

**BUTLER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 10, 2019**

**CALL TO ORDER**

Commission Chairman Marc Murphy called the Butler County Board of Commissioners to order at 9:00 a.m. Present were Commissioner Jeff Masterson, Commissioner Ed Myers, Commissioner Mike Wheeler, Commissioner Dan Woydziak, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

**INVOCATION**

Pastor Rick Neubauer, First Baptist Church, Augusta, presented the invocation.

**APPROVAL OF MINUTES**

*Commissioner Myers provided the following amendment: change the word “Commissioners” to “Road Viewers” in Item #2.*

*Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from September 3, 2019, with the above amendment. Commissioner Woydziak seconded the motion. Motion carried 4-0-1. Commissioner Masterson abstained due to his absence last week.*

(00:03:27)

**PUBLIC COMMENTS**

Sandy Dewitt, Journey for Recovery, came before the Board to share their mission statement with the Commission. Ms. Dewitt stated Journey for Recovery works to provide a safe and healthy environment for people with mental health illnesses, addiction problems and work to prevent suicide in Butler County. This organization is funded by the Kansas Department of Aging and Disability. Commissioner Woydziak asked how many people were served by this organization last year. The current membership is fifty people. No action was taken.

(00:07:17)

**ITEM #1 – AGREEMENT FOR ARNP NURSING PRACTICE WITH TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER FOR STUDENT CLINICAL EXPERIENCE**

April Harter, Health Department Preparedness Coordinator, came before the Board for approval of an agreement between the Butler County Health Department and Texas Tech University Health Sciences Center to contract student clinical experience for Advanced Registered Nurse Practitioner (ARNP). The County has traditionally participated with area colleges to host nursing students at the Health Department to allow them to gain practical experience. This serves two purposes, it allows the nursing students to gain real life experience with population-based nursing and it allows the County an opportunity to market its programs to future employees. This is the first request from Texas Tech University Health Sciences Center. It is an agreement that basically indemnifies each party from any potential claims filed in regard to the agreement. There is no revenue or cost associated with the agreement.

*Commissioner Woydziak motioned to approve the agreement for ARNP nursing practice with Texas Tech University Health Sciences Center for student clinical experience and allowed the*

*Chair to sign the Agreement. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:10:45)

**ITEM #2 – PRO QA ANNUAL SUPPORT AGREEMENT**

Chris Davis, 911 Director, came before the Board for approval to make the payment of \$24,600.03 for annual software maintenance. ProQA is the computerized version of the protocols used on every 911 call received. These protocols dictate how calls are prioritized and provide the scripted instructions for 911 callers specific for the emergency they are reporting. These instructions range from general safety tips to step-by-step life support instructions.

*Commissioner Myers motioned to authorize the 911 Director to make the payment of \$24,600.03 for the ProQA annual software maintenance agreement. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:13:47)

**ITEM #3 – BID OPENING – WESTERN OFFICE AND COMMUNITY CORRECTIONS SECURITY SYSTEM**

Will Johnson, County Administrator, came before the Board to receive and open sealed bids for the Western Office and Community Corrections Security System. Following are the bids received:

| Security System Bids                     |             |              |                    |           |                    |
|--|-------------|--------------|--------------------|-----------|--------------------|
| Western Office and Community Corrections |             |              |                    |           |                    |
| Location/Bidder                          | 4PC         | Convergint   | CBS Manhattan, LLC | C&C Group | Federal Protection |
| CCR                                      | \$46,254.65 | \$72,075.57  | \$52,896.84        |           | \$63,020.73        |
| Western Office                           | \$38,889.22 | \$59,727.71  | \$37,447.25        |           | \$37,297.65        |
| Total                                    | \$85,143.87 | \$131,803.28 | \$90,344.09        | \$0.00    | \$100,318.38       |

*Commissioner Woydziak motioned to accept the bids received and allowed staff to tabulate the bids received and to bring back a recommendation for action at a later date. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:20:03)

**ITEM #4 – CABLE SERVICES FRANCHISE FEE**

Will Johnson, County Administrator, came before the Board for approval to establish a franchise fee of 5% for Cable Service Operators in rural Butler County. The state franchise is outlined in statute and overseen by the KCC. In 2006 the Legislature passed the state franchise as law, known as the Video Competition Act. Cox applied to the KCC to be a video service provider. As

local franchise agreements expire, Cox files an amendment to the KCC to include that city or county to be a part of their service area. Cox would like to amend their service agreement with the KCC to include Butler County. As part of that, they looked at the service map of the areas they serve in Butler County. Currently, there is no franchise rate set up to compute and pay franchise fees to Butler County. However, we have cable subscribers in Butler County. According to the law, they can provide Butler County with a franchise fee up to 5% of gross receipts. That means if Butler County chooses to implement a franchise fee for those subscribers they will see a rate increase on their bill. The franchise fee could bring roughly \$900 a month to the County. Commissioner Wheeler and Commissioner Myers did not agree with establishing a franchise fee because the fee is passed onto the customer who uses cable television in the rural area.

***Commissioner Woydziak motioned to approve the establishment of a franchise fee of 5% for Cable Service Operators in rural Butler County. Commissioner Masterson seconded the motion. Motion carried 3-2. Commissioner Myers and Commissioner Wheeler opposed.***

(00:39:23)

**ITEM #5 - ENGINEERING AGREEMENTS FOR AREA 5 DESIGN AND FOR CLOSURE/POST CLOSURE CARE COST UPDATES – BUTLER COUNTY LANDFILL**

Darryl Lutz, Public Works Director, came before the Board for approval of separate agreements for engineering services related to the landfill for design and construction documents for Area 5 of the landfill and for updating the closure and post closure care costs for the landfill. Burns & McDonnell Engineering Co., Inc. has submitted a scope of work to Butler County for required construction engineering and CQA services for the construction of Area 5 of the landfill as well as the other work attached to the project. The estimated upper limit of cost for the proposed services is \$362,670. The estimate is slightly higher than originally estimated in our planning phase. The increased cost, however, is driven by the extended construction schedule requiring additional field inspection time for CQA work and for the modifications to the construction documents to conform to the changes made during the bidding phase. The engineering agreement is under review by Legal Counsel for Butler County.

***Commissioner Woydziak motioned to approve the agreement for engineering services provided by Burns & McDonnell Engineering Company in the not to exceed amount of \$362,670 for construction phase engineering and CQA Services for Area 5 construction and for partial closure of Area 2A at the Butler County Landfill and authorized the Chairman to sign the agreement. Commissioner Myers seconded the motion. Motion carried 5-0.***

(00:53:30)

**NON-AGENDA ITEM – BOIS D’ARC BRIDGE PROJECT ENGINEERING**

Darryl Lutz, Public Works Director, came before the Board for approval to obtain an engineering proposal and agreement for design and plan preparation work to replace the high steel truss bridge over the Little Walnut River on SW 157<sup>th</sup> Street, known locally as the Bois D’ Arc Bridge. In December 2017 following a fracture critical bridge inspection of the truss bridge on SW 157th St. over the Little Walnut River, the bridge was closed to traffic due to a crack discovered in a critical structural member. The bridge has been closed since then with very little, if any, feasible options to repair and reopen the bridge for vehicular traffic. KDOT gave notice to Butler County on Monday, September 9, 2019, that the bridge was selected for funding under the federal aid off-system bridge program. The project is eligible for funding in FFY 2021 which

begins in October 2020. KDOT awards approximately \$10,000,000 in projects each year, however, only the first \$8,000,000 in projects are guaranteed funding based upon a first come basis. Mr. Lutz requested authorization to work with Finney & Turnipseed to develop a scope and fee proposal for the project.

*Commissioner Woydziak motioned to authorize the Director of Public Works to obtain an engineering proposal and agreement from Finney & Turnipseed Transportation and Consulting Engineers, Topeka, KS, to provide design and plan preparation services for a proposed federal aid project to replace the Little Walnut River Bridge on SE 157th St. known as the Bois d'Arc Bridge. Commission Chairman Murphy seconded the motion. Motion carried 5-0.*

(00:49:30)

**NON-AGENDA ITEM – DETOUR SIGNAGE – LITTLE WALNUT RIVER BRIDGE REPLACEMENT ON SE CHELSEA ROAD**

Darryl Lutz, Public Works Director, came before the Board for approval of a detour signage quote from RoadSafe Traffic System in the amount of \$10,575.00, related to the Little Walnut River Bridge Replacement Project on SE Chelsea Road south of Leon. Traffic will be routed to SW Haverhill Road via US 400 Highway. Construction work will begin on Monday, September 16<sup>th</sup>.

*Commissioner Masterson motioned to approve the price quote from RoadSafe Traffic Systems in the amount of \$10,575 to provide, install and maintain detour route traffic signs for the Little Walnut River Bridge replacement project on SE Chelsea Road south of Leon. Commissioner Wheeler seconded the motion. Motion carried 5-0.*

(00:57:38)

**VOUCHERS**

*Commissioner Woydziak motioned to approve vouchers for September 10th, 2019 in the amount of \$442,072.26. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:58:51)

**COMMISSION ADDS & ABATES**

*Commissioner Woydziak motioned to approve Adds & Abates #2741 dated September 10, 2019; Adds in the amount of \$0.00 and Abates in the amount of \$67.38. Commissioner Masterson seconded the motion. Motion carried 5-0.*

(00:59:07)

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

Commissioner Wheeler noted the inmate count at the Detention Facility was above 200.

The Cassoday Senior Center dinner is Monday, September 16<sup>th</sup>, at 6:30 p.m.

Commissioner Wheeler and Commissioner Myers will be attending the Farm Bureau Dinner tonight.

The Supreme Court will be at Butler Community College on Tuesday, October 8<sup>th</sup>.

Quad Counties was yesterday at Intrust Bank Arena.

Commissioner Masterson noted he received an email from a concerned constituent about DMV outlets selling personal vehicle information to other citizens. Administrator Johnson stated that is a state run system and is not an option in the Kansas counties.

***Commissioner Masterson motioned to appoint Colin Parry, 4918 SW Cliff Road, Benton, as Benton Township Clerk. Commissioner Woydziak seconded the motion. Motion carried 5-0.***

Commissioner Woydziak noted an interesting article on medical marijuana in AARP.

Administrator Johnson resubmitted a letter to Wildlife & Parks regarding a lease for the new fair grounds location.

There will be a voucher in the amount of \$23,000 to FiveStar Mechanical in next week's voucher run.

Mark Detter, Andover City Manager, took a city manager job in Valdez, Alaska and will be moving in two weeks.

Administrator Johnson noted there will be a work session on next week's agenda to discuss modifications to the health insurance program.

Administrator Johnson stated he will discuss with the Commission the Butler County facilities becoming a tobacco/nicotine free facility in the future.

(01:17:45)

#### **ADJOURNMENT**

***Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:18 a.m. Commission Chairman Murphy seconded the motion. Motion carried 5-0.***