

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, May 18, 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 Dan Woydziak, Commissioner Kelly Herzet, Commissioner Mike Wheeler, County Administrator Will Johnson, and Clerk Recorder Koleen Laney. Commissioner Marc Murphy was not present.

(00:01:13)

**INVOCATION**

Commission Chair Jeff Masterson gave the invocation.

(00:01:59)

**APPROVAL OF MINUTES**

*Commissioner Woydziak motioned to approve the minutes from the May 11, 2021, Butler County Commission meeting as written. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

(00:02:30)

**PUBLIC COMMENTS**

There were no public comments.

(00:12:28)

**ITEM #1 – Court Security Position's Adjustment**

Will Johnson, Butler County Administrator, came before the Board for approval to adjust two (2) Court Security Officer positions from 35 hour Part Time to Full Time, to assist with recruitment. The Department is requesting to take two of the 35 hour employees to full time or possibly convert all three of the PT positions into two full time positions, in order to recruit and fill both positions at the Western Office and Historic Courthouse.

*Commissioner Herzet motioned to approve the request from the Sheriff's Office to adjust two (2) Part Time Court Security Officer positions to Full Time. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

(00:02:54)

**ITEM #2- EMS Week - Proclamation**

Frank Williams, Emergency Medical Services Director, came before the Board for approval to designate the week of May 16 - 22, 2021 as Emergency Medical Services Week. Several Butler County EMS employees were in attendance. Commissioners individually thanked all EMS employees for the outstanding work they do.

*Commission Chair Jeff Masterson read and signed The Proclamation.*

(00:24:16)

**ITEM #3 –Healthy Start Home Visitor and Breastfeeding Peer Counselor position consolidation**

Jamie Downs, Health Department Director, came before the Board for approval to consolidate the Healthy Start Home Visitor and Breastfeeding Peer Counselor positions into one full-time position. The Healthy Start Home Visitor and the Breastfeeding Peer Counselor have been two separate positions. Healthy Start provides expectant and new moms information on pregnancy, delivery, infant care and home safety. The Breastfeeding Peer Counselor provides breastfeeding information and support to pregnant and breastfeeding women. In the past five years multiple counties have merged these positions into one with great success. Combining the positions would decrease duplication and training fees while potentially increasing participation in both programs.

*Commissioner Woydziak motioned to approve combining the two part-time positions of Healthy Start and Breastfeeding Peer Counselor into one full-time position. Commissioner Herzet seconded the motion. Motion carried 4-0.*

(00:34:37)

**ITEM #4 –Bid Award - Hickory Creek Bridge on SE Teter Rd**

Darryl Lutz, Director of Public Works, came before the Board for approval of a bid for the construction project to replace the Hickory Creek Bridge on SE Teter Rd located 1.5 miles west and four (4) miles south of Leon, KS. The Board of County Commissioners received and opened sealed bids from four (4) contractors for the referenced project. The bids are as follows:

**TABULATION OF BIDS  
BUTLER COUNTY DEPARTMENT OF PUBLIC WORKS**

**DATE: May 11, 2021  
9:30 a.m.**

**CONSTRUCTION TYPE: Bridge Replacement  
PROJECT: Bridge Replacement  
BR 7E9-28-6(20)**

Page 1 of 2

Bidding Item	Approximate Quantity	Unit	B & B Bridge Co. LLC St. Paul, KS		Bridges, Inc. Newton, KS		King Construction Co., Inc. Hesston, KS	
			PRICE	PRICE	PRICE	PRICE		
<b>ROAD ITEMS</b>								
Removal of Existing Structure	1	LSUM	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00	\$ 14,000.00
Clearing & Grubbing	1	LSUM	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00	\$ 9,000.00
Common Excavation (Rural)	2992	CUYD	\$ 2.75	\$ 8,228.00	\$ 2.75	\$ 8,228.00	\$ 2.75	\$ 8,228.00
Common Excavation (Contractor Furnished)	2267	CUYD	\$ 5.75	\$ 13,035.25	\$ 5.75	\$ 13,035.25	\$ 5.75	\$ 13,035.25
Compaction of Earthwork (Type A)(MR 5-5)	3944	CUYD	\$ 1.00	\$ 3,944.00	\$ 1.00	\$ 3,944.00	\$ 1.00	\$ 3,944.00
Water (Grading)(Set Price)	1	MGAL	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00
Concrete Grade 4.0 (AE)	49.4	CUYD	\$ 800.00	\$ 39,520.00	\$ 1,150.00	\$ 56,810.00	\$ 855.92	\$ 42,282.45
Reinforcing Steel (Gr. 60)	8490	LBS	\$ 0.95	\$ 8,065.50	\$ 1.50	\$ 12,735.00	\$ 1.50	\$ 12,735.00
Foundation Stabilization (Set Price)	1	CUYD	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00
Concrete Pavement (10" Unif.)	233.8	SQYD	\$ 225.00	\$ 52,605.00	\$ 180.00	\$ 42,084.00	\$ 250.00	\$ 58,450.00
Barrier Curb Transition (AE)	120	LNFT	\$ 100.00	\$ 12,000.00	\$ 115.00	\$ 13,800.00	\$ 125.00	\$ 15,000.00
Bridge Approach Slab Footing	18.8	CUYD	\$ 200.00	\$ 3,760.00	\$ 350.00	\$ 6,580.00	\$ 350.00	\$ 6,580.00
Entrance Pipe (18")(ACSP)	26	LNFT	\$ 79.50	\$ 2,067.00	\$ 79.50	\$ 2,067.00	\$ 79.50	\$ 2,067.00
Entrance Pipe (24")(ACSP)	32	LNFT	\$ 80.25	\$ 2,568.00	\$ 80.25	\$ 2,568.00	\$ 80.25	\$ 2,568.00
End Section (18")(CM)	2	EACH	\$ 135.00	\$ 270.00	\$ 135.00	\$ 270.00	\$ 135.00	\$ 270.00
End Section (24")(CM)	2	EACH	\$ 200.00	\$ 400.00	\$ 200.00	\$ 400.00	\$ 200.00	\$ 400.00
Slop Protection (Riprap Stone)	89	CUYD	\$ 73.25	\$ 6,519.25	\$ 73.25	\$ 6,519.25	\$ 73.25	\$ 6,519.25
Aggregate Ditch Lining (6")	81	TONS	\$ 43.75	\$ 3,543.75	\$ 43.75	\$ 3,543.75	\$ 43.75	\$ 3,543.75
Mobilization	1	LSUM	\$ 52,000.00	\$ 52,000.00	\$ 75,000.00	\$ 75,000.00	\$ 65,275.00	\$ 65,275.00
Contractor Construction Staking	1	LSUM	\$ 7,750.00	\$ 7,750.00	\$ 7,750.00	\$ 7,750.00	\$ 7,750.00	\$ 7,750.00
Object Marker (Type 3)	4	EACH	\$ 150.00	\$ 600.00	\$ 175.00	\$ 700.00	\$ 175.00	\$ 700.00
Traffic Control	1	LSUM	\$ 3,500.00	\$ 3,500.00	\$ 3,700.00	\$ 3,700.00	\$ 3,700.00	\$ 3,700.00
Temporary Fertilizer (15-30-15)	225	LBS	\$ 0.50	\$ 112.50	\$ 1.00	\$ 225.00	\$ 1.00	\$ 225.00
Temporary Seed (Canada Wildrye Grass Seed)	30	LBS	\$ 5.00	\$ 150.00	\$ 15.00	\$ 450.00	\$ 15.00	\$ 450.00
Temporary Seed (Grain Oats)	67.5	LBS	\$ 2.00	\$ 135.00	\$ 7.00	\$ 472.50	\$ 7.00	\$ 472.50
Temporary Seed (Sterile Wheatgrass)	67.5	LBS	\$ 5.00	\$ 337.50	\$ 11.00	\$ 742.50	\$ 11.00	\$ 742.50
Soil Erosion Mix	6.6	LBS	\$ 20.00	\$ 132.00	\$ 75.00	\$ 495.00	\$ 75.00	\$ 495.00
Erosion Control (Class I, Type C)	281	SOYD	\$ 2.50	\$ 702.50	\$ 2.50	\$ 702.50	\$ 2.50	\$ 702.50
Temporary Ditch Check (Rock)	14.2	CUYD	\$ 85.00	\$ 1,207.00	\$ 100.00	\$ 1,420.00	\$ 150.00	\$ 2,130.00
Biodegradable Log (20")	120	LNFT	\$ 7.00	\$ 840.00	\$ 10.00	\$ 1,200.00	\$ 10.00	\$ 1,200.00
Filter Sock (18")	120	LNFT	\$ 7.00	\$ 840.00	\$ 11.00	\$ 1,320.00	\$ 11.00	\$ 1,320.00
Mulching	4.5	TONS	\$ 425.00	\$ 1,912.50	\$ 375.00	\$ 1,687.50	\$ 375.00	\$ 1,687.50
Fertilizer (13-13-13)	300	LBS	\$ 1.00	\$ 300.00	\$ 1.00	\$ 300.00	\$ 1.00	\$ 300.00
Seed, (Blue Grama Grass) (Livingston)	0.75	LBS	\$ 45.00	\$ 33.75	\$ 31.00	\$ 23.25	\$ 31.00	\$ 23.25
Seed, (Buffalograss)(Treated)	6.75	LBS	\$ 45.00	\$ 303.75	\$ 40.00	\$ 270.00	\$ 40.00	\$ 270.00
Seed, (Perennial Ryegrass)	67.5	LBS	\$ 25.00	\$ 1,687.50	\$ 9.00	\$ 607.50	\$ 9.00	\$ 607.50
Seed, (Prairie Junegrass)	3.9	LBS	\$ 45.00	\$ 175.50	\$ 83.00	\$ 323.70	\$ 83.00	\$ 323.70
Seed, (Side Oats Grama Grass) (El Reno)	9.45	LBS	\$ 45.00	\$ 425.25	\$ 17.00	\$ 160.65	\$ 17.00	\$ 160.65
Seed, (Tall Fescue)(Endophte Free)	67.5	LBS	\$ 25.00	\$ 1,687.50	\$ 9.00	\$ 607.50	\$ 9.00	\$ 607.50
Seed, (Western Wheatgrass)(Barton)	9	LBS	\$ 45.00	\$ 405.00	\$ 19.00	\$ 171.00	\$ 19.00	\$ 171.00
Surfacing Material (SS-5)	376	TONS	\$ 28.00	\$ 10,528.00	\$ 28.00	\$ 10,528.00	\$ 28.00	\$ 10,528.00
Surfacing Material(Special)(3")	301	TONS	\$ 22.00	\$ 6,622.00	\$ 22.00	\$ 6,622.00	\$ 22.00	\$ 6,622.00
Class I Excavation	110	CUYD	\$ 40.00	\$ 4,400.00	\$ 32.00	\$ 3,520.00	\$ 35.00	\$ 3,850.00
Class II Excavation	252	CUYD	\$ 60.00	\$ 15,120.00	\$ 220.00	\$ 55,440.00	\$ 100.00	\$ 25,200.00
Concrete Grade 4.0 (AE)(SW)	481.2	CUYD	\$ 590.00	\$ 283,908.00	\$ 550.00	\$ 264,660.00	\$ 800.00	\$ 384,960.00
Concrete Grade 4.0 (AE)	35	CUYD	\$ 590.00	\$ 20,650.00	\$ 750.00	\$ 26,250.00	\$ 800.00	\$ 28,000.00
Reinforcing Steel (Gr. 60)(Epoxy)	127260	LBS	\$ 1.10	\$ 139,986.00	\$ 1.50	\$ 190,890.00	\$ 1.25	\$ 159,075.00
Reinforcing Steel (Gr. 60)	8300	LBS	\$ 0.95	\$ 7,885.00	\$ 2.00	\$ 16,600.00	\$ 1.25	\$ 10,375.00
Pile (Steel)(HP10x42)	204	LNFT	\$ 35.00	\$ 7,140.00	\$ 65.00	\$ 13,260.00	\$ 31.30	\$ 6,385.20
Cast Steel Pile Points	8	EACH	\$ 250.00	\$ 2,000.00	\$ 225.00	\$ 1,800.00	\$ 150.00	\$ 1,200.00
Bridge Backwall Protection System)	40	SQYD	\$ 60.00	\$ 2,400.00	\$ 40.00	\$ 1,600.00	\$ 35.00	\$ 1,400.00
Slope Protection (Riprap Stone)	1102	CUYD	\$ 53.50	\$ 58,957.00	\$ 55.00	\$ 60,610.00	\$ 53.50	\$ 58,957.00
<b>TOTAL</b>				\$ 814,434.00		\$ 945,767.85		\$ 984,563.50
<b>Comments:</b>								

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**CONSTRUCTION TYPE: Bridge Replacement  
PROJECT: Bridge Replacement  
BR 7E9-28-6(20)**

Page 2 of 2

Bidding Item	Approximate Quantity	Unit	PRICE	Reece Construction Co., Inc. Salina, KS	PRICE	PRICE	Engineer's Estimate
<b>ROAD ITEMS</b>							
Removal of Existing Structure	1	LSUM	\$ 14,000.00	\$ 14,000.00			
Clearing & Grubbing	1	LSUM	\$ 9,000.00	\$ 9,000.00			
Common Excavation (Rural)	2992	CUYD	\$ 2.75	\$ 8,228.00			
Common Excavation (Contractor Furnished)	2267	CUYD	\$ 5.75	\$ 13,035.25			
Compaction of Earthwork (Type A)(MR 5-5)	3944	CUYD	\$ 1.00	\$ 3,944.00			
Water (Grading)(Set Price)	1	MGAL	\$ 35.00	\$ 35.00			
Concrete Grade 4.0 (AE)	49.4	CUYD	\$ 1,043.00	\$ 51,524.20			
Reinforcing Steel (Gr. 60)	8490	LBS	\$ 1.25	\$ 10,612.50			
Foundation Stabilization (Set Price)	1	CUYD	\$ 40.00	\$ 40.00			
Concrete Pavement (10' Unif.)	233.8	SQYD	\$ 200.00	\$ 46,760.00			
Barrier Curb Transition (AE)	120	LNFT	\$ 76.00	\$ 9,120.00			
Bridge Approach Slab Footing	18.8	CUYD	\$ 393.00	\$ 7,388.40			
Entrance Pipe (18")(ACSP)	26	LNFT	\$ 79.50	\$ 2,067.00			
Entrance Pipe (24")(ACSP)	32	LNFT	\$ 80.25	\$ 2,568.00			
End Section (18")(CM)	2	EACH	\$ 135.00	\$ 270.00			
End Section (24")(CM)	2	EACH	\$ 200.00	\$ 400.00			
Slope Protection (Riprap Stone)	89	CUYD	\$ 73.25	\$ 6,519.25			
Aggregate Ditch Lining (6")	81	TONS	\$ 43.75	\$ 3,543.75			
Mobilization	1	LSUM	\$ 81,157.00	\$ 81,157.00			
Contractor Construction Staking	1	LSUM	\$ 7,750.00	\$ 7,750.00			
Object Marker (Type 3)	4	EACH	\$ 175.00	\$ 700.00			
Traffic Control	1	LSUM	\$ 3,700.00	\$ 3,700.00			
Temporary Fertilizer (15-30-15)	225	LBS	\$ 1.00	\$ 225.00			
Temporary Seed (Canada Wildrye Grass Seed)	30	LBS	\$ 15.00	\$ 450.00			
Temporary Seed (Grain Oats)	67.5	LBS	\$ 7.00	\$ 472.50			
Temporary Seed (Sterile Wheatgrass)	67.5	LBS	\$ 11.00	\$ 742.50			
Soil Erosion Mix	6.6	LBS	\$ 75.00	\$ 495.00			
Erosion Control (Class I, Type C)	281	SQYD	\$ 2.50	\$ 702.50			
Temporary Ditch Check (Rock)	14.2	CUYD	\$ 125.00	\$ 1,775.00			
Biodegradable Log (20")	120	LNFT	\$ 10.00	\$ 1,200.00			
Filter Sock (18")	120	LNFT	\$ 11.00	\$ 1,320.00			
Mulching	4.5	TONS	\$ 375.00	\$ 1,687.50			
Fertilizer (13-13-13)	300	LBS	\$ 1.00	\$ 300.00			
Seed, (Blue Grama Grass) (Lovington)	0.75	LBS	\$ 31.00	\$ 23.25			
Seed, (Buffalograss)(Treated)	6.75	LBS	\$ 40.00	\$ 270.00			
Seed, (Perennial Ryegrass)	67.5	LBS	\$ 9.00	\$ 607.50			
Seed, (Prairie Junegrass)	3.9	LBS	\$ 83.00	\$ 323.70			
Seed, (Side Oats Grama Grass) (El Reno)	9.45	LBS	\$ 17.00	\$ 160.65			
Seed, (Tall Fescue)(Endophyte Free)	67.5	LBS	\$ 9.00	\$ 607.50			
Seed, (Western Wheatgrass)(Barton)	9	LBS	\$ 19.00	\$ 171.00			
Surfacing Material (SS-5)	376	TONS	\$ 28.00	\$ 10,528.00			
Surfacing Material(Special)(3")	301	TONS	\$ 22.00	\$ 6,622.00			
Class I Excavation	110	CUYD	\$ 42.00	\$ 4,620.00			
Class II Excavation	252	CUYD	\$ 373.00	\$ 93,996.00			
Concrete Grade 4.0 (AE)(SW)	481.2	CUYD	\$ 682.00	\$ 328,178.40			
Concrete Grade 4.0 (AE)	35	CUYD	\$ 1,400.00	\$ 49,000.00			
Reinforcing Steel (Gr. 60)(Epoxy)	127260	LBS	\$ 1.25	\$ 159,075.00			
Reinforcing Steel (Gr. 60)	8300	LBS	\$ 1.25	\$ 10,375.00			
Pile (Steel)(HP10x42)	204	LNFT	\$ 69.00	\$ 14,076.00			
Cast Steel Pile Points	8	EACH	\$ 145.00	\$ 1,160.00			
Bridge Backwall Protection System)	40	SQYD	\$ 97.00	\$ 3,880.00			
Slope Protection (Riprap Stone)	1102	CUYD	\$ 53.50	\$ 58,957.00			
<b>TOTAL</b>				\$ 1,034,363.35			\$ 963,208.10
<b>Comments:</b>							

**Commissioner Wheeler motioned to approve award of bid for Project No. BR 7E9-28-6(20), the proposed bridge replacement project for the Hickory Creek Bridge on SE Teter Rd located southwest of Leon, KS, to B & B Bridge Company, LLC, St. Paul, KS, in the low bid amount of \$814,434.00 and authorized the Chair to sign the Notice of Award. Commission Chair Masterson seconded the motion. Motion carried 4-0.**

(00:38:17)

**ITEM #5 – Bridge Engineering Services - Fracture Critical Bridge Inspections and Bridge Design Work for Dry Creek Bridge on SW Diamond Rd and Eightmile Creek Bridge on SW 190th St**

Darryl Lutz, Director of Public Works, came before the Board for approval for two separate agreements for fracture critical bridge inspection work and for design and plan preparation work for two (2) planned bridge replacement projects for the Dry Creek Bridge on SW Diamond Rd west of Augusta and for the Eightmile Creek Bridge on SW 190th St south of Rose Hill.

*Commissioner Woydziak motioned to approve two separate engineering agreements with Finney & Turnipseed Consulting Engineers, Transportation & Civil Engineering, LLC, Topeka, KS, for engineering services related to fracture critical bridge inspection services in the lump sum amount of \$19,500 and for project design and plan preparation work to replace the Dry Creek bridge on SW Diamond Rd in the lump sum amount of \$52,500 and to replace the Eightmile Creek Bridge on SW 190th St. in the lump sum amount of \$51,500 and to authorize the Chair to sign each agreement. Commissioner Herzet seconded the motion. Motion carried 4-0.*

(00:44:08)

**ITEM #6 – Fence Replacement Proposal - SW Butler Rd Roundabout**

Darryl Lutz, Director of Public Works, came before the Board for approval to replace a fence removed for the SW Butler Rd project at SW 150th St. The new fence was to be 556 feet long to include a 100 foot long section of six foot tall privacy fence in front of the house. One estimate was in the amount of \$13,747 and one estimate was in the amount of \$12,432. Mr. Lindley is agreeable to splitting the difference and the County pay \$13,000 toward the cost of installing screening across his frontage. Staff recommended approval of the County providing direct payment in the amount of \$13,000 to Wu's Lawn Care & Landscape to plant cedar trees for screening in lieu of payment for a fence replacement.

J & J Fence	824 N. West St, Wichita, Ks 67203	13,747.00
Claxton Fence	420 S. Emporia, Wichita, Ks 67202	12,432.00
Wu's Lawn Care & Landscaping	6544 N Woodlawn, Kechi, Ks 67067	13,000.00

*Commissioner Woydziak motioned to approve the payment of \$13,000 designated for fence replacement on the Lindley property to Wu's Lawn Service & Landscape to install natural screening in lieu of fence replacement related to the SW Butler Rd/SW 150 St roundabout project. Commissioner Herzet seconded the motion. Motion carried 4-0.*

(00:50:23)

**ITEM #7 – Comprehensive Solid Waste Management Plan Annual Review**

Darryl Lutz, Director of Public Works, came before the Board to present a report of the Butler County Solid Waste Management Planning Committee and staff on the 2021 annual review of the Butler County Solid Waste Management Plan.

*No action was taken.*

(01:11:55)

**VOUCHERS**

*Commissioner Wheeler motioned to approve vouchers dated May 18th, 2021, in the amount of \$184,050.41. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

(01:12:00)

**ADDS & ABATES**

*Commissioner Wheeler motioned to approve Adds in the amount of \$593.72 and Abates in the amount of \$11,188.10. Commissioner Woydziak seconded the motion. Motion carried 4-0.*

(01:13:11)

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

Commissioner Woydziak asked about the deadline for appeal on the decision for the Rail Project. Commissioner Woydziak stated he thought the deadline was May 17<sup>th</sup>, 2021. Administrator Johnson confirmed that was in fact the date. The Commissioners discussed giving notice to the Surface Transportation Board as they do not desire to retain the right-of-way.

Administrator Johnson noted that State Representatives Kristey Williams and Will Carpenter inquired about wedding venues in Butler County and the zoning and appraisal processes associated with those types of properties. The Commissioners reviewed a report on those properties prepared by County Appraiser Deb Studebaker. Most all properties included on the list have a conditional use permit, with the exception of two of the properties. It is important to the County that all properties are assessed correctly and accurately.

Administrator Johnson talked about an article he had read about Reno Counties fire district consultant study and the issues they have experienced and the similarities to Butler County.

Administrator Johnson also commented on a charge that occurred in the voucher run for Windstream for phone/internet service which had been previously provided. The county has settled with them on a final payment.

Administrator Johnson stated during the meeting that he did hear from County Counselor Terry Huelskamp that no appeal had been filed for the rail right of way suit.

(01:38:58)

**ADJOURNMENT**

*Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:39 a.m. Commissioner Wheeler seconded the motion. Motion carried 4-0.*

*The Commissioners attended a luncheon at the El Dorado Senior Center located at 210 E 2<sup>nd</sup> Ave, El Dorado, Ks 67042, at 11:45 AM*