

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 15, 2022

(00:00:43)

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 Jeff Masterson, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Jennifer Currier.

(00:00:49)

INVOCATION

Reverend Christine Gilson, Retired, presented the invocation.

(00:01:49)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes of the Butler County Commission meeting for March 8, 2022, as presented. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:02:16)

PUBLIC COMMENTS

Lieutenant Patrick Light, Butler County Sheriff's Office, and Monty Hughey, Butler County Sheriff, came before the Board for approval to purchase nine 2022 Ford Police Interceptor Utility vehicles from Shawnee Mission Ford in Olathe, Kansas, due to the cancellation of the order from Dodge Motor Company. Three of the Ford Police Interceptors will cost \$35,814.00 each and six will cost \$36,567.00 each. These vehicles will rotate into service and seven older vehicles will be removed and sold. The vehicles will be up fitted by SERV and GCI of Butler County for the amount not to exceed \$8,300.00 per vehicle, for a total of \$74,700.00. The total cost for the vehicles and up fitting will be \$400,844.00

Lieutenant Light informed the Board that three of the vehicles should be delivered in one to three weeks and the other six by fall of 2022.

Commissioner Murphy motioned to approve the purchase of nine Ford Police Interceptors from Shawnee Mission Ford, Olathe, Kansas for the total cost of \$326,844.00. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Commissioner Murphy motioned to approve the setup fee of \$8,300.00 per vehicle, \$74,000.00 total to SERV and GCI. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Gabriel Hamel, 1731 W. 3rd St. El Dorado, Kansas, who is a new Eagle Scout with Troop 222, came before the Board to discuss a project. Mr. Hamel is currently attempting to raise money to finish the second half of his Eagle Scout project. The first half of the project entailed cleaning the Historic Courthouse Statue of Liberty replica, Celebration of Freedom Memorial and the

surrounding grounds which was completed on January 22, 2022. The second part of the project is to install a plaque inscribed with the Preamble to the Constitution. Mr. Hamel has raised approximately \$1,600.00 and is attempting to raise approximately \$1,800.00 more to finish his project. These funds will finish paying for the plaque and installation. When completed Mr. Hamel is hoping to hold a rededication ceremony. Frank Williams, Director of Emergency Medical Services, an Eagle Scout himself, has been mentoring Mr. Hamel and helping with any questions.

Commission Chair Herzet motioned to approve a donation of \$1,800.00 from the Wind Farm Fund to Gabriel Hamel for the plaque and installation to complete Mr. Hamel's Eagle Scout Project. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Mr. Hamel presented the Board with a drawing of the plaque and stated it was ordered about two weeks ago.

Commissioner Masterson motioned to approve the hanging of the plaque on the Historic Courthouse Statue of Liberty replica. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:20:50)

ITEM #1 – SPECIAL USE PERMIT FOR A TEMPORARY DIRT BORROW PIT

David Alfaro, Director of Community Development, and Neil Patton, Patton Trucking and Equipment, came before the Board for approval of a Special Use Permit for a temporary dirt borrow pit on property located at the SW Corner of NW 30th St. and 196 Highway and owned by Wayne Cook, Cook Trust. Mr. Cook owns a tract of land that contains 271+/- acres and is operating an illegal dirt borrow pit. The dirt being removed is being hauled to a site approximately three miles south for a separate project being conducted. In early February staff was made aware of an individual removing numerous truckloads of material from the property. Initially, it was assumed that rock was being removed from the site, creating an illegal rock quarry operation. On February 10, 2022, staff sent a letter to Mr. Cook notifying him of the illegal activity and that he needed to immediately cease all operations and begin the application process to secure a conditional use permit or a special use permit for that activity. Mr. Cook failed to contact County staff and the operations continued. Shortly thereafter, Mr. Patton came into the offices of Community Development and wanted to do whatever was needed to get a permit allowing them to continue operations for the temporary dirt borrow pit. An agreement was reached and it was determined that Mr. Patton would be allowed to continue the dirt removal upon requesting a special use permit; that afternoon an application was submitted. The special use permit is for approximately 90 days from approval and staff recommends adding additional days if needed. Staff did notify landowners within the area of the request and of the Public Hearing on March 15, 2022.

Mr. Cook signed the special use permit, but was not present for the hearing and Mr. Patton paid the fees. The Commissioners felt Mr. Cook should have been present.

Mr. Alfaro read a letter and presented photos that were sent to James Hargrove, Attorney of Law, by Alan and Bobbie Jaax, who are adjacent landowners to Mr. Cook.

Mr. Patton began the project in January and is anticipating the project will be completed in 90 days and if not, he will come back before the Board and ask for an extension.

The Commissioners discussed other items concerning Mr. Cook’s property and Evergy; the Board will follow up with these concerns at a later date.

Commissioner Woydziak motioned to approve the request for a Special Use Permit allowing for a temporary dirt borrow pit on property located at NW 30th St. and Highway 196 with an end date of July 1, 2022 and to come back before the Board for an extension if needed.

Commissioner Masterson seconded the motion. Motion carried 4-1. Commissioner Wheeler was opposed.

Commission Chair Herzet inquired about the other concerns discussed with the Board pertaining to Mr. Cook. Administrator Johnson responded with they would call a meeting to discuss the matter next week.

(00:40:40)

ITEM #2 – BID OPENING - DRY CREEK BRIDGE ON SW RIVER VALLEY RD

Darryl Lutz, Director of Public Works, came before the Board for the opening of sealed bids regarding the construction project to replace the Dry Creek Bridge on SW River Valley Rd located one and a half miles west and one tenth mile north of Augusta, Kansas. This project is included in the Capital Improvement Program (CIP). The CIP includes this project to replace the existing weight restricted concrete bridge. Project engineering work and construction plans are completed, right-of-way has been acquired and utility relocation work is in progress. The Commissioners read the company name, location, bid amount and stated whether the bid submittal included a required bid guarantee; as well as any acknowledgments of addenda received by the bidder prior to bid opening. Mr. Lutz recommended the bids be evaluated by staff and a recommendation for action be made at a later date. The bids received are as follows:

**Tabulation of Bids
Dry Creek Bridge Replacement
BR 20E9-27-4(21)**

Bridges, Inc. Newton, Kansas	B&B Bridge Co. LLC St. Paul, Kansas	Engineer’s Estimate
\$765,049.80	\$890,393.00	\$819,079.05
	\$4,800 error in bid, actual bid is slightly lower \$885,393.00	

Commissioner Masterson motioned to accept the bids received 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, and directed the Department of Public Works to tabulate and evaluate the bids accepted and to return at a later date with a recommendation for award of bid. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioner Woydziak inquired if the culvert work in Rose Hill, south of the fire station, would be done by the Public Works Department or by an outside agency. Mr. Lutz stated most of the work would be completed by Public Works and crane work by an outside agency.

Commission Chair Herzet questioned when the milling would begin on Meadowlark Rd. Mr. Lutz stated the work began this morning since it is Spring Break for Remington High School.

(00:46:55)

ITEM #3 - FACILITIES MANAGEMENT HALF TON PICKUP PURCHASE.

Travis Cornell, Director of Facilities Management, came before the Board for approval of an add-on purchase to Public Works for one new half ton extended cab 4WD pickup for the Department of Facilities Management. The Department of Public Works received permission from the County Commission to go out for bids for one new half ton extended cab 4WD pickup. Sealed bids were received and opened by the County Commission on March 1, 2022. The lowest and best bid received for the extended cab pickup was from Parks Motors for a Ram 1500 Quad Cab 4WD in the bid amount of \$37,375.00. Staff has reviewed the bids and the equipment offered and is recommending to accept the bid from Parks Motors. This equipment purchase is planned in the County's CIP and is budgeted.

Commissioner Masterson questioned why Facilities Management needed a new truck. Mr. Cornell stated the truck the department needs to replace has 118,000 miles on it and is worn out.

Commissioner Murphy inquired about how many vehicles the department has; Mr. Cornell said five.

Commissioner Wheeler motioned to approve the add-on to the Public Works bid for one new half ton extended cab 4WD pickup for the Facilities Management Department to Parks Motors for a Ram 1500 Quad Cab 4WD for the bid delivered price of \$37,375.00. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:52:40)

NON AGENDA ITEM- NOXIOUS WEED DEPARTMENT HERBICIDES

Ryan Lee, Noxious Weed Department Supervisor, and Darryl Lutz, Director of Public Works, came before the Board to receive and open sealed bids for the annual purchase of herbicides. Two vendors returned bids out of the four that were requested. The Board authorized the Department of Public Works to solicit bids for the requested items in December 2020. Sealed bids were to be returned to the Noxious Weed Supervisor by March 10, 2022. The bids received are as follows:

drink in Butler County be allowed in public places without a requirement that any portion of their gross receipts be from sales of food?" If a majority of the voters support the proposition the County Clerk will transmit a copy of the results to the director, who then will issue or refuse temporary permits and licenses for drinking establishments and caterers within the county. Legal staff has vetted and approved the resolution, which is in compliance with KSA 41-2646.

Commissioner Wheeler motioned to approve Resolution No. 22-12 authorizing the submission to the qualified electors of Butler County a proposition concerning the sale of alcoholic liquor within Butler County. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:12:08)

VOUCHERS

Commissioner Masterson inquired about card usage and the insurance graph. Administrator Johnson explained that more business are encouraging card payments, which allows them to receive funds quicker. The increase in the insurance graph was due to a few larger claims and a lag in claims.

Commissioner Masterson motioned to approve vouchers dated March 15, 2022, in the amount of \$720,234.18. Commissioner Woydziak seconded the motion. Motion carried 5-0.

Commissioner Wheeler asked about the charge from Passio Technologies, Inc., Administrator Johnson responded it is for Department on Aging software.

(01:18:34)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$30.26 and Abates in the amount of \$1,377.18. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:18:53)

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

Administrator Johnson discussed the Surface Transportation Board (STB) letter that was received and will further discuss it at next week's meeting.

Administrator Johnson reminded the Board about Ann Carpenter's retirement party this Friday from 2:00 p.m. through 4:00 p.m. and that he will not be able to attend due to being out of town.

Monty Herbert was named as the Interm Director of Community Corrections.

Commissioner Masterson expressed concern about the rise in costs for Juvenile Detention. Administrator Johnson wondered if it was due to the District Court not being able to get the juveniles to court in due time.

The Board discussed when the District Court would be opening back up and decided to ask Judge Ricke to attend the meeting on Marc, 22nd to discuss this matter.

Next week Farm Bureau will be present for the Commission meeting for the signing of Resolution 22-13, for National Ag Day.

(01:30:50)

ADJOURNMENT

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:18 a.m.
Commissioner Wheeler seconded the motion. Motion carried 5-0.*