

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, February 4, 2020**

**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, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

**INVOCATION**

Dr. Tim Mace, Emmaus Mennonite Church, Whitewater presented the invocation.

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes of the Butler County Commission meeting from January 28, 2020, as written. Commission Chairman Murphy seconded the motion. Motion carried 5-0.*

(00:02:20)

**PUBLIC COMMENTS**

David Alfaro, Community Development Director, came before the Board for approval to return \$88,890.99 of micro-loaned funds back to the State of Kansas. Mr. Alfaro stated Butler County has not touched the money from those funds in ten years and does not see any problem with returning the money. Mr. Alfaro also stated none of the economic development loans that have been issued in Butler County were used from State micro-loans.

*Commission Chairman Murphy motioned to return the money back to the State of Kansas. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

Commissioner Wheeler inquired about Integrated Plastic Solutions.

(00:06:29)

**ITEM #1 – 2020 LEPC ROSTER APPROVAL**

Pam Dunham, GIS/Mapping Director, came before the Board for approval of the 2020 LEPC Roster. The Local Emergency Planning Committees (LEPC) are mandated entities under the federal Community Right to Know Act (EPCRA/SARA Title III). In Kansas, these committees exist at the county level and are tasked with such things as hazardous materials emergency planning and public information and awareness. LEPCs bring together stakeholders from emergency services, government agencies, private industry, hospitals, media, transportation, and schools, for the common purpose of educating and protecting the community. The Butler County LEPC is very active, meeting quarterly and participating in exercises and projects on a regular basis. The LEPC is also designated as the local Citizen Corp Council, the parent organization to the jurisdiction's Community Emergency Response Team (CERT). Emergency Management serves as the administrative arm of the LEPC/Citizen Corp Council. The committee operates with no budget support from Butler County but is occasionally the recipient of federal grant funds, which are administered by Emergency Management.

*Commissioner Masterson motioned to approve the LEPC Roster for the 2020 year and to include Chairman Murphy as the Chairman of the LEPC Committee. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:08:06)

**ITEM #2 – RENEW 12 MONTH SUBSCRIPTION TO CROWDSTRIKE PRODUCT**

Alex Nivison, IT Director, came before the Board for approval to renew twelve months of CrowdStrike’s next generation malware and cyber security monitoring solution for one year. The cost of the product and support is \$16,486.96.

*Commissioner Woydziak motioned to approve the renewal of CrowdStrike Product subscription for twelve months at a cost not-to-exceed \$16,486.96 and authorized staff to execute all agreements. Commissioner Myers seconded the motion. Motion carried 5-0.*

(00:09:18)

**ITEM #3 – LITTLE WALNUT RIVER BRIDGE PROJECT ON SW HAVERHILL ROAD – BID AWARD**

Darryl Lutz, Public Works Director, came before the Board for approval of the award of bid for a planned project to replace the Little Walnut River Bridge on SW Haverhill Road, located two miles south of Haverhill Corner. Mr. Lutz suggested awarding the bid to Snodgrass & Sons, Wichita Kansas, with the lowest responsive and responsible bid in the amount of \$1,402,331.16. The project is included in the adopted CIP and sufficient funds are available.

*Commissioner Masterson motioned to approve the award of bid to Snodgrass & Sons, Wichita, Kansas, for the proposed bridge replacement project of the Little Walnut River Bridge project on SW Haverhill Road located south of Haverhill Corner in the lowest responsive and responsible bid amount of \$1,402,331.16 and authorized the Chair to sign the Notice of Award. Commissioner Woydziak seconded the motion. Motion carried 5-0.*

(00:14:20)

**ITEM #4 – BID OPENING – NOXIOUS WEED DEPARTMENT HERBICIDES**

Les Stalnaker, Noxious Weed Supervisor, came before the Board to receive and open sealed bids for the annual purchase of herbicides for the Noxious Weed Division of the Public Works Department. Following are the bids received:

Delaney Chemical Sales	Osborne, Kansas
Van Diest Supply Co	Lindsborg, Kansas
Red River	Ada, Oklahoma
Nutrien AG Solutions	Castle Rock, Colorado

*Commissioner Masterson motioned to accept the bids received and opened for the herbicides for the Noxious Weed Department and directed the Department of Public Works to tabulate and evaluate the bids and to return at a later time with a recommendation for action. Commissioner Myers seconded the motion. Motion carried 5-0.*

(00:18:41)

**ITEM #5 – SW HAVERHILL ROAD BRIDGE OVER LITTLE WALUT RIVER – UTILITY AGREEMENTS**

Darryl Lutz, Public Works Director, came before the Board for approval of a utility agreement related to the Little Walnut River Bridge Replacement Project on SW Haverhill Road located

south of Haverhill Corner. AT&T and Evergy will be relocating their structures on road right-of-way outside the limits of construction for the project. Costs for relocating the electric and phone utilities will be the responsibility of each of the companies. Rural Water District No. 6 will have some relocation work for a service line and meter on private property. Any costs for relocation work for waterlines on private property will be paid for by Butler County. The agreement for consideration is a standard form agreement used by Butler County on both County funded and federal aid funded projects.

***Commissioner Woydziak motioned to approve the separate utility agreements with AT&T, Evergy and Butler Rural Water District #6 related to the Little Walnut River Bridge Replacement Project on SW Haverhill Road and authorized the Chair to sign each agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(00:22:20)

**ITEM #6 – UP RAILROAD CROSSING SIGNALS AND GATES AT NW 100<sup>TH</sup> ST – AGREEMENT**

Darryl Lutz, Public Works Director, came before the Board and requested to table this item until Public Works is contacted by Union Pacific with further information regarding crossing signals and gates.

***Commissioner Masterson motioned to table this item until Public Works is contacted by Union Pacific Railroad. Commissioner Myers seconded the motion. Motion carried 5-0.***

(00:29:20)

**ITEM #7 – FUEL DISPENSING PUMP REPLACEMENTS – COUNTY HIGHWAY SHOPS**

Darryl Lutz, Public Works Director, came before the Board for approval of replacing the fuel dispensing pumps for diesel fuel and for unleaded gasoline at both County highway maintenance shops. The pumps are all approximately twenty years old or older and are increasingly required to be down for service. Staff would like to upgrade the pumps to a newer style with a flow rate of 18-22 gallons per minute. The pumps will readily integrate with the County's current fuel management system and would be expected to operate trouble free. The low bid for the installation of pumps at the El Dorado shop and at the Augusta shop was provided by Double Check Co., Inc., Wichita, KS in the total bid amount of \$24,170.77.

***Commissioner Woydziak motioned to approve the purchase of replacement fuel dispensing pumps for diesel fuel and unleaded fuel at both County highway shops from Double Check Co., Inc., Wichita, Kansas, in the low bid amount of \$24,170.77 including installation. Commission Chairman Murphy seconded the motion. Motion carried 5-0.***

(00:34:30)

**ITEM #8 – LANDFILL FEE ASSISTANCE PROGRAM**

Will Johnson, County Administrator, came before the Board for approval of AR-20-01, a policy for the Landfill Fee Assistance Program. Recently the County Commission was approached by a citizen who purchased three mobile home parks which were in a state of disrepair and has requested assistance with landfill fees for the cleanup of the parks and disposal of dilapidated mobile homes. The Commission directed staff to develop a policy to provide a uniform method to incentivize the cleanup of properties which are in a state of disrepair or currently involved in

an enforcement action for nuisance abatement on the property. It is the intent of this policy to be pro-active in providing an incentive for individuals or businesses to purchase property that is in a state of disrepair or creating a nuisance situation due to the condition of the property, so that the property can be cleaned up and returned to a productive state. The intent of the policy is not to incentivize individuals or businesses who have created the nuisance problem, but to allow an incentive for those persons interested in restoring the property to a productive state to be reimbursed a portion of their landfill fees for properties that are in an extreme state, as determined by the Commission and Community Development staff. Administrator Johnson also stated that anyone seeking reimbursement must present their scale tickets from the landfill for reimbursement. Commissioner Myers provided the following suggested changes to the policy:

1. Include a sunset provision/project termination date.
2. Not financed out of the General Fund.
3. Combine aerial/photos line.
4. Cost may not exceed \$5,000
5. Add “only residents included in unincorporated areas of the County.”
6. Only fees used to offset tonnage fees at the Landfill.

***Commissioner Myers motioned to table AR-20-01, a policy for the Landfill Fee Assistance Program for one week. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

(01:04:06)

**ITEM #9 – BRIDLEWOOD LEASE AMENDMENT**

Will Johnson, County Administrator, came before the Board for approval of an amendment of lease with Dan Taylor for property commonly known as Bridlewood. The County was contacted in December by an attorney in Kansas City representing a title company concerning an error on the lease agreement with Dan Taylor for the Bridlewood property that conflicted with an adjoining property currently under contract to sell. The issue involved an error in the legal description of the lease and an exception that was missed in describing Lot 13B. On the Bridlewood first re-plat there exists a small triangle of property from the adjoining property to the east that was omitted from the legal description of the lease and was found as part of the title research. As such, the error needs to be corrected in order for title insurance to be issued and closing on the property to proceed.

***Commissioner Masterson motioned to approve the amendment of lease with Dan Taylor for property commonly known as Bridlewood. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

(01:07:32)

**VOUCHERS**

***Commissioner Woydziak motioned to approve vouchers for February 4, 2020, in the amount of \$152,907.63. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(01:10:49)

**ADDS & ABATES**

***Commissioner Woydziak motioned to approve Adds & Abates #2757 dated February 4, 2020; Adds in the amount of \$0.00 & Abates in the amount of \$38,799.50. Commissioner Masterson seconded the motion. Motion carried 5-0.***

(01:11:05)

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

Commissioner Myers shared a video about safety in the workplace.

Administrator Johnson stated the Mayor's Dinner is February 18<sup>th</sup>.

Commissioner Myers and Commissioner Wheeler will be attending the Conservation District Dinner on Thursday.

(01:26:57)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:27 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.*