

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 13, 2018

CALL TO ORDER

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

INVOCATION

Pastor Ron Jones, Temple Baptist Church, El Dorado, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers provided the following amendment: Move the last sentence in Item #6 to Item #7.

Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from Tuesday, February 27, 2018 as amended. Commissioner Murphy seconded the motion. Motion carried 4-0.

(00:02:49)

PUBLIC COMMENTS

Nick McClure, Augusta Township Trustee, 10243 SW River Valley Road, Augusta, came before the Board to inform the Commission that he is in the process of obtaining a Conditional Use Permit for a rock quarry south of Augusta. Mr. McClure invited the Board to go look at the site and address their concerns. Administrator Johnson noted only two Board members could go to the site at a time in order to be in compliance with the Kansas Open Meetings Act.

(00:05:41)

ITEM #1 – SFY2019 FAMILY PLANNING GRANT APPLICATION FROM KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Jamie Downs, Health Department Director, came before the Board and recommended the Board review the SFY2019 Family Planning Grant Application as one of the Aid to Local ongoing categorical grants from the Kansas Department of Health and Environment (KDHE) to the Butler County Health Department. Each year, KDHE offers local health departments the opportunity to apply for the Family Planning categorical grant. This year the County has asked for \$74,250.00. The Kansas Title X Family Planning Program provides individuals the information and means to exercise personal choice in determining the number and spacing of their children and provides access to additional health services that lead to overall improvement in the health of individuals. Mrs. Downs noted the continuation of the Family Planning Grant allows the Health Department to provide quality services to the community for those who might not otherwise be able to receive services. There is a 40% match of grant funds awarded and Family Planning program revenues may be used to meet the match requirement. Commissioner Wheeler asked if any changes had been made to the Family Planning Grant this year. Mrs. Downs noted no changes have been made within the last two years. Commissioner Woydziak inquired about the number of people served under this grant. Mrs. Downs stated 193 men and women were served last year. Commissioner Myers discussed the forms of birth control used by the Health Department and the complications and side effects associated with the medication. Ashley Ebert, Butler County

Health Department Nurse Practitioner, stated all patients are informed of possible risks and side effects beforehand and also noted the benefit of birth control outweighs the risks in most cases. Ms. Ebert noted birth control such as Nexplanon is a long term contraception that does work well for low income families. Commissioner Murphy noted all medications have side effects and felt it is important to do what is best for the patient. Commissioner Wheeler asked if the birth control pills used by the Health Department are forms of abortifacients. Dr. Rausch stated there is no evidence that birth control has caused miscarriages and the Health Department would not institute birth control to a patient that is pregnant. Dr. Rausch stated he hoped the Commissioners would continue to support the Family Planning Grant.

Commissioner Murphy motioned to approve the SFY2019 Family Planning Grant Application from the KDHE to the Butler County Health Department in the amount of \$74,250.00 and allowed the Chair to sign. Commission Chairman Woydziak seconded the motion. Motion carried 3-1. Commissioner Myers opposed.

(00:31:01)

ITEM #2 – SFY2019 AID TO LOCAL GRANT APPLICATION FROM KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

Jamie Downs, Health Department Director, came before the Board and recommended the Board reviews the SFY2019 Grant Application from KDHE to the Butler County Health Department for ongoing categorical grants. Each year KDHE offers local health departments the opportunity to apply for categorical grants. The grants included in this request encompass the majority of the programs the Health Department provides to the community. These include the State Formula, Maternal and Child Health/Immunization Action Plan, Public Health Emergency Preparedness and Child Care Licensing grants. This year the Health Department asked for a total \$248,582.00 in funding from the State to support these programs.

Commission Chairman Woydziak motioned to approve the SFY2019 Aid to local grant application from KDHE to the Butler County Health Department for ongoing categorical grants in the amount of \$248,502.00 and allowed the Chair to sign. Commissioner Murphy seconded the motion. Motion carried 4-0.

(00:33:35)

ITEM #3 – AGREEMENT FOR MEDICAL CONSULTANT SERVICES

Jamie Downs, Health Department Director, came before the Board for approval of an agreement between the Butler County Health Department and Dr. Rausch for Medical Consultant Services. Mrs. Downs noted the County has had an agreement with Dr. Rausch for many years with the last contract being updated in 2013. Recently during an audit it was determined the agreement needed to be updated annually. There is a cost associated with this agreement and Dr. Rausch did request an increase in his fees, which is the first increase since 2013. The agreement is for \$1650.00 a quarter which is an increase of 10%.

Commissioner Murphy motioned to approve an agreement between the Butler County Health Department and Dr. Michael Rausch to contract for Medical Consultant Services and allowed the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 4-0.

(00:35:52)

ITEM #4 – AGREEMENT FOR PHARMACY SERVICES

Jamie Downs, Health Department Director, came before the Board for approval of an agreement between the Butler County Health Department and John Kraft to contract for pharmacy services. The County has had an agreement with Mr. Kraft since 2007. Recently during an audit it was determined the agreement needs to be updated annually. There is a cost associated with this agreement and Mr. Kraft did request an increase in his fees, which is the first increase since 2007. This agreement is for \$120 a month which is an increase of \$60 per month.

Commissioner Wheeler motioned to approve an agreement between the Butler County Health Department and John Kraft to contract for pharmacy services and allowed the Chair to sign. Commission Chairman Woydziak seconded the motion. Motion carried 4-0.

Administrator Johnson noted Jamie Downs accepted the position as the Butler County Health Department Director. Commission Chairman Woydziak thanked Mrs. Downs for accepting the position and her dedication to the Butler County Health Department.

(00:38:36)

ITEM #5 –NATIONAL AG DAY RESOLUTION

Will Johnson, County Administrator, came before the Board for approval of Resolution #18-04, recognizing March 20, 2018 as National Agricultural Day. Tiya-Tonn Oppold, Butler County Farm Bureau Board Member, came before the Board and thanked the Commissioners for supporting the agricultural industry in Butler County.

Commissioner Myers motioned to approve Resolution #18-04 recognizing March 20, 2018, as National Agricultural Day. Commissioner Murphy seconded the motion. Motion carried 4-0.

(00:45:27)

ITEM #6 – REGIONAL ECONOMIC AREA PARTNERSHIP (REAP) UPDATE

John Waltner, Retired County Administrator for Harvey County, came before the Board and gave an update on recent activities with the REAP Organization. Butler County was previously a member of REAP and now only Commissioner Wheeler has an individual membership to keep Butler County apprised on the current activities of REAP. Mr. Waltner has been an active member of REAP for many years and stated the REAP Organization values Butler County. Mr. Waltner discussed the benefits of being a REAP member and the importance of working together as a region. No action was taken.

(01:04:24)

RECESS

Commission Chairman Woydziak recessed the Board meeting at 10:04 a.m. for 5 minutes.

RECONVENE

Commission Chairman Woydziak reconvened the Board meeting at 10:09 a.m.

(01:04:28)

**ITEM #7 – WORK SESSION- INTEGRATED PLASTIC SOLUTION (IPS)
CONDITIONAL USE PERMIT (CUP) PROPERTY CONDITION**

David Alfaro, Community Development Director, came before the Board to discuss the cleanup of IPS property and the status of their CUP. Over the past several years the Board has discussed the condition of the property and its continued practice of ignoring the directive to clean the property. In the past, the Board felt that the loss of jobs out-weighed the condition of the

property. Mr. Alfaro noted the front parking lot has again been covered with boxes of items that have eliminated all parking spaces. Mr. Alfaro stated if the CUP is revoked it would require legal counsel to draft a Resolution and would need to be approved by the Board. Commission Chairman Woydziak stated he initially felt reluctant to revoke the CUP but does not feel IPS has made any efforts to clean up the property after being notified several times. Administrator Johnson stated the cleanup would be very expensive for the County and felt the City of El Dorado should annex the property and take the lead in the clean-up effort and the County would assist. Commissioner Myers felt the County has been very accommodating to IPS up to this point. The Board came to the consensus to move forward with revocation of the CUP. Mr. Alfaro noted he would contact legal counsel, the City of El Dorado and the owner of IPS to discuss the County's next step. No action was taken.

(01:27:06)

ITEM #8 – KDOT – COUNTY AGREEMENT TO TREAT NOXIOUS WEEDS

Les Stalnaker, Noxious Weed Supervisor, came before the Board for approval of an agreement with the Kansas Department of Transportation to treat noxious weeds along State highways in Butler County.

Commissioner Wheeler motioned to approve the County agreement to treat noxious weeds with KDOT for the year 2018 and authorized the Chair to sign. Commissioner Myers seconded the motion. Motion carried 4-0.

(01:36:30)

ITEM #9 – KDOT FEDERAL FUNDS EXCHANGE

Darryl Lutz, Director of Public Works, came before the Board for approval of a request to KDOT related to Butler County's participation in the federal funds exchange program to receive available funds left over from a previous federal fiscal year project. KDOT recently notified Butler County that it has a balance of federal funds belonging to Butler County that is left over from a prior year bridge project. The available federal funds are \$114,206.61 which KDOT would allow to be exchanged for 90 cents for each \$1 of federal funds. Mr. Lutz noted these funds would be used to fund current projects in the CIP.

Commissioner Murphy motioned to approve KDOT request to exchange Federal Funds from Butler County to utilize available prior federal fiscal year federal aid funds in the estimated amount of \$102,785.95 for road and bridge construction projects. Commissioner Myers seconded the motion. Motion carried 4-0.

(01:39:24)

ITEM #10 – WORK SESSION - BRIDGE PROJECT REVIEW AND SCOPE CHANGE

Darryl Lutz, Director of Public Works, came before the Board to review and discuss the current condition of two bridges proposed for repair and to change the project scopes from bridge repair projects to bridge replacement projects. Butler County has two Pony Truss Bridge projects on major County roads in the CIP for repair work. The projects are currently under design and one of the Pony Truss bridges is on SW Haverhill Road over the Little Walnut River and the other Pony Truss Bridge is on SE Cole Creek Road. The estimated repair cost for both projects is considerably higher than initially estimated from the County. Mr. Lutz stated the recent fracture critical bridge inspection on the Haverhill Road Pony Truss revealed a newly formed sheer non-repairable crack in the concrete approach span to the truss bridge and the crack is most likely the

result of an overload on the bridge. The cost to replace the Cole Creek Bridge is estimated to be \$860,000 and the Haverhill Bridge is estimated to be \$910,000. Mr. Lutz suggested going to bid in 2019 for the Haverhill Bridge replacement project and to push out the Cole Creek Bridge replacement project to 2021. Mr. Lutz stated he would discuss the Haverhill Bridge replacement with the bridge consultant and bring back more information to the Commission. The Board came to the consensus to stop the work on the repair projects and move forward with the bridge replacements. No action was taken.

(02:01:59)

ITEM #11– CAT 615C SCRAPER REPAIRS

Darryl Lutz, Director of Public Works, came before the Board for approval of a revised repair cost estimate for the Caterpillar 615C elevating scraper at the landfill used for moving and hauling dirt. Over time the scraper developed some hydraulic leaks in the steering and pivot system and the speed reducer on the elevating chain drive is not functioning properly and the ejector floor detent is not working properly. Mr. Lutz stated staff obtained an estimated cost repair from Foley Equipment of \$7,625.00 but once the work began more needed repairs came to light. The new cost repair estimate from Foley Equipment is \$11,775.00.

Commissioner Wheeler motioned to approve an updated repair cost estimate from Foley Equipment for repair work that is already in progress on the Caterpillar 615C elevating scraper at the landfill in the estimated upper limit of cost of \$11,775.00. Commissioner Myers seconded the motion. Motion carried 4-0.

(02:09:15)

ITEM #12– PRE-PAYMENT OF SERIES 2010 CERTIFICATES OF PARTICIPATION AND TERMINATION OF (.25%) SALES TAX

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board for approval of Resolution #18-03 authorizing the termination of an existing .25% County-wide retailers' sales tax for the purpose of financing the acquisition, construction and installation of a public safety emergency radio communication system in the County which was approved by the electors of the County at an election held on November 24, 2009. Mr. Adkison stated the County anticipates having sufficient revenues on May 1, 2018 in the funds and accounts established under the Declaration of Trust to provide for the purchase of the Project under the Lease Purchase Agreement and corresponding prepayment and retirement of the Series 2010 Certificates under the Declaration of Trust. Commissioner Myers suggested adding the following wording into Resolution 18-03: "excess funds would be deposited into the General Fund and be set aside and used for maintenance on the 800 MHz system.

Commissioner Myers motioned to approve Resolution #18-03 authorizing the termination of an existing .25% County-wide retailers sales tax approved by the electors of the County at an election held on November 24, 2009, authorizing the prepayment and retirement of certain outstanding certificates of participation in a lease purchase agreement; excess funds would be deposited into the General Fund and be set aside and used for maintenance on the 800 MHz system and authorizing certain actions to be taken in conjunction therewith as amended March 13, 2018. Commissioner Wheeler seconded the motion. Motion carried 4-0.

(02:18:46)

VOUCHERS

Commissioner Murphy motioned to approve vouchers for March 6, 2018 in the amount of \$208,108.99. Commissioner Wheeler seconded the motion. Motion carried 4-0.

(02:22:26)

VOUCHERS

Commission Chairman Woydziak motioned to approve vouchers for March 13, 2018 in the amount of \$218,305.43. Commissioner Murphy seconded the motion. Motion carried 4-0.

(02:24:06)

COMMISSION ADDS & ABATES

Commissioner Murphy motioned to approve Adds & Abates #2679 dated March 13, 2018; Adds in the amount of \$1,066.86 and Abates in the amount of \$8,651.66. Commissioner Myers seconded the motion. Motion carried 4-0.

(02:24:31)

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

Commissioner Wheeler stated he received multiple complaints of truck traffic on Flinthills Road.

Commission Chairman Woydziak stated he went to Washington D.C. last week and met with Senator Moran and Congressman Ron Estes and noted all discussions went well.

Commissioner Murphy noted he received a call from Joe Linot, Augusta Township Clerk, stating he is retiring after 46 years of serving on the Township Board.

Commissioner Murphy noted he would not be in attendance at the Farm Bureau Dinner.

Administrator Johnson informed the Board of a voucher that would be coming through regarding the County boarding 11 horses due to an animal cruelty case.

Administrator Johnson informed the Commissioners of a violation to the Kansas Open Meetings Act by the Butler County Planning Commission. Administrator Johnson recommended the Board of Commissioners send a letter to the County Attorney to self-report the violation.

Commissioner Murphy motioned to approve the letter of self-reporting to the County Attorney regarding a Kansas Open Meetings violation. Commissioner Woydziak seconded the motion. Motion carried 4-0.

Commission Chairman Woydziak noted he received a letter from Janell Jessup expressing her appreciation of the County's help in receiving grants for the Animal Rescue Squad.

(02:43:25)

ADJOURNMENT

Commission Chairman Woydziak motioned to adjourn the meeting of the Board at 11:48 a.m. Although this motion was carried by a 4-0 vote there was no second.