

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, November 14, 2023

(00:09:14)

CALL TO ORDER

Commission Chair Kelly Herzet called the Butler County Board of Commissioners meeting to order at 9:08 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.

(00:09:20)

INVOCATION

Commissioner Masterson presented the invocation.

(00:10:03)

APPROVAL OF MINUTES

Commissioner Woydziak motioned to approve the minutes from the November 7, 2023, Butler County Commission meeting as presented. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:10:23)

PUBLIC COMMENTS

There were no public comments.

(00:10:34)

ITEM #4 - CULVERT LETTING NO. 78 – BID OPENING

Darryl Lutz, Public Works Director, came before the Board for approval to receive and open bids for Culvert Letting No. 78 for the construction of three reinforced concrete box structures throughout the County. Each year with the assistance and participation of the Townships, Butler County replaces several county-sized drainage structures on Township and County roads. Only three structures have been selected for 2023 based upon the 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. The Board opened and read the bids from the three projects. The bids are as follows:

TABULATION OF BIDS BUTLER COUNTY DEPARTMENT OF PUBLIC WORKS								
DATE: November 14, 2023 9:00 a.m.			KIND OF WORK: RFB Culvert Construction				Page 1 of 1	
CONTRACT NO.: Letting No. 78								
BID ITEM	QUANTITY	UNIT PRICE	Klaver Construction Company, Inc. Wichita, KS	UNIT PRICE	Reece Construction Company, Inc. Salina, KS	UNIT PRICE	Mies Construction, Inc. Wichita, KS	Engineer's Estimate
RCB No. 1-21N3-27-3								
(2) - 18' x 10' x 30' RFB								
SUB-TOTAL			\$ 241,151.50		\$ 238,800.43		\$ 225,068.60	
RCB No. 2-35E9-26-7								
(2) - 18' x 12' x 44' RFB								
SUB-TOTAL			\$ 391,311.30		\$ 348,228.36		\$ 324,499.60	
RFB No. 3 – 18N7-29-3								
9' x 4' x 26' RCB								
SUB-TOTAL			\$ 60,091.00		\$ 69,914.82		\$ 42,858.50	
TOTAL			\$ 692,553.80		\$ 656,943.61		\$ 592,426.70	\$ 709,673.00
Comments:		Tied all or none Bid Bond included Addendum 1 signed		Bid Bond included		Tied all or none Bid Bond included Addendum 1 Signed		

Staff will tabulate and evaluate the bid documents for completeness and accuracy, and return at a later time with a recommendation for action.

Commissioner Masterson motioned to approve the bids received, opened and read for Culvert Letting No. 78 for the construction of three reinforced concrete box structures throughout Butler County and to direct the Public Works Staff to tabulate the bids and to return at a later time with a recommendation for action. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:16:03)

ITEM #1 - FENCE VIEWING ORDER ALVAREZ ("APPLICANT") AND COUNTERMAN ("RESPONDENT")

Will Johnson, County Administrator, came before the Board to discuss the Fence Viewing Order and Assignment from the fence viewing held on October 17, 2023, between Ronald Alvarez and Cheryl Alvarez, Trustees, or their successors in trust, under the Ronald Alvarez and Cheryl Alvarez Living Trust, dated July 29, 2022, and William C. Counterman Jr. and Michelle R. Counterman pursuant to K.S.A. 29-20. On September 11, 2023, the Petitioner, Ronald and Cheryl Alvarez Living Trust, submitted an application for a fence viewing through Tim Connell, Attorney, to the County Commission in conformance to K.S.A. 29-201. According to statute, the Board of County Commissioners in each county shall be fence viewers in each township of such county, any two of whom shall be authorized and empowered to act under the provision of the act to settle controversies that arise about the rights of respective owners in maintenance of fences, should the parties not agree among themselves. Either party may apply for viewing of the fence, should resolution between the two parties not occur. The viewers are required to view the disputed fence in accordance to K.S.A. 29-304 and make a determination and assign to each party in writing, his equal share or part of such fence to be maintained and kept in good repair. The assignment of responsibility shall be filed in the Register of Deeds and shall be final, conclusive and binding upon the parties and upon all succeeding owners of the land, and they shall be obligated thereafter to maintain their respective portions of the fence. Failure to comply with the mandate of the viewers can then be disputed in District Court. K.S.A. 29-105 stipulates the requirements for a legal fence in which the landowners are prescribed to maintain to be in conformance with a legal fence as required by the State of Kansas.

The Board was informed Alvarez ("Applicant") and Counterman ("Respondent") may have come to an agreement on this matter, so the Board is tabling for two weeks.

Commissioner Murphy motioned to table the Fence Viewing Order and Assignment from the fence viewing held on October 17, 2023, between Ronald Alvarez and Cheryl Alvarez, Trustees, or their successors in trust, under the Ronald Alvarez and Cheryl Alvarez Living Trust, dated July 29, 2022 ("Applicant") and William C. Counterman Jr. and Michelle R. Counterman ("Respondent") pursuant to K.S.A. 29-201. Commissioner -Masterson seconded the motion. Motion carried 5-0.

(00:17:49)

ITEM #2 - MOTOROLA RAVE MASS NOTIFICATION ANNUAL PAYMENT

Jeremy Seglem, Emergency Communications (E911) Director, came before the Board for approval of the annual maintenance payment to Motorola for RAVE alert mass notification maintenance. Mass notification systems have been in use in Butler County since 2001. The configuration currently in use is a hosted application that requires no local hardware. The current software platform is called RAVE and is an updated more user-friendly version of software. This system is used to deliver emergency messages, warning the public of threats in the area such as ongoing law enforcement manhunts,

evacuations from wild fires, and shelter in place instructions. The total annual maintenance is split into two invoices \$9,000 for the software support/upgrades and \$3,000 for the addressing/mapping maintenance.

Commissioner Jackson motioned to approve the payment to Motorola for the RAVE mass notification software and support maintenance in the amount of \$12,000. Commission Chair Herzet seconded the motion. Motion carried 5-0.

(00:20:27)

ITEM #3 - DOUGLASS TOWER SITE SYSTEM UPGRADE AGREEMENT

Jeremy Seglem, Emergency Communications (E911) Director, came before the Board for approval of the payment of \$8,785.60 to Motorola for annual System Upgrade Agreement (SUA) costs associated with the tower site near Douglass. In order to manage the statewide radio system the Kansas Department of Transportation (KDOT) must maintain current software versions. Butler County executed a six-year contract with Motorola on March 21, 2017, to provide matching upgrades. The County executed a contract with Motorola for the installation of equipment at a tower site near Douglass on July 11, 2017. The annual maintenance agreement was part of the contract for the Douglass tower and is a separate payment until the SUA contract for the system expires, at which time Staff will request the Douglass tower equipment be incorporated into the same agreement.

Commissioner Murphy motioned to approve the payment of \$8,785.60 to Motorola for the Douglass tower site annual SUA. Commissioner Masterson seconded the motion. Motion carried 5-0.

Mr. Seglem stated everything is going well in E911 and Staff are busy training new employees for E911.

(00:22:17)

ITEM #5 - PARTIAL ROAD VACATION ON SW 110TH ST EAST OF SW INDIANOLA RD

Darryl Lutz, Public Works Director, came before the Board for approval of a road vacation order and Resolution No. 23-78 related to the previously approved vacation of a portion of SW 110th St East of SW Indianola Rd. The City of Augusta has updated its Airport Master Plan to include adjusting and lengthening of the runway for the Augusta Municipal Airport located at SW Indianola Rd on the south side of US-54/400. In order to receive approval from the Federal Aviation Administration (FAA) for proposed runway improvements in the Master Plan, the City of Augusta required a commitment to vacate a portion of SW 110th St along the south side of the airport property. The Board appointed Road Viewers and held a road viewing on May 7, 2019. In addition to the road viewing, the Board held a formal public hearing on May 7, 2019, after which the Board approved vacating a portion of SW 110th St. upon approval of an Interlocal Agreement which indemnify the County and does not close the road until annexation, land acquisition and construction began. The Interlocal Agreement between the City of Augusta and Butler County received approval from the County Commission on September 24, 2019. The City of Augusta has complied with the requirements of the Interlocal Agreement and construction of the runway project for the Augusta Municipal Airport has commenced. The Road Vacation Order is necessary to complete the statutory process of vacating a public road right-of-way. The document will be filed with the Register of Deeds office to document that the referenced section of road has been vacated. Resolution No. 23-48 effectively describes the purpose, process, timeline and stipulations involved in the process to vacate a portion of SW 110th St and documents the process in a single document for the public record. The obligations of the City of Augusta related to the September 24, 2019, Interlocal Agreement have been satisfied allowing 1,100 feet of SW 110th St east of SW Indianola Rd to proceed the vacation of right-of-way and permanent closure of the road.

Commissioner Woydziak motioned to approve the Road Vacation Order to vacate 1,100 feet of SW 110th St East of SW Indianola Rd. and to approve Resolution No. 23-48 authorizing the vacation of a portion of SW 110th St going east 1,100 feet from SW Indianola Rd and to authorize the Chair to sign both documents. Commissioner Murphy seconded the motion. Motion carried 5-0.

(00:26:45)

ITEM #6 - ENGINEERING SERVICES AGREEMENTS – BUTLER COUNTY LANDFILL

Darryl Lutz, Public Works Director, came before the Board for approval of a letter agreement for engineering services for the annual on-call general engineering services for the Butler County Landfill. The Butler County Landfill programs funds each year for annual miscellaneous engineering services primarily related to permit reporting requirements and technical support for landfill operations and for periodic testing and reporting services. Each year Butler County enters into an agreement with Burns & McDonnell to provide on-call and as-needed engineering services for annual recurring work. The County has worked with Burns & McDonnell Engineering Co. for several years for annual engineering services as well as specific individual CIP projects. Staff desires to continue working with Burns & McDonnell on landfill projects due to their intimate knowledge of current landfill operations and operating permit requirements. Burns & McDonnell submitted a proposal in the form of letter agreements for the services related to on-call annual engineering services. The 2023 miscellaneous professional services are proposed in the not to exceed amount of \$56,050. This year's proposal includes one-time additional work requested by Staff to train on documentation and reporting requirements related to air emissions reporting, air permit compliance documentation and on operation of the landfill gas collection system. A more detailed list of the complete scope of work covered was presented to the Board. The 2022 agreement was for \$51,121.

Commissioner Masterson inquired as to the reasons for having Burns & McDonnell on call; Mr. Lutz gave several examples of the why Burns & McDonnell were on call.

Commissioner Masterson motioned to approve the letter agreement for 2023 miscellaneous engineering services at the Butler County Landfill with Burns & McDonnell Engineer Company, Kansas City, Missouri, for the not to exceed cost of \$56,050 and to authorize the Chair to sign the agreement. Commissioner Murphy seconded the motion. Motion carried 5-0.

Commissioner Jackson questioned if the Cole Creek Bridge project will be completed earlier than estimated; Mr. Lutz stated the project is moving along as scheduled.

Commissioner Woydziak inquired when the Prairie Creek Bridge project would begin: Mr. Lutz stated letting for the project was supposed to start in February but the Kansas Department of Transportation sent a letter saying it is being pushed back until May 2024 due to the finding of some artifacts in the area.

Mr. Lutz informed the Board of the information discussed at the last K254 Corridor Management Meeting, which had a very good crowd. There are still two more open to the public meetings to take place.

(00:48:01)

NON-AGENDA ITEM

Darryl Lutz, Public Works Director, came before the Board for approval to authorize Staff to extend the rental of a dozer until the repairs on the County Landfills dozer is complete. The cost of the extended rental will not exceed \$8,500.

Commissioner Woydziak motioned to approve the extended rental of a dozer not to exceed the amount of \$8,500. Commissioner Jackson seconded the motion. Motion carried 5-0.

(00:50:06)

ITEM #7 - WORK SESSION - LEGISLATIVE AGENDA

Will Johnson, County Administrator, came before the Board for a work session on setting the Legislative Agenda for 2024. Annually the Commission adopts a Legislative Agenda for discussion with Legislatures.

No action was taken.

(01:00:36)

VOUCHERS

Commissioner Masterson motioned to approve vouchers dated November 14, 2023, in the amount of \$846,832.07. Commissioner Murphy seconded the motion. Motion carried 5-0.

Commissioner Murphy questioned why the County had four ambulances towed by Dave's Towing; Administrator Johnson did some checking and found the reasons for the tows.

(01:01:36)

ADDS AND ABATES

There were no Adds and Abates.

(01:01:40)

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

Commissioner Woydziak will not be in attendance for the December 12th Commission Meeting.

Flinthill Services, Inc. will be performing their Christmas Caroling at the Commission Meeting on December 12th.

December 12, 2023, is the luncheon at the Benton Senior Center.

Administrator Johnson has been in discussion with the State, Federal and the Rural Water District in regards to oil in water in some water wells in the County.

Administrator Johnson reminded the Board that the new Community Development Director is starting after Thanksgiving. There have been few viable applications for the Human Resources Director position.

The Board and Administrator Johnson discussed a couple cases that have been in front of the Planning and Zoning Board.

The KState Extension dinner is November 16, 2023.

Next Tuesday, the 21st, is the luncheon at the Whitewater Senior Center.

(01:11:10)

ADJOURNMENT

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