

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 22, 2022

(00:02:34)

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.

(00:02:42)

INVOCATION

Pastor Jordan Friesen, El Dorado First Baptist Church, presented the invocation.

(00:04:43)

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission meeting for March 15, 2022, as presented. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:05:07)

PUBLIC COMMENTS

There were no public comments.

(00:05:18)

ITEM #1 – NATIONAL AGRICULTURE DAY RESOLUTION

Will Johnson, County Administrator, and Tiya Tonn, Farm Bureau County Coordinator, came before the Board for approval of Resolution 22-13 recognizing March 22, 2022, as National Agricultural Day. This resolution is recognition of the preeminent role that agriculture plays in the daily life of every American, in acknowledgment of agriculture's continuing importance to the future progress and prosperity of our county's and country's economy, and in deep appreciation of farmers and ranchers.

Dean Good, Shelly Black, Toni Gauthier, Charlene Miller and Jacob Kehler were present for the reading of the proclamation by Commission Chair Herzet and posed for a picture with the Commissioners.

Ms. Tonn noted the 7th Annual Farm to Fork event is scheduled for July 16 – 23, 2022.

Commissioner Woydziak motioned to approve Resolution 22-13 recognizing March 22, 2022 as National Agricultural Day. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:13:56)

ITEM #2 – REQUEST FOR MORTGAGE LOT SPLIT WITH AGRICULTURE PRESERVATION OVERLAY (APO)

David Alfaro, Director of Community Development, came before the Board for approval of a Mortgage Lot Split with APO on the property owned by David Richard at SW 30th St. and SW

Adams Rd. Mr. Richard owns the tract of land which contains 137+/- acres (AG-40). He is proposing to split a 10+/- acre tract of land with the placement of a 30+/- acre APO on a portion of the remaining property. This will allow the applicant to build a single-family residence on the 10+/- acres. Staff felt this request meets the criteria for such a split and that it is appropriate to place an APO on the 30+/- acres. As required by State Statute all property owners within a 1,000' radius were notified of the request and staff did not receive any comments against the request. The Planning Commission voted 4-0 to approve.

Commissioner Masterson motioned to approve the request for a Mortgage Lot Split with an APO on the property located at SW 30th St. and SW Adams Rd. and directed the Commission Chair to sign the APO Agreement. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:16:09)

ITEM #3 - REQUEST FOR A HOMESTEAD LOT SPLIT WITH AGRICULTURE PRESERVATION OVERLAY (APO)

David Alfaro, Director of Community Development, came before the Board for approval of a Homestead Lot Split with APO on property located at 9789 SW Parallel St., Towanda, Kansas. Bill and Kathy Wolf Family Trust owns a tract of land that contains 127+/- acres, zoned AG-40, and is proposing to split a 7+/- acre tract of land and place a 32+/- acre APO on some of the remaining property. As required by State Statute all landowners located within a 1,000' radius of the property were notified of the request and staff did not receive any comments against the request. The Planning Commission voted 4-0 to approve.

Commission Chair Herzet motioned to approve the request for a Homestead Lot Split with APO and directed the Commission Chair to sign the APO Agreement. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:18:44)

ITEM #4 – EXECUTIVE SESSION - COUNTY COUNSELOR

Commissioner Woydziak motioned to recess to Executive Session at 9:20 a.m. for consultation with an attorney for the body or agency, which would be deemed privileged in the attorney-client relationship, to protect the interests of the County. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:21:00)

RECONVENED

Commission Chair Herzet reconvened the meeting at 9:38 a.m. No action was taken as a result of Executive Session.

(00:21:23)

ITEM #5 – LIQUID ASPHALT BID OPENING

Darryl Lutz, Director of Public Works, came before the Board to receive and open liquid asphalt bids for the Highway Division of the Department of Public Works. Public Works purchases 600,000 to 800,000 gallons of liquid asphalt each year for asphalt road maintenance work and for the annual chip seal program. Butler County requested bid prices for pick up at the actual terminal and a separate bid price for delivery. The bids were as follows:

BUTLER COUNTY DEPARTMENT OF PUBLIC WORKS								
BID TABULATIONS FOR ASPHALT								
2022								
Bids opened: March 22, 2022								
	Ergon Asphalt & Emulsions Benton, KS		Coastal Energy Corp Willow Springs, MO		Vance Brothers Kansas City, MO		Wright Asphalt Springfield, MO	
PRODUCT	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE	TERMINAL PRICE	DELIVERED PRICE
CRS-1H	\$ 2.25	\$ 2.34	\$ 2.37	\$ 2.44	\$ 2.40	\$ 2.55	NB	NB
CRS-1HM	\$ 2.35	\$ 2.44	\$ 2.52	\$ 2.59	\$ 2.65	\$ 2.80	NB	NB
CRS-1HP	\$ 2.40	\$ 2.49	\$ 2.67	\$ 2.74	\$ 2.80	\$ 2.95	NB	NB
CSS-Special	\$ 2.69	\$ 2.78	NB	NB	NB	NB	NB	NB
CHFRS-2P	\$ 2.47	\$ 2.56	\$ 2.77	\$ 2.84	\$ 2.95	\$ 3.10		\$ 2.95
CBC-1H or ETac-H	\$ 2.60	\$ 2.90	NB	NB	NB	NB	NB	NB
CQS-1F (Fog seal)	\$ 2.00	\$ 2.09	\$ 2.27	\$ 2.34	\$ 2.50	\$ 2.65		\$ 2.25
CRS-TR			NB	NB	NB	NB		\$ 2.80
HFMS-1	\$ 2.73	\$ 2.82	NB	NB	NB	NB	NB	NB
SS-1H	\$ 2.30	\$ 2.39	\$ 2.37	\$ 2.44	\$ 2.40	\$ 2.55	NB	NB
SS1HP	\$ 2.50	\$ 2.59	\$ 2.62	\$ 2.69	\$ 2.60	\$ 2.75	NB	NB
Demurrage		\$100.00/hr		\$75.00/hr after 2 free hrs		\$70.00/hr after 2 free hrs		\$100.00/hr after 2 hours free
Pumping		\$ 75.00		\$ 75.00		\$ 75.00		\$ 250.00
COMMENTS	Prices above do not include the mandatory Federal Environmental Recovery Fee at \$.0015 per gallon.		Short freight charge for loads less than 5,500 gallons \$900.00					

Commissioner Masterson motioned to accept the bids received and opened for liquid asphalt purchases and directed the Department of Public Works to tabulate, review the prices quoted and to return at a later time with a recommendation for purchase. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:25:05)

ITEM #6 – BID AWARD - DRY CREEK BRIDGE ON SW RIVER VALLEY RD

Darryl Lutz, Director of Public Works, came before the Board for approval of the award of bid for a 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. The lowest bid received was from Bridges, Inc., Newton, Kansas, in the amount of \$765,049.80, which is below the Engineer's Estimate of \$819,079.05. Both bids were responsive. Mr. Lutz recommended awarding the bid to Bridges, Inc.

Commissioner Woydziak asked if the County had used Bridges, Inc. in the past; Mr. Lutz stated the County had used them for several bridge projects.

Commissioner Masterson motioned to approve the award of bid 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, to Bridges Inc., Newton, Kansas, in the low bid amount of \$765,049.80 and authorized the Commission Chair to sign the Notice of Award. Commission Chair Herzet seconded the motion. Motion carried 5-0.

(00:28:0)

ITEM #7 – BID AWARD – NOXIOUS WEED DEPARTMENT HERBICIDES

Ryan Lee, Noxious Weed Supervisor, came before the Board for approval of the annual herbicides purchase for the Noxious Weed Division of the Public Works Department. The following chart shows recommendations for each individual herbicide bid award. Due to the

current volatility in the market, these prices are good for this initial purchase only. The Bids are as follows:

2022 Herbicide Bid Tabulation
Butler County Noxious Weed Department

CHEMICAL BID REQUEST	SIZE	QTY	UNITS	Ryan Delaney Osborne, KS 67473		Bill Bean Lindsborg, KS 67456		Josh Britt Ada, OK 74820		Dustin Polasek Glenwood Springs, CO 81601	
				Per Unit	Total Bid	Per Unit	Total Bid	Per Unit	Total Bid	Per Unit	Total Bid
2,4-D 4# Amine	4x1	20	Gallon			\$ 18.08	\$ 361.60			\$ 27.00	\$ 540.00
2,4-D 4# Amine	2x2.5	1440	Gallon			\$ 16.80	\$ 24,192.00			\$ 25.25	\$ 36,360.00
2,4-D 4# Amine	1x30	300	Gallon			\$ 16.80	\$ 5,040.00			\$ 25.15	\$ 7,545.00
2,4-D 4# Amine	1x220	220	Gallon			\$ 16.49	\$ 3,627.80			\$ 25.15	\$ 5,533.00
Hi-Light Dye - BLUE	4x1	40	Gallon			\$ 50.95	\$ 2,038.00			\$ 29.50	\$ 1,180.00
Hi-Light Dye - BLUE	12x1	12	Quart			\$ 23.00	\$ 276.00			\$ 21.00	\$ 252.00
Ecomazapyr	2x2.5	30	Gallon			\$ 50.00	\$ 1,500.00			\$ 62.15	\$ 1,864.50
Escort XP*	8x16	5120	ounce			\$ 2.13	\$ 10,905.60			\$ 2.07	\$ 10,598.40
Esplanade 200 SC	2x2.5	2.5	Gallon			\$ 1,267.20	\$ 3,168.00			\$ 1,267.20	\$ 3,168.00
Glyphosate 4#	2x2.5	900	Gallon			\$ 44.15	\$ 39,735.00			\$ 42.00	\$ 37,800.00
Glyphosate 4#	1x30	150	Gallon			\$ 34.70	\$ 5,205.00			\$ 42.00	\$ 6,300.00
Milestone	12x1	84	Quart			\$ 67.50	\$ 5,670.00			\$ 67.50	\$ 5,670.00
Outrider	10x20	200	ounce			\$ 14.09	\$ 2,818.00			\$ 15.50	\$ 3,100.00
QuikPro Dry	5x1.5 oz	135	ounce			\$ 2.56	\$ 345.60				\$ -
Range Star or Weedmaster	2x2.5	60	Gallon			\$ 24.55	\$ 1,473.00			\$ 28.50	\$ 1,710.00
Remedy Ultra*	2.x2.5	360	Gallon			\$ 51.97	\$ 18,709.20			\$ 51.00	\$ 18,360.00
Tordon 22k*	2x2.5	180	Gallon			\$ 43.64	\$ 7,855.20			\$ 42.00	\$ 7,560.00
Total					\$ -		\$ 132,920.00		\$ -		\$ 147,540.90
Award Recommendation											

The Board and Mr. Lee discussed the price increase of the herbicides and the cost sharing with the Kansas Department of Transportation (KDOT).

Commissioner Murphy motioned to approve the award of bids for the initial purchase prices of herbicides for the Noxious Weed Department as recommended in the tabulation of bids and to approve the purchase awards to Van Diest, Lindsborg, Kansas, in the amount of \$63,272.20 and to Nutrien Ag Solutions, Glenwood Springs, Colorado, in the amount of \$63,060.40. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:37:24)

ITEM #8 – ANNUAL NOXIOUS WEED ERADICATION REPORT

Ryan Lee, Noxious Weed Supervisor, came before the Board for approval of the annual noxious weed eradication report for 2021 from the Butler County Noxious Weed Department. Counties are required by State statute KSA 2-131(d) to report to the Secretary of Agriculture each year an annual noxious weed eradication progress report. The weed department keeps a database of the chemicals used, the type of weeds treated, the acres of each type of weed treated, and whether the weeds treated were noxious weeds or non-noxious weeds.

Commissioner Woydziak motioned to approve the 2021 annual noxious weed eradication progress report for Butler County and directed the report to be submitted to the Secretary of Agriculture. Commissioner Masterson seconded the motion. Motion carried 5-0.

Commission Chair Herzet inquired if the Noxious Weed Department sprayed around the El Dorado State Park; Mr. Lee responded yes, they have done so in the past.

(00:46:00)

ITEM #11 – UPDATED OPERATING HOURS - NOXIOUS WEED DEPARTMENT

Ryan Lee, Noxious Weed Supervisor, came before the Board for approval of new operating hours for the Noxious Weed Department to expand access for chemical sales and service to the public. The current office hours for walk-in customers are 8:30 a.m. to 12 p.m. and 1 p.m. to 4

p.m. on Monday - Friday year round. This schedule limits public access to 32.5 hours per week. Staff's proposal for office hours will expand public access to 40 hours per week to match the current work schedule of the full-time office clerical position. Operating hours vary during the year based upon the season. Following are the proposed public access hours based upon current work schedules.

- Peak Spray Season (May - September) 7 a.m. to 12 p.m. and 1 p.m. to 4 p.m. Monday thru Friday.
- Non-Peak/Off Season (October - April) 7 a.m. to 12 p.m. and 12:30 p.m. to 3:30 p.m. Monday thru Friday.

The above schedule matches the end of work day schedules for field personnel who work four - ten hour days on Monday - Thursday during the Peak Season and work five - eight hour days on Monday - Friday during the Non Peak/Off Season. The above proposal will improve public access for chemical purchases which should enhance overall revenue for the Noxious Weed Department.

Commissioner Woydziak motioned to approve a policy establishing new office hours for the Noxious Weed Department to increase public access for sales and service from 32.5 hours per week to 40 hours per week as proposed and authorized the Commission Chair to sign a policy statement to that effect. Commissioner Murphy seconded the motion. Motion carried 5-0.

Commissioner Masterson, Mr. Lutz and Mike Craft, Public Works, discussed Bruno Township and Wagon Wheel road development.

(00:53:31)

ITEM #10 – PUBLIC WORKS DEPARTMENT PICKUP - PURCHASE APPROVAL

Darryl Lutz, Director of Public Works, came before the Board for approval to purchase a used three quarter ton extended cab 4WD pickup with a diesel engine to be used as a sign truck for the Department of Public Works. The department is in need of replacing the current sign truck which is a HD one ton extended cab 4WD truck chassis with a utility box. Staff wants to reduce the size of the truck for better access into road ditches to install and repair signs. This equipment purchase is planned in the County's Capital Improvement Plan (CIP) and is budgeted. Bids are as follows:

Parks of Augusta Augusta, Ks	Cody Foster El Dorado, Ks	Don Hatten Augusta, Ks	Don Hatten Augusta, Ks	Don Hatten Augusta, Ks	Don Hatten Augusta, Ks
Silverado 4WD 2500	2016 GMC Sierra 4WD 2500HD	2017 Ford Lariat 4WD F-250SD XLT	2017 Ford Lariat 4WD F-250SD	2021 Ford Lariat 4WD F-250SD Lariat	2017 Ford Lariat 4WD F-350SD
\$53,247.00	\$45,990.00	\$57,885.00	\$60,697.00	\$81,575.00	\$43,908.00
98,417 miles Diesel White 6 speed automatic Crew cab 6.6 V8 Turbo Diesel	45,049 miles Diesel White 6 Speed Automatic Crew Cab 6.6 V8 Turbo Diesel	33,945 miles Diesel Medium Earth Gray 6 Speed Automatic Crew Cab OHV Turbo Diesel	77,084 miles Diesel Black 6 Speed Automatic Crew Cab OHV Turbo Diesel	30,337 Diesel Medium Earth Gray 6 Speed Automatic Crew Cab OHV Turbo Diesel	156,069 Diesel Black 6 Speed Automatic Crew Cab OHV Turbo Diesel
30 days they pay 10%	30 days they pay 10%	30 days they pay 10%	30 days they pay 10%	30 days they pay 10%	30 days they pay 10%
Immediate Delivery	Immediate Delivery	Immediate Delivery	Immediate Delivery	Immediate Delivery	Immediate Delivery

Commissioner Woydziak motioned to approve the purchase of a 2016 GMC Sierra 4WD from Cody Foster, El Dorado Kansas, for \$45,990.00. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:58:24)

ITEM #9 – REQUEST TO START BID PROCESS FOR CIP TC-008003 2021 - BACKUP SYSTEM UPGRADES

Lew Harter, Director of Information Technologies (IT), and Kevin Norman, Network Engineer, came before the Board for approval to solicit bids to purchase a tape library solution. This Capital Improvement Plan (CIP) project was approved in 2021 to enhance the County's backup capability by adding a tape library solution to the County's current system to provide for long term retention and recovery. The cost is recommended to be funded by the County's General Fund reserve 0085.

Commissioner Masterson was curious how the system is backed up now; Mr. Harter stated that it is a disc to disc back up system.

Commissioner Woydziak inquired about how much funding was in the CIP budget for this purchase; Mr. Harter stated \$50,000.00.

Mr. Harter informed the Board the tape library solution is an offsite back up system that cannot be compromised.

Commission Chair Herzet motioned to approve the request for the IT Department to solicit bids under CIP TC-008003 2021 Backup System upgrades. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:03:10)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated March 22, 2022, in the amount of \$1,591,400.72. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:03:33)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$977.38 and Abates in the amount of \$16,800.98. Commissioner Masterson seconded the motion. Motion carried 5-0.

The Board and Administrator Johnson discussed the effect the big box stores property tax appeals will have on abates.

Commissioner Masterson inquired about the voucher paid to Brindlee Mountain Fire Apparatus for a marketing fee; Administrator Johnson stated the company was able to market to a more select crowd and the rescue truck was sold for a good amount.

(01:16:35)

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

Administrator Johnson addressed an email the Board received about the voting machines used in Butler County.

The Commissioners will be attending a luncheon today at the Douglass Senior Center located at 124 W Fourth St, Douglass, Kansas, 67039.

Administrator Johnson was in correspondence with Janet Post concerning the ability for Western Dining to serve a cash bar at the Community Building for the upcoming One Shot Turkey Hunt; with this request they will have proof of liability insurance and two security officers present for the event.

Commissioner Woydziak motioned to approve the request for Western Dining to serve a cash bar at the Community Building. Commissioner Wheeler seconded the motioned. Motioned carried 5-0.

The Commissioners will be attending the Quad Counties Planning Forum at 11:30 AM on Friday, March 25th, in the Reno County Landfill Convenience Center located at 4015 W Clark Rd, Hutchinson, Kansas, 67501. Commissioner Murphy and Commissioner Masterson are not able to attend.

Administrator Johnson informed the Board reservations were made for the Kansas County Commission Association Conference in Salina, Kansas, for April 26-28, 2022.

Commissioner Woydziak attended Ann Carpenter's retirement party and stated it had a great turn out.

Commissioner Woydziak let Administrator Johnson know he had been in his thoughts and prayers and hoped everything went well as losing a parent is never easy.

Commission Chair Herzet reminded the Board of Curt Zieman's, City of El Dorado Police Chief, retirement party is Friday, March 25, 2022.

Administrator Johnson relayed that Friday evening is the Mountain Oyster Feed at the Community Building for Butler County Community College.

(01:27:40)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:35 a.m. Commissioner Wheeler seconded the motion. Motion carried 5-0.