

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, January 11, 2022**

**CALL TO ORDER**

Commission Chair Jeff Masterson called the Butler County Board of Commissioners meeting to order at 9:01 a.m. Present were Commissioner Marc Murphy, Commissioner Dan Woydziak, Commissioner Kelly Herzet, Commissioner Mike Wheeler, County Administrator Will Johnson, and Executive Assistant Anna Wealand.

(00:00:29)

**INVOCATION**

William Baldwin, El Dorado Community of Christ, presented the invocation.

(00:01:52)

**APPROVAL OF MINUTES**

*Commissioner Murphy motioned to approve the minutes from the January 4, 2022, Butler County Commission meeting as presented. Commissioner Wheeler seconded the motion. Motion carried 4-0-1. Commissioner Woydziak abstained due to his absence last week.*

(00:02:24)

**PUBLIC COMMENTS**

There were no public comments.

**REORGANIZATION OF THE COUNTY COMMISSION**

(00:02:33)

**ITEM #1 – SELECTION OF A CHAIRMAN**

Commission Chair Masterson stated the Board discussed the selection of a Chairman for the 2022 Butler County Commission during last week's meeting. Annually the Commission selects a Chairman and Vice Chairman for the upcoming year; this is done at the same time as the appointments to office, which occurs after the 2<sup>nd</sup> Monday in January. Commissioner Masterson has lead the Commission for the last year and has indicated it is time for someone new to fill this role. Commissioner Herzet has indicated he is willing to be the Chairman.

*Commissioner Wheeler motioned to nominate Commissioner Herzet to the position of Chairman for 2022. Commissioner Woydziak seconded. Motion carried 5-0.*

(00:03:31)

**ITEM #2 – SELECTION OF VICE CHAIRMAN**

Commission Chair Herzet expressed the need for the Board to select of a Vice Chairman for the 2022 Butler County Commission. Annually the Commission selects a Chairman and Vice Chairman for the upcoming year; this is done at the same time as the appointments to office, which occurs after the 2<sup>nd</sup> Monday in January. The selected individual will preside over Commission meetings in the absence of the Chairman. Commissioner Murphy has expressed his willingness to be Vice Chairman.

*Commissioner Wheeler motioned to nominate Commissioner Murphy to position of Vice Chairman for 2022. Commissioner Masterson seconded. Motion carried 5-0.*

## **ITEMS OF BUSINESS**

(00:04:03)

### **ITEM #1 –ROSE HILL FIRE DISCTRICT #3 REQUEST FOR PROPOSAL (RFP) UPDATED TANKER TRUCK**

Ryan Adkison, Finance Director, came before the Board for the consideration of authorizing staff to issue a RFP, analyze the results, and bring back a recommended action and all necessary documents for issuing up to \$350,000 in debt for an updated tanker truck. Fire District #3 (FD#3, Rose Hill) has a 1996 2,000 gallon tanker that is aging out. The new tanker will offer FD#3 more reliability and an additional 1,000 gallons to fight rural fires where no hydrant is available. FD#3 has approximately one mill (\$85,000) of their operational budget dedicated to lease purchase agreements for continuous equipment refreshing. All other equipment debt will be retired in 2023 and the one mill will be used to begin payments on the new tanker truck. Bond counsel will be consulted during the debt issuance phase.

Kevin Webster, Fire District #3 Chief, spoke to the Board regarding the reasons and plans for replacement. Mr. Webster answered questions from the Board regarding the financial planning for the purchase.

*Commissioner Woydziak motioned to authorize staff to issue a RFP, analyze the results and bring back a recommended action and all necessary documents for issuing up to \$350,000 in debt for a new tanker truck for Rose Hill Fire District #3. Commissioner Wheeler seconded. Motion carried 5-0.*

*Commissioner Woydziak motioned to appoint Richard Miller of 325 N Bentwood, Rose Hill, Kansas, to the Fire District #3 Fire Board to replace Ron Hughes who is moving out of district. Commissioner Masterson seconded. Motion carried 5-0.*

Administrator Johnson stated Fire Board appointments for all of the County's Fire Districts will be discussed on the agenda in the near future.

(00:09:47)

### **ITEM #2- SOLID WASTE MANAGEMENT PLANNING COMMITTEE APPOINTMENTS**

Darryl Lutz, Public Works Director, approached the Board for the consideration of the approval of appointments to the Butler County Solid Waste Management Planning Committee. Each year the County Commission approves the appointment or reappointment of approximately one third of the members of the Solid Waste Management Planning Committee. Members serve on the committee on three-year staggered terms. The County Commission adopted a new membership structure in 2016 that reduced the committee size from twenty-seven members to fifteen members. Term A positions on the Committee expired December 31, 2021, and members for those positions need to be appointed or re-appointed for a new three-year term. Staff has made

contact with cities to receive membership appointments for city positions on the committee and has confirmed interest for re-appointment of members for County positions.

A list of all proposed members on the committee was provided to the Board. The only positions requiring action by the County Commission is five (5) Term A positions. Three of the positions are city-filled positions for Andover, Towanda/Benton and for Leon/Latham. Two positions are for County-appointed positions representing private industry and County engineering. All of the Term A appointments are re-appointments. These appointees will serve a three-year term ending December 31, 2024. In addition, the County Commission is requested to approve or accept mid-term appointments to fill two vacancies. The Cities of Rose Hill/Douglass have appointed Mike Powell as a city representative and staff is recommending approval of Mark Raccuglia from WasteLink to represent the private solid waste industry. Both of these positions are Term B appointments and will serve until the end of 2022. This committee and the membership is required by Kansas Statute. The County Commission adopted the current committee structure by resolution in November 2016.

Commissioner Wheeler inquired the frequency of the committees meetings; Mr. Lutz answered his question.

*Commissioner Masterson motioned to accept the appointments of City-appointed members and to approve the appointments of County representatives as recommended to serve on the Butler County Solid Waste Management Planning Committee for Term A, a three-year term beginning January 2022 and expiring in December 2024 and to also accept the appointment of Mike Powell representing Rose Hill and Douglass to fill an unexpired Term B position and to approve the appointment of Mark Raccuglia representing the private solid waste industry to fill an unexpired Term B position. Commissioner Murphy seconded. Motion carried 5-0.*

(00:14:33)

**ITEM #3 – PADDLE CHAIN IDLER REPAIR – LANDFILL CAT 615C SCRAPER**

Darryl Lutz, Public Works Director, approached the Board for the consideration of the approval of the cost to repair the paddle chain idler on the small Cat scraper at the landfill. The Department of Public Works operates two scrapers at the landfill to move dirt for covering trash. The Caterpillar 615C scraper has a bearing starting to go out on one side of the idler that carries the paddle chains. The paddle chain idler is one complete unit with bearings on both ends. The bearings on one side are showing wear and will need to be replaced. Because of the special tools required to press the pins out of the paddle chain to break the chain open, the work will need to be performed by Foley Equipment. Staff is requesting approval to have the repair work completed before the bearing goes out completely. The Board was provided with the repair estimate to replace the paddle chain idler and wheels on the landfill's Caterpillar 615C scraper. The estimate includes replacing the bearing/idler wheel assemblies on both sides of the idler with a total estimated not-to-exceed cost of repairs of \$13,151.40. The repair work is needed to keep the scraper in operation. 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.

Commissioner Wheeler inquired as to the age of the paddle scraper; Mr. Lutz responded the machine is a 1990s model that was purchased used but is in good condition overall.

*Commissioner Masterson motioned to approve the cost proposal from Foley Equipment Company, Wichita, Kansas, for repairing the paddle chain idler on the Caterpillar 615C scraper at the landfill in the estimated not to exceed cost of \$13,151.40. Commissioner Murphy seconded. Motion carried 5-0.*

Commissioner Murphy mentioned the possibility of more issues being found once the repair work commences. Mr. Lutz stated staff has discussed this possibility with Foley Equipment Company and has asked for worst case scenario estimates to account for the possibility.

(00:21:00)

**ITEM #4 – RIGHT OF WAY ACCEPTANCE AND APPROVAL – DRY CREEK BRIDGE ON SW RIVER VALLEY RD**

Darryl Lutz, Public Works Director, came before the Board for the consideration of the acceptance of the dedication of easements for right-of-way for tracts related to the Dry Creek Bridge replacement project on SW River Valley Rd. The Dry Creek Bridge replacement project on SW River Valley Rd is a County-funded bridge replacement project in the County's adopted CIP. The final plans are complete and Butler County staff has been working with property owners on right-of-way and easement acquisition. The Board of County Commissioners previously approved right-of-way values and authorized the Director of Public Works to begin the right-of-way acquisition process in October. Agreements have been reached with all property owners and official offers based upon approved values have been presented. The project requires three tracts of right-of-way and one temporary construction easement from three property owners; one settlement has already been completed and approved. Staff has received signed right-of-way documents from a second property owner for approval and acceptance. The documents will be presented to the County Commission for acceptance and approval of any settlements or payments. The project is expected to be ready to advertise for bids in January 2022.

Staff provided easement documents and right-of-way documents and asked the County Commission to accept the dedication of the easements and rights-of-way and to approve the payment of settlements negotiated by staff. The payments and settlements are based upon approved unit price values for permanent easement and will include any additional cost to cure items such as fence replacements. A list of tracts and the related right-of-way offers were presented to the Board. Right-of-way acquisitions for this project are included in the adopted CIP for Butler County and staff is following approved procedures for acquisition of real property for project right-of-way.

*Commissioner Wheeler motioned to approve the acceptance of dedications of easements for rights-of-way and to approve the settlements negotiated for Project No. BR20E9-27-4(21), the Dry Creek Bridge replacement project on SW River Valley Rd and authorized the Chairman to sign the documents. Commissioner Murphy seconded. Motion carried 5-0.*

(00:23:36)

**VOUCHERS**

Commissioner Masterson asked about a voucher for the Collision Center in El Dorado; Administrator Johnson stated the repair work is most likely a patrol vehicle possibly due to an animal strike. Commissioner Masterson asked as to the threshold parameters the County utilizes to determine whether a vehicle's damage should be filed through insurance or paid for directly by the County; Administrator Johnson responded the decision depends on the year and mileage of the vehicle, as well as the extent of the damage.

*Commissioner Wheeler motioned to approve vouchers dated January 11, 2022, in the amount of \$404,665.89. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:26:29)

#### **ADDS & ABATES**

*Commissioner Wheeler motioned to approve Adds in the amount of \$0 and Abates in the amount of \$4,516.84. Commissioner Masterson seconded. Motion carried 5-0.*

(00:26:54)

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

Commissioner Wheeler commented the Augusta Volunteer Fire Unit dinner is this Saturday.

Commissioner Wheeler noted the Emergency Medical Services Cardiac Survivor Banquet is on Thursday, February 24<sup>th</sup>. Commission Chair Herzet stated he plans on attending and encouraged other members of the Board to attend if they are able.

Commissioner Murphy stated he will be gone next week.

Commissioner Wheeler stated he will be gone January 25<sup>th</sup> and needs to leave early on January 18<sup>th</sup>.

Commissioner Masterson inquired about performing Administrator Johnson's review near the end of the meeting in an Executive Session; the Board was in agreeance.

Commission Chair Herzet stated he is uncertain if he will be able to attend the January 25<sup>th</sup> Commission meeting.

*Commissioner Woydziak motioned to appoint Jason Clark of 18437 SW Meadowlark Rd, Rose Hill, Kansas, 67133, as the trustee of Richland Township. Commissioner Masterson seconded. Motion carried 5-0.*

Commissioner Woydziak notified the Board of a situation with a homebound constituent affiliated with the Douglass Senior Center who has experienced difficulty obtaining a COVID-19 test kit to obtain a test result at home in order to get into their physician's office. Commissioner Woydziak asked if the Butler County Health Department or the County can assist with situations such as this; the Board and Administrator Johnson discussed options.

Administrator Johnson stated he will send the upcoming Fire Board appointments out to the Board via email.

Administrator Johnson received notice from County Counsel that the Notice of Interim Trail Use (NITU) transfer document is ready to be signed and implemented by the City of Augusta and Butler County; Administrator Johnson will work on getting the subject on an agenda in the near future.

Commissioner Masterson may be gone February 8<sup>th</sup>.

Administrator Johnson stated Senator Masterson notified him that the Senator is on an American Rescue Plan (ARP) committee and asked for projects to submit from Butler County. Administrator Johnson said some of the County's cities may benefit from these funds. Commissioner Masterson asked if the County has some projects; Administrator Johnson replied the County does not have many applicable projects because the County does not have water/sewer infrastructure. The Board and Administrator Johnson discussed various possible projects throughout the County.

Commissioner Wheeler commented on the mileage reimbursements for the Planning Commission.

(00:44:37)

#### **EXECUTIVE SESSION**

*Commissioner Wheeler motioned to go into Executive Session at 9:45 a.m. on January 11, 2022, to resume with the public session at 10:00 a.m. to discuss personnel matters of non-elected personnel to protect the privacy of an individual/employee who is non-elected. Commissioner Murphy seconded. Motion carried 5-0.*

Commission Chair Herzet resumed the public session at 10:03 a.m.

*Commissioner Woydziak motioned to approve a merit increase of 6% effective January 1, 2022, for the County Administrator. Commissioner Masterson seconded. Motion carried 5-0.*

(00:46:24)

#### **ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:04 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.*