

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, July 3, 2023

DJH (2)
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DJH

(00:00:10)

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 Jeff Masterson, Commissioner Marc Murphy, Commissioner Darren Jackson, Commissioner Dan Woydziak, Administrator Will Johnson, County Counselor Terry Huelskamp and Anna Wealand, Executive Assistant.

(00:00:17)

INVOCATION

Pastor David Crook, First Southern Baptist Church of El Dorado, presented the invocation.

(00:04:01)

APPROVAL OF MINUTES

Commissioner Masterson asked as to when the charcuterie event was held; Administrator Johnson replied the event was held June 29th. Commissioner Masterson stated the minutes indicated the event was held in July and requested the minutes be amended as follows:

- *Public Comments, second bullet point: Change July to June.*

Commissioner Masterson motioned to approve the minutes from the June 27, 2023, Butler County Commission meeting as amended. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:04:41)

PUBLIC COMMENTS

There were no public comments.

(00:04:42)

ITEM #1 – KDOT PROJECT AGREEMENT - EIGHTMILE CREEK BRIDGE ON SW PRAIRIE CREEK RD

Darryl Lutz, Public Works Director, came before the Board for approval of a project agreement with the Kansas Department of Transportation (KDOT) related to federal aid funding for the proposed replacement of the low-water bridge over Eightmile Creek on SW Prairie Creek Rd located one mile east of Rose Hill, Kansas. In 2022, the low-water bridge over Eightmile Creek was taken out of service due to a partial bridge failure. In the fall of 2022, KDOT issued a call for bridge project funding for the federal aid off-system bridge program. Butler County submitted a project application and the project was awarded funding by KDOT. The project is currently under design with the hopes of having the project ready to go to bid in early 2024. Staff presented a full copy of the agreement to the Board during the meeting. The agreement stipulated that KDOT would provide funding for 100% of the construction cost up to a maximum of \$460,000 and the County would fund the remaining balance of the construction cost. Staff

understands the terms of the agreement and recommended approval. The agreement is a standard KDOT form previously approved for several previous projects; Counselor Huelskamp has reviewed the agreement.

Commissioners Woydziak and Masterson asked if the County is to negotiate with and possibly receive some assistance from SEMA Construction, Inc.; Mr. Lutz confirmed that is the case.

Commissioner Woydziak stated negotiations with the township and SEMA are underway for road damage.

Commissioner Woydziak inquired as to the project's timeline; Mr. Lutz replied the project is set to go to bid in February to allow for about a fifteen (15) month schedule.

Commissioner Woydziak motioned to approve the project agreement with KDOT for Project No. 08 C-5218-01 to receive federal aid off-system bridge funding in the amount of \$460,000 to replace the low-water bridge on SW Prairie Creek Rd over Eightmile Creek located east of Rose Hill, Kansas, and to authorize the Chair to sign. Commissioner Jackson seconded. Motion carried 5-0.

(00:09:26)

ITEM #2 – RAILROAD CROSSING CLOSURE AGREEMENT WITH BNSF - NE 140TH ST

Darryl Lutz, Public Works Director, came before the Board for approval of an agreement with Burlington Northern Santa Fe (BNSF) railroad related to the closure and removal of the BNSF railroad crossing on NE 140th St east of K-177 south of Cassoday, Kansas. In May 2023, the Board took action to approve the vacation of NE 140th St at the BNSF crossing. The proposed agreement presented by BNSF is currently under review with proposed revisions by County staff and Counselor Huelskamp. The agreement, however, will stipulate that the County will agree to the permanent closure of the crossing, installing appropriate barricades, and signage on each side of the crossing. The railroad will remove the crossing and open the ditches running parallel to the railroad. In exchange, BNSF will make a payment to Butler County in the amount of \$100,000 for cooperation with the railroad and with KDOT to close and to consolidate railroad crossings in the County. The funds will be deposited in the Special Highway Fund to be used toward approved County projects.

Commissioner Masterson asked of what end of road barriers consist; Mr. Lutz replied the end of road barriers in this application are Type 3, which are barricades with red diamond markings, and yellow "No Outlet" signs at County Rd.

Commissioner Jackson motioned to approve the agreement between BNSF Railway Company and Butler County along with the associated resolution to permanently close and to remove the BNSF crossing on NE 140th St located south of Cassoday, Kansas, and to authorize the Chair to sign the agreement and Resolution No. 23-24. Commissioner Woydziak seconded. Motion carried 5-0.

(00:15:23)