

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, January 5, 2021

CALL TO ORDER

Commission Chair Marc Murphy called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Ed Myers, Commissioner Jeff Masterson, Commissioner Dan Woydziak, Commissioner Mike Wheeler, County Administrator Will Johnson, and Executive Assistant Anna Wealand.

INVOCATION

Wanetta Baldwin, Community of Christ Church, El Dorado, Kansas, presented the invocation.

(00:01:24)

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes from the December 29, 2020, Butler County Commission meeting as presented. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:01:46)

PUBLIC COMMENTS

Commissioner Myers stepped down from the bench and approached the Board to thank them, Administrator Johnson, and County staff for their responsiveness to customers, resulting in excellent customer service. Commissioner Myers encouraged the Board to consider their eternity and turn to Jesus Christ and accept His gift of salvation.

The Board expressed their gratitude for Commissioner Myers' leadership and contributions to the Board during his tenure.

(00:08:55)

ITEM #1 – WORK SESSION - EMS AND 911 MEDICAL DIRECTOR POSITION

Frank Williams, EMS Director, approached the Board to discuss the Emergency Medical Services (EMS) and 911 Medical Director position. Dr. Paige Dodson has served as the Medical Director for EMS and 911 for almost four years but, due to full-time employer commitments and limited time available, she would like to resign, pending a replacement. Having an experienced Emergency Medicine trained physician to help guide the County's EMS and 911 employees in clinical patient care is crucial. Providing quality patient care protocols, care review, education, credentialing, on-line medical control and clinical consultation are just a few of the responsibilities of a Medical Director. The current Medical Director is contracted, being paid \$1000.00 per month for services to both the EMS and 911 departments. Kansas Statute 65-6126 Medical Director stated each emergency medical service shall have a Medical Director appointed by the operator of the service to review and implement medical protocols and approve and monitor the activities and education of the attendants. The Board may approve an alternative procedure for medical oversight if no Medical Director is available. Butler County's 911 Communications requires a Medical Director to maintain their accreditation.

Jeremy Seglem, Interim Emergency Communications Director, was available to answer questions. The Board discussed the interview process and the time frames required for

advertisement of the Medical Director position. The Board decided to have an interview panel consisting of a Commissioner, the County Administrator, and an EMS leader. Discussion about the equitability of advertising the position was discussed. Mr. Williams confirmed the position will be advertised through the County's online application, CivicHR, accessible through the County's website. Administrator Johnson stated the position will be shared on the County's social media outlets as well.

No action was taken.

(00:13:53)

ITEM #2 – DOZER TRACK REPAIR APPROVAL – LANDFILL DOZER

Darryl Lutz, Public Works Director, came before the Board for the consideration of the approval of a cost proposal to repair the tracks on the Caterpillar D6 dozer in operation at the landfill. The Department of Public Works operates a Caterpillar D6 track type dozer at the landfill. The tracks on one side of the machine are slipping when operated at the specified tension by Caterpillar. The track pins as well as the sprocket segments on the final drive are believed to be worn and probably need to be replaced. Caterpillar is putting together a cost proposal for the expected repairs. Staff is working through details of a proposed repair project for the dozer with Foley Equipment Company, Wichita, KS. A copy of the cost proposal is attached for your review and consideration. Foley is proposing to remove both sets of tracks, to inspect the pins on the tracks for wear, to either rotate the pins or replace the pins, and to replace the sprocket segments on the final drives. Wear on the track pins and sprocket segments is common and is considered a normal maintenance and repair item. The total cost of repairs for both tracks is expected to be in the \$15,000 to \$20,000 range depending on the current pins being reusable, the total will be more if the track assemblies need to be replaced. The current cost estimate is in the total estimated upper limit of cost of \$17,410.59 based upon Option 1 under Segment 3 of the proposal. Option 1 is based upon reusing the existing track pins by rotating them and resealing the pins. Option 2 is to replace the track assemblies with new and reattaching the current cleated grousers (track pads). Staff is working to get a definitive cost proposal for Option 2. Staff is recommending proceeding with the repairs in order to prevent damage to other components of the track assembly due to over tightening the tracks. Major maintenance and repair to equipment is anticipated each year in the annual budget process. This cost will be paid for out of the landfill operating fund.

Mr. Lutz clarified some of the details of the option packages as well as noted the County will run out of time before running out of hours in regards to the warranty. Mr. Lutz did state the County needs to practice improved preventative maintenance for this item in the future. The County's current dozer is a 2006 model which was rebuilt in 2016. The dozer's maintenance has to be completed by Foley as it is a major and specialized job. Commissioner Masterson inquired as to which party, Butler County or Foley Equipment, should have been aware that the machine was in need of maintenance. Foley Equipment takes measurements annually and sends a report to landfill staff. 22000

Commissioner Masterson motioned to approve the cost proposal from Foley Equipment Company, Wichita, Kansas, for track repair work on the D6 dozer at the landfill in the estimated cost of \$22,000.00 and authorized staff to proceed with getting the repairs made. Commissioner Woydziak seconded. Motion carried 5-0.

Commissioner Woydziak inquired of Mr. Lutz as to any updates on the Haverhill Rd project. Mr. Lutz stated the contractor hopes to have the road open the first week of February, although Mr. Lutz believes that goal is overly optimistic due to the amount and types of work remaining to be completed. Due to the project not being completed by the completion date the contractor is paying Liquidated Damages of \$1,200 per day. The project is currently about twenty-seven days past the completion date which could mean the total Liquidated Damages owed will possibly approach \$50,000. The project, and its delay, has created a large amount of inconvenience to locals and a venue near the project. Mr. Lutz said the Public Works department is doing what they can to keep the contractor motivated.

Commissioner Woydziak also asked Mr. Lutz about the progress of the roundabout project at SW 150th St and SW Butler Rd. Mr. Lutz responded that the contractor's crews are working on it today and should be finished with pouring concrete soon. The curbing and the base have already been laid. Some issues regarding the pooling of storm water occurred recently due to drains being blocked to avoid filling the drains with mud due to lack of vegetation near the construction site; the contractor was responsive to the issue. Intersection lighting is being erected. The official project completion date is the end of March but the contractor tentatively plans to be done prior to that date.

Commissioner Wheeler stated the Glencoe Township Trustee contacted him about designating some roads in their township minimum maintenance roads. There are no mail or school bus routes on the roads in question. Mr. Lutz said the Public Works department will help the township complete the process for designating the roads as minimum maintenance. Commissioner Wheeler thanked Mr. Lutz and stated he would pass along the message and have the Trustee contact the Public Works department.

(00:35:33)

ITEM #3 – EXTENSION OF THE COVID-19 EMERGENCY PAID SICK LEAVE FOR BUTLER COUNTY EMPLOYEES

Sherry Hoelker, Human Resources Director, came before the Board regarding a request from Staff to the Commission to approve a limited extension of the FMLA COVID-19 Leave Expansion and Emergency Paid Sick Leave Policy, which was originally approved April 7, 2020. The policy was put in place to comply with the Families First Coronavirus Response Act (FFCRA) to assist employees affected by the COVID-19 pandemic. The FFCRA was set to expire December 31, 2020. There were no federal law extensions put in place but, due to the ongoing challenge of the pandemic, Staff believes an extension into the first quarter of 2021 would be a fair entitlement to employees who have yet to utilize any COVID-19 emergency paid sick leave. This policy would extend the benefit through the first payroll quarter in 2021. From April 1, 2020 to December 31, 2020, there were 164 employees that utilized a total of 8,842 hours of emergency paid leave. The salary budget costs to the County for the utilization of the leave was \$167,355.59; however, the County did not have to pay FICA taxes on earned income, which saved the County just under \$13,000 in FICA taxes.

Commissioner Myers asked for clarification of the qualifications for use outlined in the agenda item and expressed concerns with the liberality of the applicable measures. Commissioner

Woydziak agreed with Commissioner Myers. Ms. Hoelker confirmed Staff recommends the extension of only certain parts of the FFCRA and only to those employees who have not yet utilized the leave. Staff recommends extending the leave to employees under quarantine or experiencing COVID-19 symptoms. Administrator Johnson stated if the extension is not well utilized, Staff will recommend dropping the extension. The Board agreed the extension is a fair and beneficial policy.

Commissioner Woydziak motioned to approve the extended limited version of the leave program for the first quarter of 2021. Commissioner Masterson seconded. Motion carried 5-0.

(00:49:11)

ITEM #4 – 2021 LEGISLATIVE AGENDA

Administrator Johnson came before the Board to discuss the proposed 2021 Legislative Agenda and the consideration of approving of the 2021 Legislative Agenda. Annually the County Commission develops a list of legislative priorities to present to the Butler County Legislative Delegation. The list is refined to one-page and summarized for presentation to the legislators at a meeting held early in legislative session. The County Commission has discussed the priorities identified on the proposed Legislative Agenda. Annually the County Commission adopts the priorities at the end of December and hosts a legislative dinner in February. Due to COVID-19 Butler County is planning on hosting a luncheon or breakfast with the County's delegation the first week in January before the new legislative session begins. The proposed agenda for adoption was provided to the Commissions for consideration and modifications.

Discussion regarding the Kansas Department of Transportation's (KDOT) lack of approach maintenance to County roads, particularly Adams Rd. The Board expressed their desire for this issue to be placed second on the Legislative Agenda. Darryl Lutz, Public Works Director, approached the Board stating he would like to ask the Delegation for support for funding for making improvements to Haverhill Rd outside of the refinery. The overlays KDOT has performed on their roadways located in Butler County in the past five years have caused issues in regards to approaches to County roads that tie into KDOT roads. Mr. Lutz reported KDOT crews would not complete the approaches. The Board inquired if this issue is a statewide issue and Mr. Lutz remarked he believes the issue is a policy issue for region by region. The KDOT area engineer is key input for these projects and Mr. Lutz not satisfied that the input is good for the County's region. Administrator Johnson stated the Adams Rd approach issue should have been caught during the inspection. Commissioner Woydziak asked for the name of the Butler County KDOT area engineer; Mr. Lutz responded the KDOT area engineer's name is Scott Koopman.

Administrator Johnson read through the revised proposed agenda. Commissioner Myers made a recommendation for revision of some grammar in the document. Discussion between the Board and Administrator Johnson occurred regarding the various points on the proposed agenda. Commissioner Woydziak stated he is concerned about the amount of services the State has pushed down to Counties, and is then concerned when Counties need to raise taxes to pay for the extra services they now need to provide.

The Legislative Luncheon is scheduled for tomorrow at 12 PM at the Point Event Center in Augusta.

Commissioner Woydziak motioned to approve the 2021 Butler County Legislative Agenda as amended. Commissioner Masterson seconded. Motion carried 5-0.

(01:11:14)

VOUCHERS

Commissioner Myers noted the Kansas Association of Counties (KAC) voucher and inquired about the financial feasibility of remaining a member. Administrator Johnson and Commissioner Woydziak expressed concern over the direction the KAC organization is heading. Commissioner Masterson inquired about the League of Municipalities' direction.

Commissioner Wheeler motioned to approve vouchers dated January 5, 2021, in the amount of \$1,221,469.18. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:14:46)

ADDS & ABATES.

Commissioner Wheeler motioned to approve the Adds in the amount of \$316,250.94, and the Abates in the amount of \$251,795.08. Commissioner Masterson seconded. Motion carried 5-0.

(01:15:38)

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

Commissioner Wheeler stated he will miss Commissioner Myers. Although the two Commissioners maintain different philosophies they have collaborated on a number of items and have become friends.

Commissioner Wheeler commended Commission Chair Murphy for doing a swell job as Chair.

Commission Chair Murphy thanked Commissioner Myers for his service to the County.

Commissioner Masterson stated he has been receiving emails from constituents making suggestions for use for remaining Strengthening People and Revitalizing Kansas (SPARK) funds. Administrator Johnson stated Lee White wrote an article as to what SPARK funds covered, and that is probably why the emails have cropped up. Administrator Johnson stated he is very proud of the County's Business Grant program.

Commissioner Woydziak commented on the distributions to the County's fire districts and senior centers.

Commissioner Woydziak stated he and some family members have already received their \$600 stimulus funds.

Commissioner Wheeler inquired as to why Fire District #3 has more funds than others. Administrator Johnson stated Fire District #3 has full time employees, which drives up their distribution.

Administrator Johnson asked the Board if they would like to be sworn in on Monday or Tuesday of next week. The Board decided on Tuesday.

(01:31:26)

ADJOURNMENT

Commissioner Myers motioned to adjourn the meeting of the Board at 10:31 a.m.

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

The Commissioners will be attending a Legislative Luncheon at 12 PM on Wednesday, January 6th, at The Point Events Center located at 2101 Dearborn St, Augusta, Kansas, 67010.