

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, March 29, 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 Jeff Masterson, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Jennifer Currier.

(00:00:00)

INVOCATION

Father John Lanzrath, St. Johns Catholic Church, presented the invocation.

(00:01:00)

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes of the Butler County Commission meeting for March 22, 2022, as presented. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:01:20)

PUBLIC COMMENTS

There were no public comments.

(00:01:30)

ITEM #1 – STAND-DOWN OF THE REMAINING COVID-19 EMERGENCY OPERATIONS

Keri Korthals, Director of Emergency Management, and Jamie Downs, Director of Health Department, came before the Board to provide an update on the Emergency Operations Center's (EOC) taskforce plan to stand-down the remaining COVID-19 emergency response activities and transition to regular operations. Staff has determined that the emergency response actions can be terminated and the County can move to dealing with COVID-19 through normal County operations, similar to other infectious diseases such as influenza. Staff discussed the demobilization plan with the Commissioners. The Board was pleased with the demobilization plan.

Scott Stueven, Deputy Director of Emergency Medical Services, was present for questions.

Ms. Downs conveyed all COVID-19 cases are being routed to the Kansas Department of Health and Environment (KDHE) and the data being collected is no longer accurate due to the amount of people who are home testing.

Commissioner Masterson questioned if the COVID-19 vaccine would be an annual vaccine. Ms. Downs stated she just read an article that manufacturers are discussing the option of a joint Flu/COVID-19 vaccine.

Ms. Downs' staff is working on an appreciation event for all the volunteers that helped during the COVID-19 pandemic.

No action was taken.

(00:25:58)

ITEM #2 – LIQUID ASPHALT BID AWARD

Darryl Lutz, Director of Public Works, came before the Board for approval of the bid for purchasing liquid asphalts for the Highway Division, Department of Public Works. 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. This year, the County will be using CMS-Special to produce cold mix asphalt for an experimental machine laid cold mix overlay project. The unit prices increased this year from 15% to 33% over 2021 prices. Staff recommended purchasing from Ergon Asphalts which provided the lowest bid on all the asphalt emulsion products. Bids are as follows:

	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 Murphy motioned to approve the award to purchase liquid asphalts for 2022 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, CMS-Special and SS-1H liquid emulsified asphalts delivered to or picked up at El Dorado. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:31:56)

ITEM #3 - KDOT LOCAL BRIDGE IMPROVEMENT PROGRAM AWARD - AGREEMENT APPROVAL

Darryl Lutz, Director of Public Works, came before the Board for approval of the project agreement with Kansas Department of Transportation (KDOT) for a bridge replacement project to be funded under the Kansas Local Bridge Improvement Program. Butler County was awarded \$200,000.00 in funds to replace the SE Flinthills Rd bridge over North Branch Hickory Creek and to remove the bridge on NW 140th St over Henry Creek from the bridge inventory. Staff is familiar with and understands the requirements of the program as stipulated in the agreement. KDOT will pay 90% of the project costs up to \$200,000. The County will pay 10% of costs up to KDOT's limit and will pay 100% of costs over KDOT's limit. The funds will be received as a

reimbursement once the work is completed. The Contract is a standard form agreement used by KDOT, previously reviewed and approved by legal counsel.

Commissioner Masterson motioned to approve the Project Agreement with KDOT under Project No. C-5176-0 and to accept the funding award; not to exceed \$200,000 under the KDOT Local Bridge Improvement Program-2022 to replace bridge BR 14E2-28-7, the North Branch Hickory Creek bridge on SE Flinthills Rd, located four miles south and one mile east of Keighley, and to remove the Henry Creek bridge on NW 140th St from the bridge inventory and to authorize the Chair to sign the agreement. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:36:48)

ITEM #4 – UTILITY AGREEMENTS – SW BUTLER RD PROJECT FROM K-254 TO PARALLEL

Darryl Lutz, Director of Public Works, came before the Board for approval of utility agreements related to the SW Butler Rd Improvement Project from K-254 north to Parallel, which is a federal aid project funded through Kansas Department of Transportation (KDOT). Several utility and pipeline companies have structures that are impacted by this project. Butler Rural Water District #5 has a two inch line and four inch along the west side of SW Butler Rd on private water district easement; the estimated cost for the County's share of waterline relocation work is estimated to be \$338,000.00. Butler County will pay Evergy to relocate the "H-frame" pole structure estimated at \$52,650.00; Evergy will pay the cost of relocating their distribution line which is \$30,523.50.

Mr. Lutz discussed the estimated cost of moving the pipeline and pipeline yard for this project.

Commissioner Masterson motioned to approve separate utility agreements with Butler Rural Water District No. 5 and with Evergy for Project No. 8C-4935-01, the SW Butler Rd Improvement Project from K-254 to Parallel as presented and to authorize the Chairman to sign the documents. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:45:13)

NON-AGENDA ITEM – RIGHT OF WAY ACCEPTANCE AND APPROVAL- SW BUTLER RD PROJECT FROM K-254 TO PARALLEL

Darryl Lutz, Director of Public Works, came before the Board for approval of the dedication of easements and rights-of-way for tracts related to the SW Butler Rd Improvement Project for K-254 north to Parallel. The project is a federal aid project funded through Kansas Department of Transportation (KDOT). Mr. Lutz presented easements and rights-of-way documents and a summary of settlements received from:

- John Walter Meyersick Rev Trust for the amount of \$100.00.
- H.D. Breneman and Leita B. Breneman Rev Trust for the amount of \$4,852.50.

The payments and settlements are based upon approved unit price values and will include any additional cost to cure items such as fence replacements, encroachment damages and landscape item replacements.

Commissioner Wheeler motioned to approve the acceptance of dedications of easements and rights-of-way and to approve the settlements negotiated for Project No. 8C-4935-01, the SW

Butler Rd. Improvement Project for K-254 to Parallel as presented and to authorize the Chairman to sign. Commission Chair Herzet seconded the motion. Motion carried 5-0.

Commission Chair Herzet asked about the Meadowlark Rd. paving project. Mr. Lutz stated it is going well.

Commissioner Woydziak discussed a phone call with Mr. Lutz concerning Pleasant Township.

(00:53:26)

VOUCHERS

Commissioner Woydziak motioned to approve vouchers dated March 29, 2022, in the amount of \$577,826.61. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:54:36)

ADDS & ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$353.40. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:54:57)

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

Commissioner Wheeler informed the Board that the District Court offices are now open and inquired about the blue-tooth connection for the sound system.

Commission Chair Herzet will be attending the South Central Kansas Association of Commissioners and Engineers meeting on April 7, 2022, with Mr. Lutz and will be attending the K254 Corridor meeting Friday, April 1, 2022.

Commissioner Masterson inquired when the budget hearing was going to take place; the Board discussed several different dates.

Commissioner Woydziak informed the Board that the Wichita Area Metropolitan Planning Organization (WAMPO) project selection was going well.

Administrator Johnson advised the Board that the Revenue Neutral Rate meeting needs to be held in June 2022.

Administrator Johnson stated the interviews for Director of Community Corrections went well, and Monty Herbert was selected as the new Director.

Administrator Johnson discussed the new Fire Station being built and the remodeling of the current Fire Station in Andover, Kansas.

Administrator Johnson will be attending the K254 Corridor meeting on April 1, 2022.

(01:25:36)

ADJOURNMENT

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