

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, February 15, 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 Mike Wheeler, Commissioner Marc Murphy, Commissioner Masterson, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder, Jennifer Currier.

**INVOCATION**

Pastor Vogt Lynn, First Baptist Church of Augusta, presented the invocation.

**APPROVAL OF MINUTES**

Commissioner Murphy noted a misspelling on page two (2) of the February 8, 2022 minutes and provided the following amendment: correct spelling of the word dam on Page two (2).

*Commissioner Murphy motioned to approve the minutes from the February 8, 2022, Butler County Commission meeting as amended. Commissioner Wheeler seconded the motion. Motion carried 4-0-1. Commissioner Masterson abstained since he did not attend that meeting.*

**PUBLIC COMMENTS**

There were no Public Comments.

(00:00:00)

**ITEM #1 – Kansas Governors One-Shot Turkey Hunt Funding**

Will Johnson, County Administrator, came before the Board for approval for funding of \$5,000 for the Kansas Governor's Turkey Hunt, to be paid from the wind farm funds associated with Economic Development Activities. The One-Shot Turkey Hunt has submitted a request for funding again this year. Advertisement of Butler County to visiting businessman and individuals attending this event is essential in the creation of economic development activities. This event is also a key tourist activity in Butler County and a function that has been modeled nationally. The Kansas One Shot Turkey Hunt Board determined this will be the last year due to numerous reasons.

Commissioner Masterson inquired if the Kansas Department of Corrections (KDOC) Minimum Security facility in Winfield, Kansas, came to help with the hunt. Administrator Johnson stated the KDOC has not helped in years. Wildlife and Parks staff and volunteers clean the birds for the participants.

Commissioner Wheeler questioned why the Hunt was coming to an end. Administrator Johnson stated that it is getting harder to find guides that have access to private land to hunt. The private land issue is not just a Butler County issue, but nationwide.

*Commissioner Woydziak motioned to approve the funding of \$5,000 to the Kansas Governor's One Shot Turkey Hunt in the amount of \$5,000 to be paid from the Economic Development Fund. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(00:02:30)

**ITEM #2 – Resolution 22-10, Lease purchase agreement for a tanker truck for Butler County Fire District #3**

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board for approval of Resolution 22-10 authorizing Fire District No. 3, Butler County, to enter into a lease purchase agreement to finance the acquisition of certain firefighting equipment; and to approve the execution of certain documents in connection. On January 11, 2022, the Commission authorized 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 FD #3. The County received six (6) proposals and Clayton Holdings (Commerce Bank) had the lowest overall interest cost. The proposed lease purchase agreement would require annual funding of \$74,480.64 over the next five (5) years starting in 2023. The budget and mill levy for FD #3 can accommodate this payment. All documents have been reviewed and approved by Gilmore & Bell, the County's bond counsel.

Kevin Webster, District #3 Fire Chief, came before the board and stated that the new tanker truck is being built and will be completed in two (2) to three (3) months. The new truck will be replacing a 1957 model, which will be placed on the market.

*Commissioner Woydziak motioned to approve Resolution 22-10 authorizing Fire District No. 3, County of Butler, Kansas, to enter into a lease purchase agreement to finance the acquisition of certain firefighting equipment; and to approve the execution of certain documents in connection. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:06:13)

**ITEM #3 – Contract Agreement for Real Property Tax Foreclosure & Authorizing Resolution 22-11**

Will Johnson, County Administrator, and Donna Farthing, Butler County Treasurer, came before the Board for approval of a contract agreement for real property tax foreclosure sales with Kelly Law Office and Resolution 22-11 authorizing implementation of Tax Foreclosure procedures for the 2017 delinquent taxes. Kelly Law Office entered into contract with the County in 2014 to handle the County's tax foreclosure sales and our personal property delinquency collection. The firm is one of the few firms in the state contracting for tax foreclosure sales. Most counties utilize their County Counselor to perform the sales, but Butler County has selected to separate this service from our legal counsel. The cost for Kelly Law firm is \$250.00 per parcel, which is a relatively low fee. This is a flat fee for the sale and is all inclusive. This is a \$50.00 per parcel increase from the 2020 contract. Costs are reimbursed to the County with execution of the tax sale. The County Treasurer is supportive of the agreement and staff's recommendation is to contract with the Kelly Law Offices.

Commissioner Woydziak inquired when the sale will take place, Ms. Farthing stated the property has to be three (3) years delinquent before it can be in a tax foreclosure sale. Real Estate does

not go delinquent until the first Tuesday in September of the following year. This year the Treasurer's Office will start the process for 2018 properties. The property owners have up to a year after the sale to appeal. Administrator Johnson said it is different than a Sheriff's sale, which is strictly Bank/Mortgage foreclosures.

Commissioner Wheeler inquired when the Sheriff's sale is held. Administrator Johnson stated they are held about twice a month. Commission Chair Herzet added the sale takes place on the front steps of the Historic Courthouse.

***Commissioner Wheeler motioned to approve the contract agreement for real property tax foreclosure sales with the Kelly Law Offices, L.L.P. and authorize Resolution 22-11 initiating tax foreclosure sale proceedings and to allow the chair to sign. Commissioner Murphy seconded the motion. Motion carried 5-0.***

(00:15:03)

**ITEM #4 – Public Works Department Equipment - Bid Opening for Power Brooms**

Darryl Lutz, Director of Public Works, came before the Board for approval to receive and open sealed bids for the purchase of two (2) new power brooms. The department 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. Several pieces of equipment are ready for replacement or purchase in 2022, which will include some equipment carried over from prior years. In January 2022, the Department of Public Works received permission from the County Commission to go out for bids for the purchase of several pieces of equipment. Staff has developed specifications and has solicited sealed bids for 2 power brooms. Sealed bids were turned in to Butler County prior to the County Commission meeting. The bid envelopes were presented to the County Commission for opening. Staff recommended that all bids received and accepted by the County Commission be tabulated and evaluated by staff.

The bids for the power brooms were from:

- Berry Tractor, Wichita, Kansas - Superior Broom, Model DT74J for \$161,232.00
- G.W. Van Keppel Co. Wichita, Kansas – Broce, Model RJT350 for \$81,250.00 + \$4,750.00 for the curb and gutter brush= \$86,000.00

There was some confusion with the bid from G.W Van Keppel Co. Mike Craft, Public Works, called the company and was told the bid was for only one (1) power broom.

***Commissioner Masterson motioned to approve to open bids for equipment for the Public Works Department and accept the bids received for the two (2) power brooms and to direct staff to tabulate the bids, to evaluate the equipment offered and to return at a later date with a recommendation for purchase. Commissioner Murphy seconded the motion. Motion carried 5-0.***

(00:17:36)

**ITEM#5 – Public Works Department Shirt Order Bids**

Darryl Lutz, Director of Public Works, came before the Board for approval to receive and open bids for the annual purchase of PPE uniform shirts. The County purchases five (5) summer shirts and five (5) winter shirts for each field employee. Each seasonal type shirt will be the same style and color. Also included in the shirt order are safety shirts that comply with current federal safety standards for high visibility safety wear. Shirt bids are solicited from Butler County vendors that either reside in Butler County or have a place of business in Butler County. The Board of County Commissioners authorized the Department of Public Works to solicit sealed bids in January 2022. Clothing and personal protection items are budgeted for each year in the road and bridge fund, the landfill fund and the weed department budget. Only one (1) bid from F5 Imprint was returned this year in the amount of \$8,700.00. Mr. Lutz noted that Graphic Concepts Inc. (GCI) bids are not very competitive and have stopped returning bids.

Commissioner Masterson inquired about only sending out two (2) bids. Mr. Lutz stated the department used to send request for bids to three (3) vendors in Butler County. However, the past few years staff stopped sending as many request for bids, due to the lack of vendors returning them. F5 Imprint has always been very competitive with their pricing. The only challenge for F5 Imprint is supply issues for certain styles of apparel.

***Commissioner Masterson motioned to approve the bid from F5 Imprint for PPE shirts for Public Works field employees, and to accept the bid based on the unit price of \$8700.00. Commission Chair Herzet seconded the motion. Motion carried 5-0.***

(00:20:40)

**ITEM #6 – Notice to Bridge Contractors - Dry Creek Bridge on SW River Valley Rd**

Darryl Lutz, Director of Public Works, came before the Board for approval of the Notice to Bridge Contractors - Dry Creek Bridge on SW River Valley Rd. The Department of Public Works has identified this bridge as one that is in need of replacement. It is an existing weight restricted concrete bridge that is narrow and in very poor condition. Project engineering work and construction plans are completed, right-of-way has been acquired and utility relocation work is in progress. The project is ready to go to bid for construction. Sealed bids for the construction work are proposed to be received and opened by the County Commission on Tuesday, March 15, 2022, at 9:30 a.m. The project is included in the adopted 2021-2025 CIP.

Commission Chair Herzet inquired if there will be difficulty obtaining bids from contractors. Mr. Lutz hopes to have two (2) or three (3) sealed bids returned and has timed this project just ahead of KDOT's bid letting.

***Commissioner Murphy motioned to approve the Notice to Bridge Contractors for Project No. BR 20E9-27-4(21), the proposed bridge replacement project for the Dry Creek Bridge on SW River Valley Rd located west of Augusta, Kansas, setting the letting date for Tuesday, March 15, 2022 at 9:30 a.m. and authorized the Chair to sign the Notice. Commissioner Wheeler seconded the motion. Motion carried 5-0.***

Commissioner Woydziak was curious about how long the bridge replacement on County Line Rd just north of 150<sup>th</sup> St. would take; Mr. Lutz responded four (4) to five (5) weeks and expects

the project to wrap up quickly. Mr. Lutz stated he would get back with Commissioner Woydziak to confirm.

(00:25:10)

**Item #7- Right of Way Acceptance & Approval – SW Butler Rd Project from K-254 to Parallel**

Darryl Lutz, Director of Public Works, came before the Board for approval for the acceptance of the dedication of easements and rights-of-way for several tracts related to the SW Butler Rd Improvement Project from K-254 north to Parallel. This project is a federal aid project funded through KDOT. The final plans are nearly completed and Butler County staff has been working with property owners on right-of-way and easement acquisition. In June 2019, the Board of County Commissioners approved right-of-way values and authorized the Director of Public Works to begin the right-of-way acquisition process. Contacts have been made with all property owners and official offers based upon approved values have been presented. Due to the project being funded with federal funds, Butler County must follow very strict requirements for acquisition of right-of-way. Easement documents and right-of-way documents that have been received thus far were presented. Included were a summary of the settlements for approval of payment. The payments and settlements are based upon approved unit price values and include any additional cost, such as fence replacements, encroachment damages and landscape item replacements. Right-of-way acquisitions for this project are included in the adopted CIP for Butler County.

Commissioner Masterson queried how many easements and rights-of-way were left to acquire on this project. Mr. Lutz stated five (5) total are left to acquire, and believes the property owners are all agreeable.

Commission Chair Herzet asked if this project would affect the property south of the bridge on the east side. Mr. Lutz stated the County already owns the easements and rights of way surrounding that property.

***Commissioner Herzet motioned to approve the acceptance of dedications of easements, rights-of-way and to approve the settlements negotiated for Project No. 8C-4935-01, the SW Butler Rd Improvement Project from K-254 to Parallel as presented, and authorized the Chairman to sign the documents. Commissioner Masterson seconded the motion. Motion carried 5-0.***

Commission Chair Herzet stated he received some calls about the bridge approach being rough on River Valley Rd between 80<sup>th</sup> St. and 90<sup>th</sup> St. and asked Mr. Lutz if he could take a look at it.

Commissioner Wheeler inquired if E-Waste was still in use at the Landfill and accepting items; Mr. Lutz stated it is and is located just past the weigh station.

Commissioner Wheeler asked for updates on waste services in the Beaumont area; Mr. Lutz responded the landfill staff have provided the people in need of service a list of Waste Management Companies. Administrator Johnson spoke with a resident of the area and encouraged him to have the community to all use the same company.

Darryl Lutz, Director of Public Works, updated the Board on current projects:

- The Meadowlark Rd. overlay project tentative start date is mid to late March depending on the weather.
- Announced staff is preparing an application to turn into the Wichita Area Metropolitan Planning Organization (WAMPO) for project funding and will hold a work session with the Commissioners in the next week or two (2) to discuss priority order for construction prior to submitting any funding applications.
- KDOT called for applications for cost share funding.
- Staff is meeting with a consultant to work up a possible proposal to subsidize Public Works employees to finish up the plan for the Haverhill Rd Improvement Project.

(00:51:17)

**Item #8-2021-Q4 Financial/Management Report**

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board for approval to receive and file the 2021-Q4 Financial/Management Report. Information presented in this report was considered by the Commission during the formulation and implementation of the CIP, operating budget, and other important decisions affecting the County's operations.

The Commissioners and Mr. Adkinson discussed:

- The yearend transfers and due date
- Contract with U.S. Marshalls
- Health Insurance
- Opiate Settlements
- Funding for the K-9 Unit
- Reviewing contract
- How abatements affect the budget.

***Commissioner Woydziak motioned to approve, to receive and file the 2021-Q4 Financial/Management Report. Commissioner Masterson seconded the motion. Motion carried 5-0.***

Darryl Lutz, Director of Public Works, returned to the Board with the adjusted bid for G.W. Van Keppel. The original bid was for one (1) power broom instead of the two (2) originally requested. The final bids are:

- Berry Tractor, Wichita, Kansas- \$161,232.00 with delivery being 16- 20 weeks from now.
- G.W. Van Keppel, Wichita, Kansas- \$172,000.00 with delivery being 25 weeks from order.

***Commissioner Masterson motioned to approve the bid from Berry Tractor for \$161,232.00 and approved the purchase of two (2) power brooms. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

(01:29:45)

**VOUCHERS**

Commissioner Wheeler inquired about the vouchers for the Foster Grandparent and the RSVP Programs. Administrator Johnson stated the vouchers are reimbursement for meals, mileage and stipends.

*Commissioner Wheeler motioned to approve vouchers dated February 15, 2022, in the amount of \$727,564.47. Commissioner Murphy seconded the motion. Motion carried 5-0.*

(01:34:54)

**ADDS & ABATES**

*Commissioner Woydziak motioned to approve Adds in the amount of \$102.20 and Abates in the amount of \$112,721.92. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(01:35:45)

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

Commissioner Wheeler received a letter from Hickory Township about the passing of Ron Peters, Hickory Township Clerk. Georgia Davis, Treasurer, and Wayne Chambers, Trustee, would like to appoint Charlie Wiseman for the unexpired term as Township Clerk.

*Commissioner Wheeler motioned to approve the appointment of Charlie Wiseman as Hickory Township Clerk. Commissioner Murphy seconded the motion. Motion carried 5-0.*

Commission Chair Herzet expressed his concerns about paramedics leaving Emergency Management Services (EMS) for private companies.

Commission Chair Herzet discussed an email he received from the Butler County Health Department about COVID-19 numbers going down.

Will Johnson, County Administrator, has a meeting this afternoon with City of Wichita, City of Andover and KDOT to discuss the Kellogg Expansion Project.

Will Johnson, County Administrator, also spoke about the Base Grant application.

Will Johnson, County Administrator, received a phone call from Senator Mike Fagg about Senate Bill 87, dealing with county sales tax.

(01:51:49)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:55 a.m. Commissioner Murphy seconded the motion. Motion carried 5-0.*