

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, April 6, 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.

(00:00:30)

INVOCATION

Ryan Adkison presented the invocation.

(00:01:13)

APPROVAL OF MINUTES

Commissioner Wheeler motioned to approve the minutes from the March 30, 2021, Butler County Commission meeting. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:01:46)

PUBLIC COMMENTS

Karen Peterson, 9448 SW Walnut Valley Rd, Augusta, Ks, came before the Board regarding Spring Township and the condition of and maintenance of the roads therein. Ms. Peterson relayed that she had collected signatures of residents of Spring Township regarding their concerns. Some residents are grading their own roads, applying sand and rock, cleaning out culverts and digging their own ditches. Although they have contacted the trustee of that township, they have seen no improvement. Residents are asking that they do away with the limestone rock that is being used as it is easily crushed and turns to slippery muck when it rains. Residents are requesting the use of grey rock, ditches to be dug out with the rock distributed back on the road, culverts cleaned, a crown when roads are graded, no ridge on either side of the road allowing water to run off, and a suggestion of the use of recycled concrete or asphalt. Ms. Peterson presented photos to commissioners of the road conditions as well as a list of signatures of Spring Township residents.

(00:15:49)

ITEM #1 – Sheriff Department Annual Vehicle Purchase

Patrick Light, Butler County Sheriff's Department, came before the Board for approval to purchase seven (7) 2021 Dodge Charger RWD, equipped with 5.7 V8 Hemi engines and two (2) 2021 Dodge 1500, 5.7 hemi 4x4, crew cab trucks. Fleet Management will be retiring nine older high mileage vehicles. By purchasing 2021 Dodge Chargers and 2021 Dodge trucks within the bids received, expenses would be reduced. The bids are for the purchase of vehicles only and do not include any emergency lights or equipment. Setup of the emergency equipment in the amount of \$38,391.84 is requested along with the purchasing price. The bid to setup the patrol vehicles was sought after and received from Superior Emergency Response Vehicle. This bid was received for setting up all of the vehicles purchased except for one (1) of the Dodge pickups to reduce cost and repurposing items. Bids were as follows:

| | | | | | |
|-----------------------------|------------------------------------|-----------|----|------------|----------------------------|
| Parks Motors Augusta, KS | 2021 5.7 V8 Engine | 25,687.00 | x7 | 179,809.00 | Total 237,863.00 |
| | 2021 Dodge 1500 5.7 Hemi 4x4 | 29,027.00 | x2 | 58,054.00 | |
| Davis Moore Wichita, KS | 2021 5.7 V8 Engine | 24,695.87 | x7 | 172,871.09 | Total 231,871.09 |
| | 2021 5.7 Hemi 4x4 | 29,500.00 | x2 | 59,000.00 | |

Commissioner Murphy motioned to approve the purchase of seven (7) 2021 Dodge Chargers and two (2) Dodge trucks in the amount \$237,863.00 from Parks Motors and have Superior Emergency Response Vehicles complete the transferring of equipment to vehicles not to exceed the amount of \$38, 391.84. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:30:31)

ITEM #2- Bid opening Plumbing of the Historic Courthouse

Dan Ingalls, Director of Facilities Management, came before the Board for consideration of opening and approving bids for the replumbing of the Historic Courthouse. Various types of piping exist throughout the building where repairs have taken place over the years, including old galvanized pipe which over time builds up with calcium restricting the flow of water. Most of the buildings' fixtures are out of date and non-ADA compliant. Mr. Ingalls in conjunction with Gravity Works Architecture, established a mandatory pre-bid meeting and a time and date for sealed bids to be delivered to Gravity Works. Mr. Ingalls' intent was to open bids at Gravity Works and present the Butler County Commission with bids and a recommendation. However, by the first established deadline only one bid had been received. After communicating with Administrator Johnson it was decided to extend the deadline to Thursday, April 1st, at 2:00 pm to the only other general contractor who attended the mandatory pre bid meeting. Dave Stewart, Gravity Works, and Mr. Ingalls walked the sealed bid to the office of JRAL Construction and gave them the opportunity to take their sealed bid back and make any adjustments they wanted to or simply keep their sealed bid and return it on the new established bid date. JRAL chose to allow Gravity Works to retain the sealed bid. The circumstances were explained to JRAL with the understanding the Butler County Commission would more than likely not accept a single bid. Staff also explained the possibility that the Commission may not accept either bid due to the circumstances of only receiving one bid by the established deadline. This project has been in the CIP since 2018 and plans have already been developed and are ready to go to contractors for bid. During the discussion with the board, it was recommended that the Board open the bid. If the bid was within the budget it would be considered.

Commissioner Woydziak motioned to accept the bids for the purpose of re-plumbing the Historic Courthouse and have staff evaluate the bids and come back at a later date with a recommendation. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(00:41:00)

ITEM #3 – Asphalt Millings Processing for 2021 – Bid Opening

Darryl Lutz, Director of Public Works, came before the Board to receive and open sealed bids for crushing and screening asphalt millings to be used in Butler County’s highway maintenance program. Bids are for crushing and screening recycled asphalt paving (RAP) materials at three locations. It is proposed to process a total of 6,500 tons of material at the El Dorado Shop, DeGraff Stockpile and at the new Price Stockpile. Bids are as follows:

| BID TABULATIONS | | | | | | | | | |
|-----------------------------------|-----------------|-------------|---|---------------------|--|---------------------|---|---------------------|--|
| 2021 RAP Processing (7/8" Minus) | | | | | | | | | |
| Bid opening: April 6, 2021 | | | | | | | | | |
| El Dorado Stockpile | | | Mid-States Materials Lecompton, KS | | Coughlin Company I, Inc. George, UT | | Heartstone, inc. Wichita, KS | | |
| Bid Item | Quantity | Unit | Unti Price | Price | Unti Price | Price | Unti Price | Price | |
| Crushing & Screening (7/8" minus) | 1,000 | Ton | \$ 5.10 | \$ 5,100.00 | \$ 7.19 | \$ 7,190.00 | \$ 10.80 | \$ 10,800.00 | |
| Mobilization | 1 | LS | \$ 2,000.00 | \$ 2,000.00 | \$ 5,000.00 | \$ 5,000.00 | \$ 2,000.00 | \$ 2,000.00 | |
| TOTAL | | | | \$ 7,100.00 | | \$ 12,190.00 | | \$ 12,800.00 | |
| DeGraff Stockpile | | | Mid-States Materials Lecompton, KS | | Coughlin Company I, Inc. George, UT | | | | |
| Bid Item | Quantity | Unit | Unti Price | Price | Unti Price | Price | Unti Price | Price | |
| Crushing & Screening (7/8" minus) | 4,500 | Ton | \$ 5.10 | \$ 22,950.00 | \$ 7.19 | \$ 32,355.00 | \$ 9.50 | \$ 42,750.00 | |
| Mobilization | 1 | LS | \$ 14,000.00 | \$ 14,000.00 | \$ 2,500.00 | \$ 2,500.00 | \$ 4,200.00 | \$ 4,200.00 | |
| TOTAL | | | | \$ 36,950.00 | | \$ 34,855.00 | | \$ 46,950.00 | |
| Price Stockpile | | | Mid-States Materials Lecompton, KS | | Coughlin Company I, Inc. George, UT | | | | |
| Bid Item | Quantity | Unit | Unti Price | Price | Unti Price | Price | Unti Price | Price | |
| Crushing & Screening (7/8" minus) | 1,000 | Ton | \$ 5.10 | \$ 5,100.00 | \$ 7.19 | \$ 7,190.00 | \$ 10.80 | \$ 10,800.00 | |
| Mobilization | 1 | LS | \$ 2,000.00 | \$ 2,000.00 | \$ 2,500.00 | \$ 2,500.00 | \$ 2,000.00 | \$ 2,000.00 | |
| TOTAL | | | | \$ 7,100.00 | | \$ 9,690.00 | | \$ 12,800.00 | |
| GRAND TOTAL | | | | \$ 51,150.00 | | \$ 56,735.00 | | \$ 72,550.00 | |
| Start Date | | | Upon Award | | May 3, 2021 | | April 24, 2021 | | |

Commission Chair Masterson motioned to accept the bids received and opened for crushing and screening approximately 6,500 tons of asphalt millings at three stockpile locations in Butler County and to direct staff to tabulate and evaluate the bids and to return at a later date with a recommendation for action. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:43:35)

ITEM #4 – Solid Waste Management Planning Committee Appointments

Darryl Lutz, Director of Public Works, came before the Board for approval of the Butler County Solid Waste Management Planning Committee. Butler County Solid Waste Management Planning Committee Members serve on the committee on 3-year staggered terms. Term C positions on the Committee expired December 31, 2020, and members for those positions need to be appointed or re-appointed for a new 3-year term. Staff has made contact with cities to receive membership appointments for city positions on the committee and has confirmed interest for re-appointment of members for County positions. The only positions requiring action by the

County Commission is five (5) Term C positions. Two of the positions are city filled positions for Augusta and for Whitewater, Potwin, and Elbing. Three positions are for County appointed positions representing unincorporated areas, public schools and the County recycle coordinator position. The only new person for Term C is Robert Johnstone, who is filling the position vacated by Dean Schmidt, representing the Cities of Whitewater, Potwin and Elbing who is filling a position. In addition, staff requested that the County Commission also confirm all the Term B and Term A appointments. Jodie Lawler was appointed by Latham and Leon to represent their cities in Term A, and Neal Polley is recommended for County appointment to fill a vacancy in Term B representing the private solid waste industry. The city positions are to be accepted by the County and the County positions are to be approved for reappointment. Term C appointments are for three years which will expire December 31, 2023.

2021 Position Appointments
2021
TERM
C

| | | APPOINTING | MEMBERSHIP | | ACTION |
|----------------------|---------------------|--------------------------|-------------------|-------------|-----------------|
| POSITION | APPOINTEE | ENTITY | STATUS | TERM | REQUIRED |
| City of 2nd Class* | Cody Sims | Augusta | Newly Appointed | 3-yr | Accept |
| City of 3rd Class* | Robert Johnstone | Whitewater/Potwin/Elbing | Newly Appointed | 3-yr | Accept |
| Unincorporated Areas | Sandy Koontz | County | Reappointed | 3-yr | Approve |
| BCC/Public Schools | Donald Rummelfanger | Butler College | Reappointed | 3-yr | Approve |
| Recycle Coordinator | Linda Johnson | County | Reappointed | 3-yr | Approve |

2021
TERM
A

| | | APPOINTING | MEMBERSHIP | | ACTION |
|--------------------|------------------|-------------------|-------------------|-------------|-----------------|
| POSITION | APPOINTEE | ENTITY | STATUS | TERM | REQUIRED |
| City of 2nd Class* | Rick Lanzrath | Andover | Reappointed | 1-yr | Accept |
| City of 3rd Class* | Kit Williams | Towanda/Benton | Reappointed | 1-yr | Accept |
| City of 3rd Class* | Jodie Laidler | Leon/Latham | Newly Appointed | 1-yr | Accept |
| Private Industry | Christine Sawyer | Holly Frontier | Newly Appointed | 1-yr | Approve |
| Engineer | Mike Craft | County | Reappointed | 1-yr | Approve |

2021
TERM
B

| | | APPOINTING | MEMBERSHIP | | ACTION |
|----------------------|--------------|-------------------|-----------------|------|----------|
| POSITION | APPOINTEE | ENTITY | STATUS | TERM | REQUIRED |
| City of 2nd Class* | Brad Meyer | EIDorado | Reappointed | 2-yr | Accept |
| Cities of 3rd Class* | Terri West | Rose Hill/Douglas | Newly Appointed | 2-yr | Accept |
| Cities of 3rd Class* | Jim Vaught | Cassoday | Reappointed | 2-yr | Accept |
| Private Solid Waste | Neil Polley | Eagle Trash | Newly Appointed | 2-yr | Accept |
| Planning/Health | David Alfaro | County | Reappointed | 2-yr | Approve |

**Butler County Solid Waste Management
Planning Committee
Representation**

LINK Excel.Sheet.12

"C:\\Users\\klaney\\AppData\\Local\\Microsoft\\Windows\\INetCache\\Content.Outlook\\WNDHNG8R\\BCSWMPC Representation Names for 2021.xlsx" "Sheet1!R8C1:R44C4" \\a \\f 4 \\h

Representation

Term Number

| | | | | |
|--|---------------------|---|--|---|
| Cities of the 2nd Class - (1 nominated by each Mayor) | | | | 3 |
| Andover* | Rick Lanzrath | A | | |
| El Dorado* | Brad Meyer | B | | |
| Augusta* | Cody Sims | C | | |
| | | | | |
| Cities of the 3rd Class - (1 representation per) | | | | 5 |
| Towanda/Benton* | Kit Williams | A | | |
| Rose Hill/Douglas* | Terri West | B | | |
| Whitewater/Potwin/Elbing* | Robert Johnstone | C | | |
| Leon/Latham* | Jodie Laidler | A | | |
| Cassoday* | Jim Vaught | B | | |
| | | | | |
| Unincorporated Areas | Sandy Koontz | C | | 1 |
| | | | | |
| Organizations | | | | 2 |
| Private Industry (Holly Frontier) | Christine Sawyer | A | | |
| Private Solid Waste/Scrap Metal Processing Industry | Neil Polley | B | | |
| | | | | |
| | | | | |
| Recycle/Environmental Coordinator | Linda Johnson | C | | 1 |
| | | | | |
| Any Other Deemed Appropriate | | | | 3 |
| County Engineer/or his Designee | Mike Craft | A | | |
| County Health/County Planners | David Alfaro | B | | |
| BCC/Public Schools | Donald Rummelfanger | C | | |
| | | | | |

| | | | |
|-------|--|--|----|
| TOTAL | | | 15 |
|-------|--|--|----|

Term Explanations:

Term A: First full term begins January 2022 (2025-2028-2031) and reappointed every 3 years thereafter.

Term B: First full term begins January 2023 (2026-2029-2032) and reappointed every 3 years thereafter.

Term C: First full term begins January 2021 (2024-2027-2030) and reappointed every 3 years thereafter.

* Appointed by the City represented.

Commissioner Woydziak motioned to approve and accept appointments as presented by staff and the City appointed members and to approve the appointments of County representatives as recommended to serve on the Butler County Solid Waste Management Planning Committee for Term C, a 3-year term beginning January 2021 and expiring in December 2023 and to also accept the appointment of Jodie Laidler representing Leon and Latham to fill an unexpired Term A position and to approve the appointment of Neil Polley representing the private solid waste industry to fill an unexpired Term B position. Commissioner Herzet seconded the motion. Motion carried 5-0.

(00:48:48)

ITEM #5- 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 and dedication of easements and rights-of-way for several tracts related to the SW Butler Rd Improvement Project from K-254 north to Parallel. The SW Butler Rd Improvement Project from K-254 to Parallel is a federal aid project funded through the Kansas Department of Transportation (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 Mr Lutz, Director of Public Works, to begin the right-of-way acquisition process. Contacts has been made with all property owners and official offers based upon approved values have been presented. Some of the right-of-way and/or easements forms have now been signed and returned to Butler County for acceptance and remittance of any settlements or payments. Summary of the settlements for approval of payment are as follows:

| SW Butler Rd - K254 to Parallel Project Right-of-Way | | | | | | | | | | | 4/6/2021 |
|--|-------------------------------|------------|-------|----------|-----------|-------------------|-------|----------|-----------|-------------|-------------|
| Project No. 8 C-4935-01 | | | | | | | | | | | |
| | | Tract Size | | Perm R/W | | Temp Constr Ease. | | | Damages | Total | |
| | | Sq. Ft. | Acres | Acres | Price/Ac | Cost | Acres | Price/Ac | Cost | Cost | Cost |
| Tract Owner: | Thomas P. & Deborah J. Spiers | | | | | | | | | | \$ 2,511.00 |
| Tract No | ROW1 | 8,600 | 0.197 | 0.197 | \$ 12,000 | \$ 2,364.00 | | | | \$ 2,364.00 | |
| | TCE1 | 2,150 | 0.049 | | | | 0.049 | \$ 3,000 | \$ 147.00 | \$ 147.00 | |
| Other | | | | | | | | | | | |
| Tract Owner: | Linus & Wanda J. Weimer | | | | | | | | | | \$ 3,165.00 |
| Tract No | ROW1 | 18,398 | 0.422 | 0.422 | \$ 7,500 | \$ 3,165.00 | | | | \$ 3,165.00 | |
| | TCE1 | - | - | | | | - | \$ 1,875 | \$ - | \$ - | |
| Other | | | | | | | | | | | |

Commissioner Woydziak 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 from K-254 to Parallel as presented and to authorize the Chairman to sign the documents. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:56:02)

ITEM #6-Kansas Department of Transportation (KDOT) Cost Share Program- Haverhill Rd Improvement Funding Request

Darryl Lutz, Director of Public Works, came before the Board for approval to submit an application to KDOT under the newly announced KDOT Cost Share Program for funding the planned Haverhill Rd. improvement project near the refinery and Butler Community College. Butler County has had a planned major improvement project for Haverhill Rd. in the CIP for many years. The project, however, is very expensive and has been programmed contingent upon successful application for outside funding. This project appears to meet all of the criteria or objectives set for the new Cost Share Program. Butler County has unsuccessfully applied for special funding for this project in the past. The Haverhill Rd. project appears to be an ideal candidate for funding under the new KDOT Cost Share Program. The Cost Share Program requires a minimum of 10% local match for the \$25 million pool with no maximum funding limit. Staff is finalizing completion of the program application form for the current application period. Staff is also updating the project estimates and requesting additional letters of support from project beneficiaries. The project has been included in the adopted CIP for Butler County. The refinery had previously committed possible funding up to 1/3 of the project costs with a maximum contribution of \$3,000,000 or 10% of their abatement, whichever is less.

Commissioner Woydziak motioned to authorize the Director of Public Works to submit a project funding request to KDOT under the Spring of 2021 KDOT Cost Share Program for the proposed Haverhill Rd. improvement project near the Holly Frontier refinery. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(01:18:00)

ITEM #7-Banking and Purchase Card Services Request for Approval (RFP)

Ryan Adkison, Director of Finance, along with Donna Farthing, Butler County Treasurer, came before the Board for approval of staff to issue a request for banking and purchase card services.

Butler County is soliciting proposals for banking services from banks that are eligible to be a depository for County funds. This Request for Proposals (RFP) covers general banking services and purchasing card services. The term will be four years, approximately July 2021 to July 2025, with two, two-year renewal options. The initial term of the contract will be fixed price for the entire term and the renewal periods will allow for price adjustments. Responses to this RFP should address likely pricing changes.

Commissioner Murphy motioned to approve staff to issue a banking RFP. Commissioner Wheeler seconded the motion. Motion carried 5-0.

(01:28:53)

ITEM #8- AR 10-20 Fund Reserve Policy

Ryan Adkison, Director of Finance, came before the Board for approval of updates to AR 10-20- Fund Reserve Policy. The AR 10-20 - Fund Reserve Policy was established to help the County manage its reserves to help balance the demands of not holding on to excessive cash while ensuring the County can weather a down-turn in revenues and/or a temporary surge in expenditures. Butler County's current minimum fund balance is 10% to 15% of the current year's budget for several major funds. The Government Finance Officers Association (GFOA) recommends a minimum of two months reserve for an entities' general fund. Additionally, increases in revenue and/or expenditure volatility should be factored into the reserve amount. The recommended changes set the minimum reserve amount to 17% (two months) and increase the minimum reserve amount based on increases in revenue and/or expenditure volatility for five other funds. Staff will work to increase fund balances to new minimums over the next 2-3 years.

Commissioner Wheeler motioned to approve updates to AR 10-20 - Fund Reserve Policy. Commissioner Herzet seconded the motion. Motion carried 5-0.

(01:41:00)

VOUCHERS

Commissioner Wheeler motioned to approve vouchers dated April 6, 2021, in the amount of \$1,101,146.61. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:42:13)

ADDS & ABATES

Commissioner Wheeler motioned to approve Adds in the amount of \$0.00 and Abates in the amount of \$2,570.00. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:42:29)

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

Commissioner Wheeler touched on Bluestem School District's Mercantile Store and how impressed he was with it as well as the school district in general.

Commissioner Murphy stated the County Website had a COVID-19 update that the County was down to twelve active cases.

Commissioner Woydziak, questioned Darryl Lutz, Director of Public Works, on the progress of the new roundabout near Rose Hill. Mr. Lutz stated that the painting had been started but had to be stalled due to weather. The project should be complete by the end of the week.

Administrator Johnson touched on the upcoming interviews to fill the 911 Emergency Communications Director position. The interviews will be held Thursday, April 8th to interview three candidates.

(02:05:51)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:06 a.m.

Commissioner Herzet seconded the motion. Motion carried 5-0.