

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, May 9, 2023

(00:00:20)

CALL TO ORDER

County Commissioner Dan Woydziak called the Butler County Board of Commissioners meeting to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Marc Murphy, Commissioner Darren Jackson, Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier. Commission Chair Kelly Herzet was not in attendance.

(00:00:24)

INVOCATION

Commissioner Masterson presented the invocation.

(00:01:00)

APPROVAL OF MINUTES

Commissioner Murphy motioned to approve the minutes from the May 2, 2023, Butler County Commission meeting as presented. Commissioner Masterson seconded the motion. Motion carried 3-0-1. Commissioner Dan Woydziak abstained due to not being present.

(00:01:27)

PUBLIC COMMENTS

Renee Robinson, 1460 Lloyd Stearman Dr, Benton, Kansas, 67017, came before the Board with concerns regarding if the County shops annually for insurance. Commissioner Woydziak and Administrator Johnson confirmed the County does; Administrator Johnson will email Ms. Robinson a more detailed response.

(00:06:54)

ITEM #1 – FRACTURE CRITICAL BRIDGE INSPECTIONS - REQUEST FOR ENGINEERING

Darryl Lutz, Public Works Director, came before the Board for approval to solicit for engineering services for mandatory fracture critical bridge inspection work. Butler County maintains over 430 bridge-sized structures throughout the County, which is in addition to over 2000 culvert-sized structures. Public agencies are required to inspect all bridges every two years and to conduct special inspections for bridges considered fracture critical. Fracture critical refers to structures that do not have redundant structural features in the bridge superstructure such that if one member fails the entire superstructure would fail. Typical examples of fracture critical bridges in Butler County would be truss bridges or a bridge that has two girders supporting the superstructure. The County presently has 11 fracture critical bridges that require fracture critical inspections beginning this summer. Staff requested permission to solicit a proposal for engineering services to provide the fracture critical bridge inspections for Butler County. Staff requested to work directly with the firm of Finney & Turnipseed to perform the requested inspections. Finney & Turnipseed has performed this work for several years and has consistently

provided the services at a low overall cost. Finney & Turnipseed provides quality services and is a low overhead firm with working principals.

Commissioner Masterson motioned to approve the Department of Public Works to work with Finney & Turnipseed to obtain a scope and fee proposal to provide mandatory fracture critical bridge inspection work for Butler County. Commissioner Murphy seconded. Motion carried 4-0.

(00:10:02)

**ITEM #2 – KDOT - CALL FOR BRIDGE PROJECT FUNDING APPLICATIONS-
WORK SESSION**

Darryl Lutz, Public Works Director, came before the Board to review eligible bridge projects for possible funding under the Kansas Department of Transportation (KDOT) Off-system Bridge Program and under the Kansas Local Bridge Improvement Program. Each year KDOT distributes a portion of available federal aid transportation funds for eligible off-system bridge replacement projects. KDOT initiates this process about two years in advance by making a call for projects to counties and cities. Eligible projects include bridges on local (non-federal aid) roads that have a condition rating of poor. The off-system bridge application process is a competitive funding program. KDOT has recently issued a call for project funding for FFY 2025 off- system bridge replacement projects. Butler County has recently received off-system bridge funding for the 2024, Eightmile Creek Bridge replacement project on SW Prairie Creek Rd east of Rose Hill. The available funding for this program has increased to \$20.5 million from the previous \$8 million level. These projects are funded 100% for eligible construction and construction engineering costs up to a maximum of \$2 million. In addition, KDOT issued a call for projects under the 2024 Kansas Local Bridge Improvement Program. The program was reinstated in 2019. The program is a reimbursement program to Counties, which allow Counties to design, build and administer bridge projects through the County rather than through KDOT. KDOT increased the funding level to \$20 million from the prior level of \$5 million and will fund 75% to 100% of construction costs depending upon the County's population density. Butler County will be eligible for 85% funding under the program and can increase the state's share by closing another eligible bridge. The eligibility criteria for bridge funding is broader than for the Off-system Bridge program. Staff presented a map of bridges meeting eligibility requirements under the KDOT off-system bridge program and under the Kansas Local Bridge Improvement Program, which included some projects proposed in the current proposed CIP. Staff requested the County Commissions input on priority projects. Mr. Lutz will return with project applications for approval at a later date. All project-funding applications must be submitted to KDOT no later than May 26, 2023.

Commissioner Masterson motioned to approve the Department of Public Works to submit the proposed projects to KDOT. Commissioner Jackson seconded. Motion carried 4-0.

(00:27:28)

**ITEM #3 – LEACHATE RECIRCULATION SYSTEM EXPANSION PROJECT - ON-
SITE INSPECTION**

Darryl Lutz, Public Works Director, came before the Board for approval of an amendment to the letter agreement dated April 13, 2021, with Burns & McDonnell to provide on-site construction

inspection services related to the Leachate Recirculation System expansion project at the landfill. Butler County entered into an agreement with Burns & McDonnell Engineering Company in April 2021 to provide engineering services related to the expansion of the leachate recirculation system at the landfill. The original agreement scope provided for design services, bidding services and limit construction oversight. With the current workload on Butler County's Landfill staff and engineering staff, the County does not have sufficient resources available to oversee and document construction of the expansion project. Staff requested Burns & McDonnell to provide an amendment to the current agreement to modify the scope to provide construction oversight for the Leachate System Expansion project. The Commissioners received a copy of the proposed Amendment 1 to the Letter Agreement with Burns & McDonnell dated April 13, 2021. The letter agreement increases the upper limit of cost by \$26,950, setting the estimated not to exceed upper limit of cost at \$71,580. Burns & McDonnell will provide on-site inspection services for up to three days per week for an estimated period of six weeks. Services will be paid on an actual cost basis as needed. Staff recommends approval of the agreement amendment.

Commissioner Jackson motioned to approve the Amendment 1 to the Letter Agreement with Burns & McDonnell Engineering Company dated April 13, 2021, to expand the scope of services to provide construction oversight and documentation services for the leachate recirculation system expansion project at the landfill. Commissioner Masterson seconded. Motion carried 4-0.

(00:31:26)

ITEM #4 – PROPOSED 2023-2027 CIP WORK SESSION (ROADS AND BRIDGES)

Ryan Adkison, Assistant County Administrator/Finance Director, and Darryl Lutz, Public Works Director, came before the Board to review the proposed CIP before adoption. The work session was designed to present each project and have Staff stand for questions. The Proposed 2023-2027 CIP is a planning document. All approved projects will come before the Commission before final financial commitments are made.

No action was taken.

(01:11:50)

RECESS

Commissioner Woydziak motioned to recess for five minutes at 10:12 a.m.

(01:11:56)

RECONVENE

Commissioner Woydziak motioned to reconvene at 10:17 a.m.

Commissioner Jackson stated what a wonderful job the bridge crew did on repairs to a bridge out by his house. Commissioner Jackson stated the bridge looks better than it ever has.

(01:12:23)

ITEM #5 – WORK SESSION - STRATEGIC PLAN

Will Johnson, County Administrator, came before the Board to receive information from Wichita State University (WSU) and discuss items the Commission would like to finalize as part of the

County's 2023 Strategic Plan. In February, the County Commission participated in a strategic planning retreat with WSU's Public Policy and Management Center to discuss, develop and identify direction for the County's organization moving forward. The University provided back a summary of the discussion and staff reviewed and provided feedback of the priorities they feel are important to the organization. The Commissioners provided a summary from WSU along with a summary from staff on their priorities. The work session focused on the Commission's priorities. Staff will bring back a final Strategic Plan document for consideration after the work session.

No action was taken.

(01:15:00)

ITEM #6 – WORK SESSION - SOLAR FACILITY REGULATIONS

Will Johnson, County Administrator, came before the Board for discussion on the proposed Solar Facility Regulations and modifications the County Commission desires to have stricken, modified or added. The County Commission and Planning Commission held a joint meeting on April 24, 2023, to discuss proposed Solar Facility Regulations. Staff presented a set of proposed regulations for discussion to both bodies at the meeting. The Boards established another meeting date on May 15, 2023, to review any suggestions and modifications requested. The Planning Commission met on May 2, 2023, and discussed modifications and staff is compiling the changes. The Planning Commission tabled an application until its June meeting at which time staff would like to have the final regulations ready for adoption. The regulations are a culmination of various other entities documents which the County felt worked for Butler County and were written in a similar format as the County's current windfarm regulations. Since discussion with both Boards, staff discovered other documents including a Senate bill from 2022 that tried to establish regulations at the State level. Staff is compiling the comments and potential modifications requested, and will present them to both boards on May 15, 2023, for consideration. County Counselor Terry Huelskamp is working closely with staff on the development of the regulations.

No action was taken.

County Counselor Huelskamp informed the Board there still has been no contact with the Smith family concerning the IPS property; Counselor Huelskamp is proceeding with legal actions.

(01:57:02)

VOUCHERS

Commissioner Masterson questioned a voucher for June payment to Advanced Correctional Healthcare; Administrator Johnson will check into the voucher.

Commissioner Murphy inquired why the County hired to have landscaping completed for the Historic Courthouse; Administrator Johnson stated the landscaping has always been hired out.

Commissioner Jackson questioned the price for an air compressor at the landfill; Administrator Johnson stated it probably was an industrial compressor.

Commissioner Masterson motioned to approve vouchers dated May 9, 2023, in the amount of \$615,366.68. Commissioner Murphy seconded the motion. Motion carried 4-0.

(01:58:57)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$457.28 and Abates in the amount of \$35,785.26. Commissioner Jackson seconded the motion. Motion carried 4-0.

(01:59:17)

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

Administrator Johnson and Mr. Adkison are working with Property and Causality Insurance and are having issues getting bids.

Administrator Johnson reminded the Board of the Spring Fling Senior Resource Fair that is taking place Thursday, May 11, 2023.

Administrator Johnson stated the Spring Livestock Show is taking place this Saturday at the Butler County Fairgrounds.

Commissioner Jackson is attending the meeting for National Fentanyl Awareness Day this evening at the El Dorado Civic Center. A panel of local professionals will be speaking about the effects of this drug and what can be done to stop this epidemic.

On Monday, May 15, 2023, another Joint meeting with the Board of County Commissioners and the Butler County Planning and Zoning Board will be held to discuss modifications to the draft for the proposed Solar Facility Regulations.

Administrator Johnson informed the Board of the Leon Senior Center luncheon on Tuesday, May 16, 2023.

(02:05:46)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:11 a.m. Commissioner Masterson seconded the motion. Motion carried 4-0.