

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, October 17, 2023

(00:00:07)

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, County Administrator Will Johnson, County Counselor Terry Huelskamp and Clerk Recorder Jennifer Currier.

(00:00:11)

INVOCATION

Commissioner Jeff Masterson presented the invocation.

(00:00:55)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes from the October 10, 2023, Butler County Commission meeting as presented. Commissioner Murphy seconded the motion. Motion carried 4-0-1. Commission Chair Herzet abstained due to his absence.

(00:01:17)

PUBLIC COMMENTS

There were no public comments.

(00:01:24)

ITEM #1 - SW BUTLER RD ROUNDABOUT PROJECT AWARDS

Darryl Lutz, Public Works Director, and Slade Engstrom, TranSystems Inc., came before the Board to present three separate awards in recognition of the roundabout project on SW Butler Rd at SW 150th St. The County completed a major construction project in early 2022 to reconstruct one mile of SW Butler Rd at SW 150th S, in southwest Butler County to a four-lane with curb and guttering, which included replacing the two-way stop controlled intersection with a two lane roundabout. The project is a major phase in the overall plans to reconstruct SW Butler Rd between the Cities of Rose Hill and Andover. The project had many merits related to improving traffic safety at the intersection, improving the movement of cross traffic and improving overall long-term capacity on SW Butler Rd. The roundabout was selected by the County Commission as the preferred intersection option following traffic safety studies and an intentional public input process. The design consultant on the project was TranSystems, Inc., through their Wichita Office. Because of the merits of the project itself, as well as the planning and public input process used, TranSystems asked permission from Butler County to submit the project for an APWA award and for an award through ACEC. The project was successful and the County was selected for three separate awards. The three awards received are following:

- 2022 Public Works Project of the Year Award for Small Cities/Rural Counties for Transportation

- Engineering Excellence Award recognizing TranSystems and Butler County, Kansas as the Winner of the 2022 ACEC Kansas State Competition for Innovative and Outstanding Engineering of the SW Butler Rd and SW 150th St Roundabout
- ACEC Engineering Excellence Award - 2022 National Recognition Award to TranSystems in Demonstrating Exemplary Engineering Excellence for SW Butler Rd and SW 150th St

Commissioner Woydziak and Mr. Lutz accepted the awards, which were presented by Mr. Engstrom.

Commissioner Masterson inquired if the roundabout was in the original plans; Mr. Engstrom stated it was not in the original plans but after further studies, it was agreed upon to be the best plan.

Commission Chair Herzet thanked everyone for their hard work on the project.

No action was taken.

(00:09:39)

ITEM #2 - PROQA ANNUAL SUPPORT PAYMENT

Jeremy Seglem, Emergency Communications (E911) Director, came before the Board for approval to make the payment of \$25,338 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 the 911 callers specific to the emergency being reported. The instructions range from general safety tips to step-by-step life support instructions. A sample of the instruction topics included are as follows:

- Water Rescue
- Persons trapped in building fires
- Hazardous Materials releases
- Sinking Vehicle/Rising Flood Waters
- CPR
- Childbirth
- Choking
- AED usage
- Aspirin administration for chest pain
- Determining pulse and respiration rates
- Diagnosing a stroke
- Active shooter situations

ProQA is interfaced with CAD automatically displaying to the dispatcher all of the questions and answers. These protocols are updated several times per year at no additional cost besides this SMA. The maintenance agreement allows E911 to access technical support 24 hours per day,

365 days per year. The technical support center has proven to be very helpful and has been especially valuable to staff in resolving noncritical issues after hours.

Commission Chair Herzet questioned if updates are performed yearly; Mr. Seglem confirmed updates are yearly with more extensive updates performed are done every few years.

Commissioner Woydziak motioned to approve the payment of \$25,338 for the ProQA annual software maintenance. Commissioner Masterson seconded the motion. Motion carried 5-0.

Commissioner Masterson inquired about staffing was in Emergency Communications; Mr. Seglem stated there is one vacant position with several employees in training.

(00:12:03)

ITEM #3 - ANNUAL COMPUTER INFORMATION CONCEPTS (CIC) SOFTWARE SUPPORT AGREEMENT

Lew Harter, Information Technology, Director, came before the Board for approval of the renewal of the CIC support agreement in the amount of \$66,925, an annual reoccurring agreement. CIC is the vendor for the County's tax, financial, payroll, deeds indexing, document imaging, web search, motor vehicle management and noxious weed inventory and billing. The agreement allows Butler County to call the vendor for help, and allows the County receive upgrades and enhancements throughout the year. The agreement costs have been stable and consistent over the past years.

Mr. Harter stated this year's total seems to be less than last year's total due to the Register of Deeds portion being separated out of the total amount.

Commissioner Murphy motioned to approve the Chair to sign the Annual CIC Peopleware Agreement and authorize the payment of \$66,925 to Computer Information Concepts. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:14:38)

ITEM #4 - AWARD BID FOR THE EL DORADO EMERGENCY MEDICAL SERVICE (EMS) BUILDING BLOCK REPAIR

Travis Cornell, Facilities Management Director, came before the Board for approval of the award of bid for the El Dorado EMS Building block repair. Before the roof was replaced water would run behind the blocks, which caused the blocks to become brittle .Mr. Cornell presented the sealed bids to the Commissioners on October 10, 2023. A detailed tabulation of bids was presented to the Commissioners for the El Dorado EMS Building Staff recommends Thomas L. Herrman Masonry from Haysville, Kansas, in the amount of \$12,380.

Commissioner Masterson inquired when Thomas L. Herrman Masonry would be able to start the block repair; Mr. Cornell was certain it would be started soon.

Commissioner Woydziak motioned to approve the award of bid for the El Dorado EMS Building block repair to Thomas L. Herrman Masonry, Haysville, Kansas, in the amount of \$12,380. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:17:20)

ITEM #5 - CULVERT LETTING NO. 78 – NOTICE TO CONTRACTORS

Darryl Lutz, Public Works Director, came before the Board for approval of a Notice to Contractors for Culvert Letting No. 78 for the construction of six reinforced concrete box structures throughout Butler County. With the assistance and participation of the Townships, Butler County replaces several county-sized drainage structures on township and county roads. Each year approximately 30 structures are requested for replacement by Townships and by County staff, with most of the structures being eligible. Only three structures have been selected for 2023 based upon available budget. Staff has completed plans for the construction of each project and has notified each of the Townships of the selection for their respective Township. A copy of the Notice to Box Bridge Contractors along with a map of the project locations was presented for the Commissioners to review. Letting No. 78 includes the construction of three box structures, including two structures that are bridge-sized. The letting date for the project is proposed for Tuesday, November 14, 2023, at 9:00 a.m. The prospective bidders will have an option to tie their bids for each project or to bid each project alone.

The Board and Mr. Lutz discussed the increasing prices of materials. The result of the increased prices is reduces culvert replacements.

Commissioner Jackson motioned to approve the Notice to Contractors for Culvert Letting No. 78 for the construction of three reinforced concrete box structures throughout Butler County and to set the letting date for 9:00 a.m., Tuesday, November 14, 2023, and authorize the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:21:47)

ITEM #6 - RIGHT-OF-WAY PROCESS - AUTHORITY TO BEGIN

Darryl Lutz, Public Works Director, came before the Board for approval to begin the right-of-way acquisition process for three upcoming bridge projects and for an upcoming road construction project. The County is at the stage to proceed with acquiring right-of-way for the following:

- off-system bridge improvement project for the Eightmile Creek Bridge on SW Prairie Creek Rd
- County funded bridge improvement project for the Dry Creek Bridge on SW Diamond Rd
- County-funded bridge improvement project for the Turkey Creek Bridge on SW Haverhill Rd
- Road reconstruction project at the intersection of SW Ohio Street Rd and SW 20th St

In order to accommodate the negotiation process, it is advantageous for staff to be able to make offers based upon pre-approved values. Staff is requesting that maximum land values be established for the subject projects. In addition to establishing values for land, staff requests authority to establish compensation for damages to existing improvements such as fences, crops and landscaping. The off-system bridge project is a federal aid project administered through the Kansas Department of Transportation (KDOT), thus, staff must follow approved KDOT

acquisition procedures. County staff uses the same procedures for federal aid projects and for County funded project. Staff has researched land values based upon recent sales histories in the geographic vicinities of the respective project locations. Land sale values along with recommended compensation values were presented during the meeting.

Commissioner Masterson questioned as to possible with a roundabout being constructed at the intersection of SW Ohio Street Rd and SW 20th St, Mr. Lutz stated he does not any issues will arise.

Commissioner Woydziak motioned to approve the land purchase compensation values as recommended for project right-of-way acquisition, to authorize the Director of Public Works to approve estimates of just compensation based upon approved values and to authorize the County Administrator to approve the Offers to Purchase for Right-of-way for Project No. 8C-5218-01, the Eightmile Creek Bridge project on SW Prairie Creek Rd; for Project No. BR18E7-27-4(24), the Dry Creek Bridge project on SW Diamond Rd; for Project No. BR9E3-27-6(23), the Turkey Creek Bridge project on SW Haverhill Rd; and, Project No. GR861(22-23)/604(10-11)24 the SW Ohio Street Rd/SW 20th St Roundabout project. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:27:57)

ITEM #7 - WORK SESSION: FOX LAKE SEWER

Darryl Lutz, Public Works Director, came before the Board for a work session to discuss proposed changes to an agreement with the City of Cassoday for accepting and treating residential wastewater from Fox Lake. The City of Cassoday has received and treated wastewater from Fox Lake since the 1970's. Over the last several years, the City of Cassoday has provided maintenance services and major system repairs for the Fox Lake sewer system, which have become very expensive. County staff learned of the maintenance issues early this year and reached out to the City of Cassoday to discuss maintenance responsibilities and costs. At the time, neither the City nor County were aware of any agreements on how maintenance was to be provided. The County has since found a copy of an agreement approved in 1974 between the Sewer District and the City of Cassoday. A new agreement has been proposed to the City of Cassoday to establish defined maintenance responsibilities and to create a mechanism for collecting fees to cover annual maintenance costs as well as long-term capital improvement projects. The City of Cassoday has had the proposed agreement since the end of August, but has not yet approved it. The City Council has previously indicated their approval of the proposed terms of the new sewer treatment agreement for the Fox Lake Sewer District. In addition, the County Commission has previously approved reimbursement of maintenance and repair costs on the Fox Lake sewer lines and pump station back to 2015 in the approximate amount of \$55,000 to be paid by the Sewer District. The City of Cassoday is now asking the Sewer District to also pay electric bills, which the City of Cassoday has always paid, as well as an additional \$4,000 in bills from 2008. Mr. Lutz advised the City of Cassoday that he does not agree with the County paying the electric bills since the City has always paid this bill and was collecting monthly sewer fees from the Fox Lake residents for sewage treatment. At the advice of the City's new legal counsel, the City of Cassoday has not approved the agreement until the City's legal counsel could get the agreement reviewed. The delay in the approval of the agreement has now put the County in a position that it may have to forego the new agreement and assess sewer maintenance

fees directly to the homeowners in Fox Lake on their tax statements. Time is of the essence since the County Clerk is trying to move through the process of certifying the tax rolls for tax bills that will be sent out in November.

After discussion the Board, Administrator Johnson, Counselor Huelskamp and Mr. Lutz decided the best plan would be to subtract the amount of funds the City of Cassoday has collected from the property owners around Fox Lake from what the City of Cassoday stated the County owes the City and then the County will pay the remainder of the balance owed. The City can then charge the property owners \$18 to \$20 a month in fees for services. The County will add \$360 to the property owners' tax bills to cover the cost of maintenance of the sewer pump station.

Commissioner Jackson motioned to recommend that \$360 a year per user of service be added to the tax roll and for the City of Cassoday keep the \$75 a month that was already collected to offset what the City of Cassoday has already spent. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:57:27)

ITEM #8 - COMMUNITY WILDFIRE DEFENSE GRANTS PROGRAM APPLICATION

Will Johnson, County Administrator, came before the Board for approval of the County's participation in the Kansas Forest Service's (KFS) Community Wildfire Defense Grant (CWDG) application, which would be used to fund the production of a Community Wildfire Protection Plan for the County. The KFS recently approached the County about participating in the Community Wildfire Defense Grants Program. \$1 billion in funding (split over five years) has been earmarked through the USDA to fund wildfire protection programs in high-risk communities. The program includes such activities as public education, hazardous fuel reduction, and other land treatments. The program can also be used to fund the creation of a Community Wildfire Protection Plan, which is a necessary first step to participate in the rest of the program. KFS recognized that Kansas has been receiving very little of the program funding to date and is actively recruiting Counties to submit funding requests. The Counties will be consolidated into a master application with Kansas University and the Kansas Forest Service as the actual grant applicants to the USDA. Butler County is classified as "high risk" for wildfires and is eligible to apply for this grant program. Additionally, since the County has census tracts that have been designated as under-served, Butler County has the opportunity to apply for a waiver of its cost match under this program. The Creation of a Community Wildfire Protection Plan would help the jurisdiction identify at-risk areas and strategies to reduce the threat of wildfires to our communities and citizens. Additionally, having that plan would make the County eligible to pursue additional grant funding to pay for some of those mitigation activities.

Commissioner Masterson and Commissioner Woydziak stated their thoughts about County Fire Departments having another plan to follow, when the County departments already have plans procedures in place.

Commissioner Murphy motioned to approve Butler County's participation in the Kansas Forest Service's Community Wildfire Defense Grant Program application to the USDA in order to fund a Community Wildfire Protection Plan for the County. Commissioner Jackson seconded the motion. Motion carried 5-0.

(01:02:29)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated October 17, 2023, in the amount of \$680,626.82. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:02:46)

ADDS AND ABATES

Commissioner Woydziak motioned to approve Adds in the amount of \$00.00 and Abates in the amount of \$232.24. Commissioner Jackson seconded the motion. Motion carried 5-0.

(01:03:03)

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

Commissioner Masterson and the Board discussed the fence viewing that took place this morning. The County declared the fence as a partition fence, which makes the property owners on each side responsible for the cost to move or repair the fence. An official summary will be written and presented to the Board in two weeks. Counselor Huelskamp stated the County's involvement after the viewing is very limited.

The Board, Administrator Johnson and Counselor Huelskamp discussed a letter received from the Governing Body of the City of Latham concerning the closing of the Latham polling site. In the letter, the Body states they feel the removal of the voting site is an attack on their right to vote and that residents now have to drive 18 miles to the new assigned voting site. Administrator Johnson stated the County is discussing the possibility of transportation from Senior Centers to early voting sites.

Commission Chair Herzet attended the Kansas Department of Transportation (KDOT) meeting in Newton, Kansas, with Darryl Lutz, Public Works Director, and E. Rhodes, 254 Corridor Development Association. At the meeting, it was discussed that Ohio Street is on KDOT's radar for the year of 2027. Another consult meeting is taking place tomorrow; Commission Chair Herzet will be in attendance and believes many from Butler County will be in attendance as well.

On Friday, October 20, 2023, there is a luncheon at the Towanda Senior Center at 11:45 a.m.

Commissioner Jackson and Commission Chair Herzet will be attending the Rural Water District Banquet on Thursday, October 19, 2023.

Administrator Johnson informed the Board that former El Dorado Mayor, Connie Philips passed away on October 15, 2023.

The County Employee Appreciation Breakfast is November 3, 2023, from 6:30 a.m. to 8:30 a.m. at the Community Building.

Government Day is scheduled for November 7, 2023, and approximately 204 students will be in attendance.

Administrator Johnson is meeting with the City of El Dorado to discuss the Animal Shelter contract, which has not been updated in 25 years.

The Fire Chiefs meeting is Thursday, October 19th, at the new El Dorado Fire Station at 6:30 p.m.

Administrator Johnson will be attending an USI event on Friday morning then will be attending the luncheon in Towanda with Commissioner Murphy.

(01:18:43)

EXECUTIVE SESSION

Commissioner Woydziak motioned to go into Executive Session for the personnel matters of non-elected personnel to protect the privacy of an individual/employee starting; at 10:20 a.m. and resuming at 10:35 a.m. on October 17, 2023. Commissioner Murphy seconded the motion. Motion carried 5-0.

(01:20:04)

Commission Chair Herzet reconvened the meeting at 10:36 a.m.

No action was taken.

(01:20:12)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 10:36 a.m. Commissioner Masterson seconded the motion. Motion carried 5-0.