. MD Ally is a company that provides access to healthcare as an alternative to accessing the system through 9-1-1 and EMS. This new company has offered to perform a pilot program in the Kansas market by partnering with Butler County. Partnering with MD Ally will safely identify non-emergency 911 callers, evaluate their healthcare needs and match them with the most appropriate healthcare resources available in our area. This would be a one year agreement with the option to cancel at any time. Commissioner Myers asked for elaboration on paragraph 9.3 Disclaimers of the Service Agreement. Commissioner Myers questioned how potential legal issues would settle out of the agreement. Commissioner Myers felt the paragraph was very comprehensive and mainly only protected MD Ally and questioned the balance of legal responsibility to the County. Mr. Williams stated he met with the Butler County Counselor to review the document and no concerns were expressed. Commissioner Myers asked if there was any further discussion with MD Ally in regard to their long term business model. Mr. Williams stated tele-medicine is becoming a go-to technology for physicians and MD Ally is focused on the reimbursement that they are trying to prove through private insurance companies.

Commissioner Woydziak motioned to approve the agreement between Butler County, Kansas and MD Ally and authorized the Chair to sign the agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.

Mr. Williams noted EMS has sent out an informational push of this project through a flyer that went out with property tax assessments and there is also a link on the County website.

(00:26:08)

ITEM #4 – NEW WORLD SERVER MIGRATION

Chris Davis, Emergency Communications Director, came before the Board for approval of the payment of \$17,400 for the purpose of the New World server migration. New World (A Tyler Company) provides the software for Butler County’s Computer Aided Dispatch (CAD), Sheriff records management, and Jail records management. All of this software is integrated, preventing the need for duplicate entries and providing an efficient means of data sharing. All of the New World products are maintained on multiple servers provided by the Butler County IT Department. These servers are all currently running on Windows 2008 R2 operating software and will no longer be supported in 2020.

Commissioner Wheeler motioned to approve the server migration payment to New World in the amount of \$17,400. Commissioner Myers seconded the motion. Motion carried 5-0.

(00:29:12)

APPROVAL OF MINUTES

Commissioner Myers motioned to approve the minutes from November 19, 2019, with the following amendment: Change Commissioner Myers seconded the motion to “Commissioner Wheeler seconded the motion” in approval of minutes and to change the motion of Item #10 to read as follows “Commissioner Masterson motioned to authorize the County Engineer to negotiate with Profound Foundation and Ulshan of Kansas City, MO, to achieve overall best alternative and to make an award.” Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:32:56)

ITEM #5 – CULVERT LETTING NO. 74 – AWARD OF BID

Darryl Lutz, Public Works Director, came before the Board for approval of the award of bid for Culvert Letting No. 74 for the construction of four reinforced concrete box structures throughout Butler County. The lowest bid was received from Mies Construction Co., Inc., Wichita, KS in the low bid amount of \$576,987.20 which was below the engineer's estimate. Mies is a qualified contractor and has performed satisfactory work on previous projects. Staff recommended the award of bid for Culvert Letting No. 74 for the construction of four Reinforced Concrete Box structures throughout Butler County be made to Mies Construction Company.

Commissioner Woydziak motioned to approve the award of bid for Culvert Letting No. 74 for the construction of four reinforced concrete box structures throughout Butler County to Mies Construction Company, Inc., Wichita, KS, in the low bid amount of \$576,987.20 and authorized the Chair to sign the Notice of Award. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:35:44)

ITEM #6 – PUBLIC WORKS EQUIPMENT PURCHASE APPROVAL – TRACK TYPE MINI EXCAVATOR

Darryl Lutz, Public Works Director, came before the Board for approval of the award of purchase of a track type excavator to replace a loader backhoe for the Public Works Department. The Commission received and opened bid responses from six companies for the requested equipment. After reviewing the bids, staff recommended the purchase be awarded to White Star Machinery Co., Inc., Wichita, KS, for a 2019 Bobcat E85 rubber track mini excavator with a 5 year/2000 extended warranty for a total delivered low bid price of \$86,100.

Commissioner Wheeler motioned to approve the award of purchase for a 55HP Rubber Track Mini Excavator to White Star Machinery, Wichita, KS, for a Bobcat E85 mini excavator in the low bid amount of \$86,100 including extended warranty and delivery. Commissioner Myers seconded the motion. Motion carried 5-0.

(00:38:41)

ITEM #7 – ANNUAL MISCELLANEOUS PROFESSIONAL SERVICES AGREEMENT AND C&D LANDFILL LOCATION STUDY AGREEMENT – BUTLER COUNTY LANDFILL

Darryl Lutz, Public Works Director, came before the Board for approval of separate agreements for engineering services related to the landfill for annual on-call general engineering services and for a feasibility study for development of a new C&D landfill. The Butler County Landfill programs funds each year for required semi-annual ground water sampling, analysis and reporting work, for annual miscellaneous engineering services primarily related to air permit reporting requirements and technical support for landfill operations and for planned major improvement projects. Butler County utilizes the firm of Burns & McDonnell Engineering Company to provide engineering services for the proposed work. At the request of the Department of Public Works, Burns & McDonnell has developed cost proposals based upon defined scope of work for two projects. One project is for annual on-call engineering services and the other project is to study the cost associated with developing a new C&D landfill. Each year Butler County enters into a general services agreement for miscellaneous on-call engineering services.

Commissioner Woydziak motioned to approve separate agreements for engineering services provided by Burns & McDonnell Engineering Company in the not-to-exceed amount of \$30,000 for 2019 miscellaneous on-call engineering services and in the not-to-exceed amount of \$33,972 for a C&D Landfill feasibility study and authorized the Chair to sign the agreements. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:49:18)

ITEM #8 – 2020 LEGISLATIVE AGENDA

Will Johnson, County Administrator, came before the Board for approval of the 2020 Legislative Agenda. Annually the County Commission develops a list of legislative priorities to present to the Butler County Legislative Delegation. The County Commission has discussed the possibility of five priorities to present to the Butler County Legislators.

- Demolition of the KDOC minimum security facility at El Dorado Lake.
- Support uniform funding of community colleges statewide to equalize the impact from regional institutions.

- Constitutional home rule for Kansas counties
- Equity in taxation with alternative energy projects.
- Modification of K.S.A. 58-3211 the Recreational Trails in Kansas Act to exempt cities and counties.

Commissioner Myers felt the modification of the recreational trails act should be struck from the Legislative Agenda.

Commissioner Woydziak motioned to approve the 2020 Butler County Legislative Agenda. Commissioner Wheeler seconded the motion. Motion carried 4-1. Commissioner Myers opposed.

Administrator Johnson inquired about the Commissioners' attendance to the Legislative Luncheon next Monday at 11:30 a.m. at Butler Community College.

(01:04:11)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers for November 26, 2019, in the amount of \$476,758.29. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(01:06:20)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2747 dated November 26, 2019; Adds in the amount of \$14,389.22 and Abates in the amount of \$4,975.22. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:06:41)

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

Commissioner Myers wished everyone a Happy Thanksgiving.

Administrator Johnson mentioned tax bills were sent out Thursday, November 21st and noted two QR barcodes were sent with the tax statements. One of the QR codes was for an explanation of tax statements and the other was for EMS's MD Ally project.

Administrator Johnson, Assistant County Administrator Ryan Adkison and Community Development Director David Alfaro will be attending the Kansas Association of City/County Managers Conference December 4th-6th.

The Benton Senior Center luncheon is Tuesday, December 10th.

The RSVP Volunteer luncheon is Wednesday, December 11th.

The County Christmas Party is December 6th at the Pointe Events Center in Augusta.

Administrator Johnson stated Christmas with Friends is December 4th at 12:00 p.m.

(01:13:25)

ITEM #9 – EXECUTIVE SESSION – NON-ELECTED PERSONNEL DISCUSSION

Commissioner motioned to recess to Executive Session on this 26th day of November, 2019, at 10:15 a.m. for 20 minutes with the public session resuming at 10:35 a.m. under the following

exception to the Kansas Open Meetings Act, to discuss personnel matters of non-elected personnel to protect the interests of the County. In attendance was Commission Chairman Murphy, Commissioner Masterson, Commissioner Myers, Commissioner Wheeler, Commissioner Woydziak and County Administrator Will Johnson. Commissioner Woydziak seconded the motion. Motion carried 5-0. No action was taken as a result of the Executive Session.

Administrator Johnson informed the Board that the carpet contractor for the Western Motor Vehicle Office did not get the carpet ordered on time and the project is going to be slightly delayed.

(01:16:27)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:38 a.m. Commission Chairman Murphy seconded the motion. Motion carried 5-0.