

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 9, 2021

CALL TO ORDER

Commission Chair Jeff Masterson called the Butler County Board of Commissioners meeting to order at 9:00 a.m. Present were Commissioner Marc Murphy, Commissioner Dan Woydziak, Commissioner Kelly Herzet, Commissioner Mike Wheeler and County Administrator Will Johnson, and Clerk Recorder Koleen Laney.

(00:00:08)

INVOCATION

Rev. Wynetta Baldwin presented the invocation.

(00:01:10)

APPROVAL OF MINUTES

Commissioner Wheeler noted a few spelling errors in last week's minutes on, page 4, line 6, the word "forty" was misspelled as was the word "Marshal" on the last page, these were amended as requested.

Commissioner Wheeler motioned to approve the minutes as amended from the March 2, 2021, Butler County Commission meeting. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:02:06)

PUBLIC COMMENTS

There were no public comments.

(00:05:48)

ITEM #1 – Open Bids for the Approach at EMS Station #1

Dan Ingalls, Director of Facilities Management, came before the Board to request that they open and review sealed bids for the purpose of the re-construction of the northeast approach at EMS Station #1.

The pavement has been deteriorating for several years and would be replaced with 8 inch concrete according to local codes. Bids are as follows.

Encore Pavement	3515 N Topeka Wichita, Ks 67219	9,982.00
James Voegeli Construction Inc.	9325 W 53 rd Street North, Maize, KS	15,581.18
Roberts Concrete	4151 S West St. Wichita, KS	10,100.00

Commissioner Chair Masterson motioned to accept the bids for the purpose of replacing the approach at the EMS Station #1 and requested staff to evaluate the bids and return with a recommendation. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:08:03)

ITEM #2 – Bid Opening- Noxious Weed Department Herbicides

Ryan Lee, Noxious Weed Department Supervisor, came before the board to present bids to be received and opened by the Board of County Commissioners for the annual purchase of herbicides for the Noxious Weed Division of the Public Works Department.

Each year the Weed Department solicits bids for herbicides and related chemicals for use by the department and for sale to customers treating their own weeds. The Board of County Commissioners in December 2020 authorized the Department of Public Works to solicit bids for the requested items. Sealed bids were to be returned to the Noxious Weed Supervisor by Monday, March 8, 2021. Bids were opened and read by the commissioners during the meeting with a decision to be made at a later date, bids are as follows.

2021				Sims		Van Diest		Red River		Nutrien Ag Solutions	
CHEMICAL BID REQUEST				Ryan Delaney		Bill Bean		Josh Britt		Bernie Devlin	
				Osborne, KS 67473		Lindsborg, KS 67456		Ada, OK 74820		Castle Rock, CO 80109	
PRODUCT	SIZE	QT Y	UNI TS	Per Unit	Total Bid	Per Unit	Total Bid	Per Unit	Total Bid	Per Unit	Total Bid
2, 4-D 4# Amine	2.5 GAL	360	GAL	\$ 8.90	\$ 3,204.00	\$ 8.77	\$ 3,157.20	NO BID	\$ 8.94	\$ 3,218.40	
2, 4-D 4# Amine	30 GAL	150	GAL	\$ 8.70	\$ 1,305.00	\$ 8.77	\$ 1,315.50		\$ 9.49	\$ 1,423.50	
Escort XP	8 OZ	448	OZ	\$ 3.75	\$ 1,680.00	\$ 2.09	\$ 936.32		\$ 2.09	\$ 936.32	
Escort XP	16 OZ	128	OZ	\$ 3.75	\$ 4,800.00	\$ 2.09	\$ 2,675.20		\$ 2.09	\$ 2,675.20	
Esplanade 200 SC	2.5 GAL	2.5	GAL	\$ 1,220.00	\$ 3,050.00	\$ 1,218.56	\$ 3,046.40		\$ 1,218.56	\$ 3,046.40	
Glyphosate 4#	2.5 GAL	360	GAL	\$ 14.50	\$ 5,220.00	\$ 15.79	\$ 5,684.40		\$ 13.99	\$ 5,036.40	
Imazapic	1 GAL	40	GAL	\$ 89.50	\$ 3,580.00	\$ 89.99	\$ 3,599.60		\$ 91.49	\$ 3,659.60	
Outrider	20 OZ	200	OZ	\$ 16.00	\$ 3,200.00	\$ 13.68	\$ 2,736.00		\$ 14.89	\$ 2,978.00	
Tordon RTU	1 QT	24	QTS	\$ 9.85	\$ 236.40	\$ 12.64	\$ 303.36		\$ 11.19	\$ 268.56	
Weedmaster or Equivalent	2.5 GAL	180	GAL	\$ 17.55	\$ 3,159.00	\$ 16.22	\$ 2,919.60		\$ 16.98	\$ 3,051.00	
Total					\$ 29,434.40		\$ 26,373.58			\$ 26,293.38	
Award Recommendation					\$ 3,816.40		\$ 10,128.30			\$ 11,694.32	

Commissioner Woydziak motioned to accept the bids received and opened for herbicides for the Noxious Weed Department and to direct the Department of Public Works to tabulate and

evaluate the bids and to return at a later time with a recommendation for action, Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:12:02)

ITEM #3 – Liquid Asphalt Bid Award

Darryl Lutz, Director of Public Works, came before the Board to consider approving the award of purchase for liquid asphalts for the Highway Department for 2021. The Public Works Department purchases 600,000 to 800,000 gallons of liquid asphalt each year for asphalt road maintenance work and for the annual chip seal program. In the past, price quotes were solicited from two local distribution terminals in El Dorado. As of 2004, only one liquid asphalt terminal is still in operation locally. Since 2004, other terminals outside of El Dorado have been solicited to submit price quotations for liquid asphalts. To get a fair bid comparison, Butler County requests bid prices for pick up at the actual terminal and a separate bid price for delivery. Bids were received and opened by the Board of County Commissioners on March 2, 2021. Bids were received from 4 vendors for some or most of the items requested. The primary products used by Butler County are CRS-1HM and CHFRS-2P for chip sealing and HFMS-1 for cold mix asphalt production. The County also uses limited quantities of SS-1H and CRS-1H for tack oil for patching and for overlays. The County has also experimented with tire rubber (TR) products as well as scrub seal and fog coat products. Most of the unit prices went down this year from 5% to 7%. The HFMS-1 went up CHFRS-2P went up approximately 2%. Staff recommends purchasing CRS-1H, CRS-1HM, CHFRS-2P, CQS-1F (fog seal), HFMS-1 and SS-1H from Ergon Asphalts. Ergon provided the lowest bid on all the asphalt emulsion products normally used by Butler County. The bids received are as follows:

PRODUCT	Coastal Energy Corp. Willow Springs, MO		Wright Asphalt Products Co. El Dorado, KS		Ergon Asphalt Emulsions, Inc. Benton, KS		Vance Brothers, Inc. Kansas City, MO	
	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE
CRS-1H	\$1.75	\$1.82	NB	NB	\$1.76	\$1.79	\$2.25	\$2.40
CRS-1HM	\$1.85	\$1.92	NB	NB	\$1.81	\$1.84	\$2.50	\$2.65
CRS-1HP	\$1.95	\$2.02	NB	NB	\$1.91	\$1.94	\$2.50	\$2.65
CHFRS-2P	\$2.02	\$2.09	.15	\$2.25	\$1.95	\$1.98	\$2.50	\$2.65
CBC-1H or ETac-H	NB	NB	NB	NB		\$2.45	NB	NB
CQS-1F (Fog seal)	\$1.87	\$1.94	\$1.70	\$1.80	\$1.74	\$1.77	\$2.25	\$2.40
CRS-TR	NB	NB	\$1.79	\$1.89	NB	NB	NB	NB
HFMS-1	NB	NB	NB	NB	\$2.20	\$2.23	\$2.25	\$2.40
SS-1H	\$1.89	\$1.96	NB	NB	\$1.82	\$1.85	\$2.25	\$2.40
SS1HP	\$2.14	\$2.21	NB	NB	\$2.02	\$2.05	\$2.40	\$2.55
Demurrage	\$75.00	per hr. after 2 free hrs.	\$80.00	after 2 hrs free unloading	\$88.00	per hr.	\$70.00	per hr. after 2 hours
Pumping	\$75.00		\$100.00		\$75.00		\$65.00	
COMMENTS	Short freight charge \$475.00 for load less than 5,500 gallons				.00150/gallon Federal Environmental Recovery fee			
					Minimum delivered load - 44,000 lbs			

Commissioner Woydziak motioned to award the purchase of liquid asphalts for 2021 to Ergon Asphalts and Emulsions, Kansas City, Kansas as having the lowest net cost for CRS-1HM, CRS-1H, CHFRS-2P, CQS-1F (fog seal), HFMS-1 and SS-1H liquid emulsified asphalts delivered to or picked up at El Dorado. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:18:17)

ITEM #4 – Union Pacific Railroad Crossing Signals and Gates at NW 100th St. - Agreement

Darryl Lutz, Director of Public Works, came before the board to reconsider a tabled item to approve an agreement with Kansas Department of Transportation (KDOT) and the Union Pacific Railroad (UP) Company for the installation of railroad crossing signals and gates at the Union Pacific railroad crossing located on NW 100th St. just south of Whitewater. The Union Pacific and

Burlington Northern Santa Fe (BNSF) Railroads along with KDOT for several years have been investing money into improving safety at railroad crossings. Most of the crossings along the BNSF main line and some of the major County road crossings along the UP have been improved with new signals and automatic gates. The next crossing being proposed by KDOT for signal upgrades in Butler County is at the UP crossing on NW 100th St. located just north of Whitewater. The current crossing is a passive crossing which will receive signals and gates. This item was tabled by the County Commission in February 2021 to give staff an opportunity to work with the UP to move the signals further away from the edge of the road.

KDOT previously submitted to Butler County a standard form three party agreement for consideration and approval. A copy of the agreement is was provided to the Board. The obligation of Butler County would be to install and maintain the advance warning signs on each approach to the crossing. The advanced warning signs will then be maintained by Milton Township. The cost of the crossing improvements is being paid for 100% with federal funds administered by KDOT on behalf of the railroad. Staff has been unsuccessful at getting the UP to move the proposed location of the signals.

Commissioner Murphy motioned to approve the agreement with the Union Pacific Railroad Company and KDOT related to KDOT Project No. 8 X-3058-01 to provide for the installation of automatic signals and gates at the UP railroad crossing on NW 100th St. with the crossing improvements to be funded 100% by others and to authorize the Chair to sign. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:26:43)

ITEM #5- Little Walnut River Bridge on SW Haverhill Rd- Local Detour Maintenance

Darryl Lutz, Director of Public Works, came before the Board for approval to reimburse costs to Bloomington Township for placement of rock on local roads used as a local detour during construction of the Little Walnut River Bridge on SW Haverhill Rd. Butler County closed SW Haverhill Rd between SW 120th St and SW 140th St to through traffic from April 2020 thru January 2021 to replace the Little Walnut River Bridge. The County established an official detour route for traffic to use paved roads during the construction period. Most local travelers, however, chose to use the local Township roads in Bloomington Township, namely SW 120th St from Haverhill Rd to SW Purity Springs Rd., SW Purity Springs Rd to SW 137th St, and SW

137th St, SW Boyer Rd and SW 140th St to Haverhill Rd. The Township kept track of rock delivered to these six miles of road and is requesting reimbursement of costs.

The total cost of local detour maintenance being requested by Bloomington Township is \$30,471.27. They have provided receipts to the county for approximately 1,693 ton of rock delivered. They included some nominal costs of just under \$850 for labor and fuel to spread the rock. Mr. Lutz is currently in communication with the Township to allow a partial credit to the County for the good rock that remains in place.

Commissioner Herzet motioned to authorize the Director of Public Works to reimburse Bloomington Township for costs to maintain 6 miles of Township road used by local traffic as a detour route during the construction of the Little Walnut River Bridge project on SW Haverhill Rd. in the not to exceed amount of \$30,471.27. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:50:53)

VOUCHERS

Commissioner Wheeler motioned to approve vouchers dated March 9, 2021, in the amount of \$325,203.88. Commissioner Wodyziak seconded the motion. Motion carried 5-0.

(00:53:29)

ADDS & ABATES.

Commissioner Wheeler motioned to approve the Adds in the amount of \$0.00 and the Abates in the amount of \$8,607.42. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:53:53)

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

Administrator Johnson, reported that the Governor's One Shot Turkey Hunt has been cancelled so no funding will be requested from the County.

Administrator Johnson also relayed that Dr. Sellburg was approved by the Kansas Department of Health and Environment to enter into an agreement with Butler County Emergency Medical Services (EMS) as Medical Director for EMS and Emergency Communication's.

Administrator Johnson also stated that he will be guest speaker tomorrow (March 10th 2021) at the City of Andover speaking about the state of the county.

Administrator Johnson also discussed the kickoff meeting for the potential new multipurpose event center at the lake.

(01:18:00)

ADJOURNMENT

Commissioner Wodyziak motioned to adjourn the meeting of the Board at 10:50 a.m., Commissioner Herzet seconded the motion. Motion carried 5-0.