

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, January 18, 2022

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 Dan Woydziak, Commissioner Jeff Masterson, Commissioner Mike Wheeler, County Administrator Will Johnson, and Executive Assistant Anna Wealand. Commissioner Marc Murphy was not in attendance.

(00:00:06)

INVOCATION

Chaplain David Griffis presented the invocation.

(00:02:01)

APPROVAL OF MINUTES

Commissioner Masterson requested the removal of an extra 'of' in the first sentence of Item #1.

Commissioner Masterson motioned to approve the minutes from the January 11, 2022, Butler County Commission meeting as amended. Commissioner Wheeler seconded the motion. Motion carried 4-0.

(00:03:36)

PUBLIC COMMENTS

There were no public comments.

(00:03:44)

ITEM #1 –EMERGENCY DECLARATION

Administrator Johnson approached the Board for the consideration of the approval of Resolution 22-05, a seven (7) day Emergency Declaration, and a fourteen (14) day extension of the Emergency Declaration to February 1, 2022, to allow for hospitals to access the State's stockpile for acquisition of ventilators. The State of Kansas has developed and maintained emergency stockpiles of medical equipment related to dealing with the COVID-19 pandemic. In order for local entities or medical facilities to access these stockpiles local units of government (counties) must declare an emergency declaration. Butler County's two local hospitals are currently facing a shortage of ventilators to be utilized on patients in their facilities. Butler County Emergency Medical Services (EMS) has loaned one of the County's portable ventilators to a hospital as the hospital was in immediate need. As such, Staff asked the Chairman to approve a seven (7) day emergency declaration, Resolution 22-05, to allow hospitals to access the State's supply of ventilators; the Chairman approved the declaration on January 13, 2022 . Administrator Johnson asked the County Commission to ratify Resolution 22-05 approved by Commission Chair Herzet as well adopting an extension order of the Declaration for an additional fourteen (14) days to February 1, 2022. Staff will monitor the situation and, if necessary, recommend extending Resolution 22-06 or allowing it to expire based on the needs of the County's hospitals. The Kansas Department of Emergency Management, by K.S.A. 48-932, requires the passage of an emergency declaration in order for the local governments or medical facilities to access the state stockpile of durable medical equipment for use in a County.

Commissioner Masterson inquired as to the nature of the ventilator situation; Keri Korthals, Emergency Management Director, confirmed the ventilators available through the State are available for loan but not long-term possession. Mrs. Korthals explained some of the logistics of the situation. Scott Stueven, Butler County Emergency Medical Services, confirmed with the Board the County has seven ventilators, one for each of the five operating crews and two in reserve. Commissioner Masterson expressed his concern with implementing another Emergency Declaration as well as his desire for a mechanism other than the implementation of an emergency declaration for assisting the medical community in obtaining necessary tools. Mrs. Korthals stated the COVID-19 Task Force is meeting about twice a month and the County's situation is currently not at a crisis point.

Commissioner Woydziak motioned to approve Resolution 22-05, a seven (7) day Emergency Declaration, and an extension of the same to February 1, 2022, to allow for hospitals to access the State's stockpile for the acquisition of ventilators. Commissioner Wheeler seconded. Motion carried 4-0.

Commissioner Woydziak stated he is in agreeance with Commissioner Masterson in regards to the need for a mechanism other than emergency declarations by which to assist the medical community with access to needed resources.

(00:11:57)

ITEM #2- APPROVAL OF THE ANNUAL RENEWAL FOR THE CIVICPLUS APPLICANT TRACKING AND ONBOARDING SUPPORT AGREEMENT

Lew Harter, Information Technology Director, came before the Board for the approval of the annual renewal of the CivicHR Applicant Tracking and Onboarding support agreement. CivicPlus provides the CivicHR Applicant Tracking System and Onboarding System used by the County. These systems are an integral part of the process of tracking applicants and onboarding new employees. The CivicHR software has worked well for the County and staff would like to continue to use it for meeting the County's applicant tracking and onboarding needs. The total cost of the support renewal is \$7,855.31, which represents a 5% increase over the 2021 cost of \$7,481.25. The funds will be paid for from fund 001-008-6214-000; the agreement provides support for the period from February 19, 2022, to February 18, 2023.

Commissioner Masterson asked how many years the County has been utilizing CivicHR; Sherry Hoelker, Huma Resources Director, responded the County has been utilizing the system for approximately three years and confirmed the system is adequate and does the necessary job.

Commissioner Woydziak motioned to approve the annual renewal of the CivicHR Applicant Tracking and Onboarding support agreement and authorized staff to sign all purchase documents as needed. Commissioner Masterson seconded. Motion carried 4-0.

(00:14:29)

ITEM #3 – PUBLIC WORKS EQUIPMENT PURCHASES – 2022

Darryl Lutz, Public Works Director, came before the Board for the consideration of authorizing the Department of Public Works to obtain bids for planned major equipment replacement for 2022. The Department of Public Works develops and maintains an equipment replacement plan

for all of its divisions; this plan is used as a tool to help budget for equipment replacement and is incorporated into the County's current CIP and adopted budgets. Equipment, however, is operated until it is ready to be replaced. Several pieces of equipment are ready for replacement or purchase in 2022 which also include some equipment carried over from prior years. The Board was provided a list of the equipment items proposed for bidding or purchase in 2022 for the Landfill and both Highway Shops. The items listed are included in the 2021-2025 CIP which was adopted by the County Commission in 2021. The amount listed is the outright estimated purchase prices and does not include the estimated amount that is expected from selling existing equipment. The equipment being replaced has reached the end of its service life such that the cost of continued ownership and operation exceeds the cost of replacing the equipment. The only major purchase planned for the Landfill in 2022 is the purchase of a mini-excavator; this purchase is proposed to replace an existing skid loader. For the highway shops, staff proposes replacing two power brooms and two 3/4-ton pickup trucks. Public Works is carrying over the purchase of stainless steel dump bodies for several of the County's tandem axle dump trucks as well as the purchase of a 3/4 cab and chassis truck to replace the current 1.5 ton sign truck. The only planned equipment purchase for the Weed Department is the proposed purchase of a used 3/4 ton pickup to add to the fleet that can be used for roadside spraying. The Public Works Main Office desires the purchase of a replacement pickup for one of the engineering staff. The listed equipment purchases are planned in the County's CIP and are budgeted with cash available for making the planned purchases.

Commissioner Masterson asked what is done with electronics (E-Waste) turned into the Landfill now that the E-Waste building has been closed; Mr. Lutz stated a private company will still take some of the E-Waste containing precious metals but the remainder is placed in the Landfill. Commission Chair Herzet asked what Public Works does with its old brooms; Mr. Lutz stated old equipment is sold via an online auction.

Commissioner Masterson motioned to authorize the Director of Public Works to obtain sealed bids for the new equipment requested by the Public Works Department and to obtain pricing as appropriate for the purchase of used equipment as requested by the Public Works Department. Commissioner Woydziak seconded. Motion carried 4-0.

(00:19:10)

ITEM #4 – ROAD MAINTENANCE AGREEMENT – SEMA/BNSF DOUBLE TRACK PROJECT

Darryl Lutz, Public works Director, came before the Board for the consideration of approving a road maintenance agreement with SEMA related to use of County/Township roads for access to the railroad double track project north of El Dorado Lake. SEMA is the prime contractor for the BNSF double track project north of El Dorado. SEMA is moving to the portion of the BNSF mainline that runs along the west side of El Dorado Lake north of El Dorado. They will need access to the tracks via NW/NE 60th St. going east from US-77 and via NW Myers Rd. As such, the County has requested a road maintenance agreement with SEMA for use of the local roads to gain access to the railroad right-of-way. A copy of the proposed agreement was provided to the Board. The agreement is a standard form document that has been used by the County on several other major projects in the County. Due to the limited amount of local roads that are proposed to be used, staff has recommended a \$500,000 bond to cover the cost of road repairs if the

contractor defaults on its obligations under the agreement. Staff recommends approval of the agreement. All costs related to road maintenance, repair and restoration will be paid for by SEMA and a financial guarantee in the amount of \$500,000 is provided. The document was previously drafted by legal counsel for Butler County.

Commissioner Woydziak asked how long the project is estimated to take before it reaches El Dorado; Mr. Lutz was uncertain but estimated about a year. Commission Chair Herzet expressed concern about traffic related to the project occurring on Meyers Rd in the summer months due to increased pedestrian presence and no shoulder on that road during those months.

Commissioner Woydziak motioned to approve the road maintenance agreement with SEMA Construction, Inc. related to the BNSF double track project north of El Dorado and authorized the Chair to sign. Commissioner Wheeler seconded. Motion carried 4-0.

(00:22:53)

ITEM#5 – AUTHORIZATION FOR 2022 ANNUAL COMMODITY PURCHASES – PUBLIC WORKS DEPARTMENT

Darryl Lutz, Public Works Director, approached the Board for the consideration of the authorization of the Director of Public Works to solicit bids for 2022 annual commodity purchases for the Highway Division, the Noxious Weed Division and the Landfill Division of the Public Works Department. Each year, the various Divisions of the Department of Public Works solicit bids for the purchases of large volume consumable materials or commodities, the purchases are planned and budgeted for each year. In lieu of having separate individual agenda items for the purpose of requesting permission to bid, it is being proposed to present a list of materials that are planned for purchase each year. Following is a list of materials and estimated annual purchase amounts: Tire purchases for all Public Works divisions (average \$55,000), uniform shirts for Public Works employees (\$7,500), liquid asphalts for the highway maintenance program – average 650,000 gallons (\$1,500,000), culvert pipes – varies (up to \$25,000), herbicides and application products for Noxious Weed department use – varies (up to \$240,000) and sign materials as needed (up to \$50,000). Staff recommends and requests permission to solicit sealed bids as needed throughout the year. If requested or required by the County Commission, sealed bids can be presented to the Board for opening; the exception to this would be the bid process for sign materials. Sign material orders tend to be smaller in size, with bids typically being submitted via fax or e-mail. Commodity purchases are planned for and budgeted each year in the respective operating budget for each requested item; the purchase process will follow the current purchasing policies of Butler County.

Commissioner Wheeler motioned to authorize the Department of Public Works to solicit sealed bids from local and/or regional vendors for 2022 annual purchases of tires, uniform shirts, liquid asphalts, culvert pipes and herbicides and application products to be presented to the County Commission for opening and for sign materials by informal bid with bids received by staff with all final purchase authorizations to be approved by the County Commission. Commissioner Masterson seconded. Motion carried 4-0.

(00:25:22)

ITEM #6 – ARPA GRANT MANAGEMENT MASTER SERVICE AGREEMENT AND WORK ORDER WITH BKD

Administrator Johnson came before the Board for the approval of utilizing BKD for federal programs compliance and advisory services and authorize the chairman to sign all necessary documents toward that end. The county will receive approximately \$13 million in American Rescue Plan Act (ARPA) funds. This grant allows funds to be used to administer the grant. Due to the complex rules and reporting requirements of ARPA, and because the County is reporting directly to the US Treasury and not to the State as with the CARES Act, staff believes it prudent to obtain a second opinion on grant planning and reporting. All costs associated with employing BKD will be paid from the ARPA grant and are expected to be less than \$10,000. Legal counsel has approved the agreement as to form with minor modifications.

Commissioner Woydziak inquired about the complaint filed with the US Treasury; Administrator Johnson stated a complaint has been filed regarding a recipient of Coronavirus Relief Funds (CRF) funding. The flow of CRF funds is as follows: the federal government generated the funds and sent them to the State of Kansas, the State sent the correct allotment to Butler County and the County was responsible for distributing funds to other entities if desired. Administrator Johnson stated each sub recipient of CRF funds was required to sign an agreement stating any misused funds will have to be paid back directly by the offending party to the federal government.

Administrator Johnson stated County Counsel has stated some items need to be changed in the BKD agreement before it is signed by the County. The Board was unfamiliar with BKD; Administrator Johnson provided some background about the company. Commissioners Woydziak and Masterson expressed their willingness to approve the agreement with a cap of \$10,000 in expenditures if Administrator Johnson is comfortable with the firm. Administrator Johnson stated himself and staff would be comforted by the knowledge that another set of eyes would be on the reporting process.

Commissioner Wheeler motioned to approve utilizing BKD for federal programs compliance and advisory services and authorized the Finance Director to sign all necessary documents toward that end and incorporate the recommendations from legal counsel. Commissioner Woydziak seconded. Motion carried 4-0.

(00:33:27)

VOUCHERS

Commissioner Masterson inquired about the purpose of the Sheriff's Office developing a website and asked Administrator Johnson to investigate the situation; Administrator Johnson stated he will do so. Commission Chair Herzet asked if the Sheriff's Office is developing a canine unit; Administrator Johnson stated the office is moving in that direction but to his knowledge no canines have been purchased as of yet. Commission Chair Herzet inquired as to how many employees the Detention Center is short; Administrator Johnson stated the Detention Center is about five employees short. Commissioner Masterson noted more juvenile detention cases have been being sent to other agencies in recent months.

Commissioner Wheeler motioned to approve vouchers dated January 18, 2022, in the amount of \$1,601,733.60. Commissioner Masterson seconded the motion. Motion carried 4-0.

(00:40:27)

ADDS & ABATES

Commissioner Masterson motioned to approve Adds in the amount of \$5,627.90 and Abates in the amount of \$145,729.70. Commissioner Woydziak seconded. Motion carried 4-0.

(00:40:55)

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

Administrator Johnson noted the State has informed the Butler County Health Department that some COVID-19 home test kits will be provided to the County.

Administrator Johnson informed the Board he has provided a list of fire board appointments which are due to renew and asked the Board to notify him of any desired changes.

Administrator Johnson said two substantial vehicle collisions occurred along the K-254 corridor Friday night. Commissioner Woydziak asked why rumble strips are no longer present at some of the intersections of County roads with the K-254; Mr. Lutz provided some background information and stated he will speak with the Kansas Department of Transportation (KDOT) and come back to the Board regarding the issue.

Commissioner Masterson informed the Board Senator Masterson has requested a list of ARP projects from County entities; Administrator Johnson stated he has reached out to some cities and obtained a list of projects. Commissioner Masterson stressed the importance of acting quickly in submitting those projects.

Commissioner Woydziak mentioned the Kansas Department of Transportation (KDOT) has begun to purchase rights of way for the extension project on US 54 into Butler County.

Administrator Johnson discussed providing the Fair Association with a letter of upcoming changes to the Fair Association with the potential development of the new events center.

(00:52:11)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 9:52 a.m. Commissioner Wheeler seconded the motion. Motion carried 4-0.