

BUTLER COUNTY BOARD OF COMMISSIONERS
Tuesday, November 19, 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 Dan Woydziak, Commissioner Mike Wheeler, County Administrator Will Johnson, and Clerk Recorder Chelsea Noel.

INVOCATION

Father John Lanzrath, St. John's Catholic Church, El Dorado, presented the invocation.

APPROVAL OF MINUTES

Commissioner Myers provided the following amendment: Change "three truck mounted brine applicators and one brine making machine" to "two truck mounted brine applicators and two brine making machines" in Item #2.

Commissioner Myers motioned to approve the minutes of the Butler County Commission meeting from Tuesday, November 5, 2019, with the above amendment. Commissioner Myers Wheeler seconded the motion. Motion carried 5-0.

(00:03:44)

PUBLIC COMMENTS

Jamie Downs, Health Department Director, came before the Board and stated the Health Department was notified from Aetna Better Health of Kansas that the Health Department was awarded funding through Aetna's Partners in Community Grant Program in the amount of \$2,000. Ms. Downs stated the Health Department is using the funds to send their mental health trainer to additional training, to send one staff member to training to be a certified car seat safety technician, as well as enhancing the annual community baby shower and the annual child care training, both of which are hosted by the Health Department. Ms. Downs stated KDHE contacted her on November 15th stating the Health Department had been awarded a mini-grant in the amount of \$2,280 to purchase forty pack-and-plays for families that attend a safe-sleep class. Ms. Downs also noted the Health Department has given a significantly higher number of flu shots so far in 2019 than the same time frame in 2018. Ms. Downs stated both of the drive-thru flu clinics were successful.

(00:08:35)

ITEM #1 – IPS CLEANUP/ PROPERTY CONDITION

Will Johnson, County Administrator, came before the Board for discussion regarding the cleanup of IPS property and the initiation of a cease-and-desist order on the property. The County revoked the CUP and has been working with the property owner to clean up the property while not allowing any new material to be brought onto the site. The County Commission has been granting extensions to the clean-up deadline on a bi-monthly basis for almost a year. The Commission stated if the property clean-up was not completed by November 19th, 2019, the County would initiate a cease-and-desist order for work on the property to the owners of IPS. Staff has not seen significant progress on the property to warrant any other recommendation other than to initiate the cease-and-desist. David Alfaro, Community Development Director, presented aerial pictures to the Board of the current condition of the property. Commissioner

Masterson inquired about the materials that are still on the property. Administrator Johnson stated at this point in time the materials still belong to IPS and the County would work directly with Mr. Smith, the property owner, to clean-up the remaining materials. Mr. Alfaro suggested that if the cease-and-desist order is issued, the County should follow the steps of a nuisance abatement and give Mr. Smith thirty days to remove what he can from the property.

Commissioner Myers motioned to direct the Board of Commissioners to allow County Counsel to draft and enter a cease-and-desist order in Butler County District Court on property currently being utilized by IPS. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Mr. Alfaro gave the Board an update on the property that was inhabited with feral cats located at 10605 SW 114th Terrace, Augusta. Mr. Alfaro stated the owner is going to clean-up the property. Mr. Alfaro stated he informed the owner the County will make sure the house is up to code and will be a safe structure for anyone that lives there.

(00:17:07)

ITEM #2 – SENIOR CENTER 2020 CONTRACTS

Crystal Noles, Department on Aging Director, came before the Board for approval of the ten Senior Center Contracts for 2020. Butler County funds each of the ten County Senior Centers through the mill levy each year. Each center applies for funding yearly, and recommendations are made to the Butler County Commission by the Butler County Council on Aging and the Department on Aging Director. The contracts have been revised to include changes that reflect each center's funding for 2020, according to the approved 2020 budget. Contracts outline due dates for 2021 budget requests and quarterly report deadlines for 2020. Contracts include the 2020 Senior Center Standards and each centers' current level and obligations within the Standards. Ms. Noles pointed out a typo on the Andover Senior Center contract and stated she would correct the typo before the contract was sent out.

Commissioner Masterson motioned to approve the ten Senior Center Contracts for 2020 and allowed the Chair to sign. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:18:31)

ITEM #3 – 2020-2021 KDOT LETTER OF FUND COMMITMENT, SUPPORT AND AFFIDAVIT FOR THE BUTLER COUNTY DEPARTMENT ON AGING 5311 RURAL TRANSPORTATION PROGRAM

Crystal Noles, Department on Aging Director, came before the Board requesting the Commission sign the Letter of Fund Commitment and Support and Affidavit required for the KDOT 5311 grant renewal application for 2020-2021 funding for the Butler County Department on Aging. This program provides 50% of funding for the transportation program through the Federal Government, 20% of funding from the State of Kansas, and 30% of funding from local mill levy match. Grant renewal applications are due every year in November. As a grant requirement, each agency submitting applications for transportation funding must include a letter of commitment of funds from its governing body, letters of support from local government, and an affidavit of authority for grant related documents. All matching funds for this program are included in the 2020 budget and are budgeted every year by the Department on Aging Director as part of the Department on Aging budget.

Commissioner Woydziak motioned to approve the letter of fund commitment and support and affidavit for the Department on Aging Transportation Program for 2020-2021 and allowed the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:20:39)

ITEM #4 – CISCO PHONE SYSTEM HARDWARE AND SOFTWARE UPGRADE/REFRESH

Alex Nivison, IT Director, came before the Board for approval of the migration and upgrade of the Cisco phone system. Mr. Nivison stated the current version of the software is obsolete and if it fails, the County would have no support for hardware or software, and could be without phones for an extended period. IT staff requested quotes from three vendors to both purchase and install/configure/migrate Cisco licenses, software and hardware. Once two quotes were received, IT staff researched online prices for reasonableness and found ISG to be the low cost at \$56,420. For installation/configuration/migration services, ISG estimates 140 hours of their standard rate of \$220/hr and twenty hours of their after-hours rate of \$330/hour for a total installation/configuration/migration cost of \$37,400. The total project cost is \$93,820. As mentioned earlier, \$47,894 of this amount is included in the CIP, which includes hardware purchases of \$21,244 and professional services of \$26,650. Commissioner Myers inquired about this upgrade not being listed in the current CIP. Ryan Adkison, Assistant County Administrator/Finance Director, stated this purchase was mistakenly taken out of the CIP and the funds for this would be coming out of the general fund reserve.

Commissioner Woydziak motioned to allow the Chairman to sign all necessary documents to migrate and upgrade the Cisco phone system. Commission Chairman Murphy seconded the motion. Motion carried 5-0.

(00:29:27)

ITEM #5 – SCHOOL RESOURCE OFFICER CONTRACT WITH THE BUTLER COUNTY SPECIAL INTERLOCAL #638

Will Johnson, County Administrator, came before the Board for approval of an agreement with Butler County Special Interlocal #638 for a school resource officer. Butler County Special Interlocal has approached the Sheriff's Department in the past about contracting for a School Resource Officer (SRO). Due to their location outside of any City in the County, the only entity they could contract with was the County since the school is located in a rural area of the County. The County had in the past employed SRO's in the County, but all the existing SRO's have either been incorporated into a City Police Department or a Campus Police Department. The Interlocal shall fund 100% of the assigned Officer's salary and benefits, plus any additional costs incurred by the County during the periods that school is in session. The County will be responsible for providing a vehicle for the officer along with outfitting the officer and equipping them with all necessary law enforcement equipment required for the job. Commissioner Myers felt it would be prudent to list the Board of County Commissioners in section two under terms of the agreement. Commissioner Myers also noted a typo under section 4.13 of the agreement.

Commissioner Woydziak motioned to approve the school recourse officer contract with the Butler County Special Interlocal #638 with the amendments made by Commissioner Myers. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:37:15)

ITEM #6 – STOCKPILE LEASE AGREEMENT – REDER STOCKPILE

Darryl Lutz, Public Works Director, came before the Board for approval of a formal lease agreement for a materials stockpile area located on the west side of SE Cole Creek Road south of SE 170th Street. The County has been leasing a small tract of land used to store highway maintenance materials for many years on an informal basis from the Reder family. The materials stockpile is located on the west side of SE Cole Creek Rd about 700 feet north of SE 180th St. The County has paid rent in the amount of \$150 per year for many years, probably back to the 1970's. The property was most recently owned by Stan and Connie Chilcott and is now owned by Mike and Michelle Chilcott. For the sake of formality, the County is requesting a formalized agreement for use of the stockpile area from the current owners. The format of the agreement is similar to lease agreements for several other material stockpile areas used by the County. The area of the stockpile is one acre and the agreement is for five years with automatic one year extensions unless sixty days-notice of termination is given. The annual lease payment will be \$400. The Chilcott's are agreeable and have signed the agreement. Staff is recommending approval of the agreement. Commissioner Myers inquired about the length of the extensions listed under the analysis section of the agreement.

Commissioner Wheeler motioned to approve a lease agreement with Michael and Michelle Chilcott for a County road materials stockpile area located on the west side of SE Cole Creek Rd approximately 700 feet north of SE 180th St in the amount of \$400 per year and authorized the Chair to sign. Commissioner Masterson seconded the motion. Motion carried 5-0.

(00:43:55)

ITEM #8 – BRINE APPLICATORS AND BRINE MAKING MACHINES – AWARD OF PURCHASE

Darryl Lutz, Public Works Director, came before the Board for approval of the award of purchase for two brine applications and two brine making machines. Three bids were received for the brine applicators. The low bid from Dultmeier did not meet the specifications. The low bid for two brine applicators that met the required specifications was received from Midwest Truck Equipment Inc., Wichita, KS, in the total low bid amount of \$38,292. Two bids were received for two brine makers including the email bid from Dultmeier. The bid received from Henderson Products did not meet the required specifications. The email bid from Dultmeier Sales Davenport, Inc., Omaha, NE, for two brine makers met all the requested specifications and was the lowest price. Staff recommended that the purchase for brine applicators be awarded to Midwest Truck Equipment, Inc., Wichita, KS, for two Henderson brine applicators for a total delivered price of \$38,292 and the purchase of brine makers be awarded to Dultmeier Sales Davenport, Inc., Omaha, NE, for two Dultmeier brine makers for a total delivered price of \$84,800.

Commissioner Masterson motioned to approve the purchase of brine applicators from Midwest Truck Equipment, Inc., Wichita, KS, for two Henderson brine applicators for a total delivered low bid amount of \$38,292 and approved the purchase of brine makers from Dultmeier Sales Davenport, Inc., Omaha, NE, for two Dultmeier brine makers for a total delivered low bid amount of \$84,800. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:48:33)

ITEM #9 – PUBLIC WORKS EQUIPMENT BID OPENING – TRACK TYPE MINI EXCAVATOR

Darryl Lutz, Public Works Director, came before the Board to receive and open sealed bids for the purchase of a track type excavator to replace a loader backhoe for the Public Works Department. Following are the bids received:

Company	White Star Machinery	G. W. Van Keppel	Victor L. Phillips	Murphy Tractor	Foley Equipment Co.	Berry Tractor
Location	Wichita, KS	Wichita, KS	Wichita, KS	Wichita, KS	Wichita, KS	Wichita, KS
Year	2019	2020	2020	2018	2019-2020	2020
Make	Bobcat	Volvo	Case	John Deere	Cat	Komatsu
Model	E85	ECR88D	CX-80C	85G	310	PC88MR-10
Net cash price	\$ 84,000.00	\$ 90,485.00	\$ 99,900.00	\$ 103,340.00	\$ 112,300.00	\$ 114,701.00
Extended Warranty Price	\$ 2,100.00	\$ 4,160.00	\$ 2,743.00		\$ 3,650.00	included
TOTAL PRICE with Warranty	\$ 86,100.00	\$ 94,645.00	\$ 102,643.00	\$ 103,340.00	\$ 115,950.00	\$ 114,701.00

Commissioner Masterson motioned to accept the bids received and opened for a track type mini excavator for the Public Works Department and directed staff to tabulate the bids, evaluate the equipment offered and to return at a later date with a recommendation for action. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(00:53:05)

ITEM #10 – CONCRETE BRIDGE APPROACH LEVELING – WALNUT RIVER BRIDGE ON SW 100TH STREET

Darryl Lutz, Public Works Director, came before the Board for approval of a cost proposal to raise and level the concrete approach pavement slabs on the Walnut River Bridge on SW 100th Street, east of Augusta. Staff recommended awarding the work to Pro Foundation, Technology, Inc., Raytown, MO, in the lowest proposed cost of \$14,000.

Commissioner Masterson motioned to (Commissioner Myers provided the following amendment to the motion: authorize the County Engineer to negotiate with Pro Foundation, Raytown, MO, and Olshan, Kansas City, MO, to achieve the overall best alternative and to negotiate and make an award”.) Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:00:00)

ITEM #7 – CULVERT LETTING NO. 74 – BID OPENING

Darryl Lutz, Public Works Director, came before the Board to receive and open sealed bids for Culvert Letting No. 74 for the construction of four reinforced concrete box structures throughout Butler County. Following are the bids received:

CONTRACT NO.: Letting No. 74

BID ITEM	QUANTITY	UNIT	Mies		UNIT	Klaver		Snodgrass & Sons	
			Construction, Inc.	Wichita, KS		Construction Co., Inc.	Wichita, KS	Construction Co., Inc.	Wichita, KS
RFB No. 1 – 8E3-24-6									
(3) – 14' x 8' x 28' RFB, skewed 30° Rt. w/apron									
Class III Excavation	636	CUYD	\$ 22.00	\$ 13,992.00	\$ 20.00	\$ 12,720.00	\$ 40.00	\$ 25,440.00	
Concrete (Grade 4.0)	201.4	CUYD	\$ 424.00	\$ 85,393.60	\$ 541.00	\$ 108,957.40	\$ 1,133.08	\$ 228,202.31	
Reinforcing Steel (Grade 60)	51,710	LBS	\$ 1.00	\$ 51,710.00	\$ 1.00	\$ 51,710.00	\$ 0.80	\$ 41,368.00	
Granular Backfill (Wingwalls)	138	CUYD	\$ 60.00	\$ 8,280.00	\$ 55.00	\$ 7,590.00	\$ 100.00	\$ 13,800.00	
Large Trees (Set Price)	1	EACH	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	
Foundation Stabilization (Set Price)	1	CUYD	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	
SUB-TOTAL				\$ 159,565.60		\$ 181,167.40		\$ 309,000.31	
RFB No. 2 – 26E7-26-7									
(3) – 16' x 8' x 30' RFB, skewed 30° Lt.									
Class III Excavation	766	CUYD	\$ 18.00	\$ 13,788.00	\$ 20.00	\$ 15,320.00	\$ 40.00	\$ 30,640.00	
Concrete (Grade 4.0)	137.4	CUYD	\$ 373.00	\$ 51,250.20	\$ 514.00	\$ 70,623.60	\$ 1,123.00	\$ 154,300.20	
Concrete (Grade 4.0) (AE)	82.6	CUYD	\$ 386.00	\$ 31,883.60	\$ 514.00	\$ 42,456.40	\$ 1,123.00	\$ 92,759.80	
Reinforcing Steel (Grade 60)	4910	LBS	\$ 1.00	\$ 4,910.00	\$ 1.00	\$ 4,910.00	\$ 0.80	\$ 3,928.00	
Reinf. Steel (Gr. 60)(Epoxy Coated)	60230	LBS	\$ 1.10	\$ 66,253.00	\$ 1.10	\$ 66,253.00	\$ 1.10	\$ 66,253.00	
Granular Backfill (Wingwalls)	138	CUYD	\$ 70.00	\$ 9,660.00	\$ 55.00	\$ 7,590.00	\$ 100.00	\$ 13,800.00	
Large Trees (Set Price)	1	EACH	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	
Foundation Stabilization (Set Price)	1	CUYD	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	
SUB-TOTAL				\$ 177,934.80		\$ 207,343.00		\$ 361,871.00	
RFB No. 3 – 9N5-24-7									
(2) – 18' x 6' x 28' RFB, w/apron									
Class III Excavation	392	CUYD	\$ 30.00	\$ 11,760.00	\$ 20.00	\$ 7,840.00	\$ 40.00	\$ 15,680.00	
Concrete (Grade 4.0)	141.6	CUYD	\$ 506.00	\$ 71,649.60	\$ 779.00	\$ 110,306.40	\$ 1,337.57	\$ 189,399.91	
Reinforcing Steel (Grade 60)	30420	LBS	\$ 1.00	\$ 30,420.00	\$ 1.00	\$ 30,420.00	\$ 0.80	\$ 24,336.00	
Granular Backfill (Wingwalls)	54	CUYD	\$ 60.00	\$ 3,240.00	\$ 55.00	\$ 2,970.00	\$ 100.00	\$ 5,400.00	
Large Trees (Set Price)	1	EACH	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	
Foundation Stabilization (Set Price)	1	CUYD	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	
SUB-TOTAL				\$ 117,259.60		\$ 151,726.40		\$ 235,005.91	
RFB No. 4 – 36N7-25-6									
(2) – 20' x 8' x 26' RFB									
Class III Excavation	502	CUYD	\$ 15.00	\$ 7,530.00	\$ 20.00	\$ 10,040.00	\$ 40.00	\$ 20,080.00	
Concrete (Grade 4.0)	164.3	CUYD	\$ 464.00	\$ 76,235.20	\$ 663.00	\$ 108,930.90	\$ 1,152.59	\$ 189,370.54	
Reinforcing Steel (Grade 60)	31200	LBS	\$ 1.00	\$ 31,200.00	\$ 1.00	\$ 31,200.00	\$ 0.80	\$ 24,960.00	
Granular Backfill (Wingwalls)	104	CUYD	\$ 68.00	\$ 7,072.00	\$ 55.00	\$ 5,720.00	\$ 100.00	\$ 10,400.00	
Large Trees (Set Price)	1	EACH	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	\$ 150.00	
Foundation Stabilization (Set Price)	1	CUYD	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00	
SUB-TOTAL				\$ 122,227.20		\$ 156,080.90		\$ 245,000.54	
TOTAL				\$ 576,987.20		\$ 696,317.70		\$ 1,150,877.76	

Commissioner Masterson motioned to accept the bids received and opened for Culvert Letting No. 74 for the construction of four (4) reinforced concrete box structures throughout Butler County and direct the Public Works Department to tabulate the bids and to return at a later time with a recommendation for action. Commissioner Woydziak seconded the motion. Motion carried 5-0.

(01:09:52)

RECESS

Commission Chairman Murphy recessed the meeting of the Board for five minutes at 10:10 a.m.

Commission Chairman Murphy reconvened the meeting of the Board at 10:15 a.m.

NON-AGENDA ITEMS

Mr. Lutz updated the Board on the SW Butler Road and 150th Street construction project. Mr. Lutz stated the project is officially scheduled for letting in February 2020. Mr. Lutz also noted the project is well within the budget and hoped February would still be early enough for a competitive bid environment.

Mr. Lutz informed the Board that he submitted five different projects to WAMPO's long range plan WAMPO is developing. He will be defending his projects to the project selection committee on Thursday.

Mr. Lutz stated construction preparations are underway at the landfill. A study on the feasibility of rebuilding the landfill's lagoons to increase their capacity will be done. Mr. Lutz stated he will be working with Burns & McDonnell throughout this project.

(01:15:30)

ITEM #11 – 2019-Q3 FINANCIAL/MANAGEMENT REPORT

Ryan Adkison, Assistant County Administrator/Finance Director, came before the Board to receive and file the 2019-Q3 Financial/Management Report. The Commission receives quarterly financial/management reports as part of the County's overall transparency and management process. Commissioner Myers requested an update on all economic development loans.

Commissioner Woydziak motioned to receive and file the 2019-Q3 Financial/Management Report. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:38:52)

ITEM #12 – WORK SESSION – LEGISLATIVE AGENDA

William Johnson, County Administrator, came before the Board to discuss any recommended changes or modifications from the Commissioners to the Legislative Agenda. No action was taken.

(01:51:43)

VOUCHERS

Commissioner Myers motioned to approve vouchers for November 12, 2019, in the amount of \$608,279.75. Commissioner Wheeler seconded the motion. Motion carried 5-0.

Commissioner Myers stated his concern about a voucher for Nexplanon birth control.

Commissioner Woydziak motioned to approve vouchers for November 19, 2019, in the amount of \$250,107.09. Commission Chairman Murphy seconded the motion. Motion carried 4-1. Commissioner Myers opposed.

(01:58:45)

COMMISSION ADDS & ABATES

Commissioner Woydziak motioned to approve Adds & Abates #2746 dated November 19, 2019; Adds in the amount of \$678.72 and Abates in the amount of \$2,524.74. Commissioner Masterson seconded the motion. Motion carried 5-0.

(01:59:02)

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

Commissioner Wheeler stated he enjoyed attending the KAC Conference last week and also stated there was a great turn out.

Commissioner Myers stated he also attended a few sessions of the KAC Conference.

Administrator Johnson requested approval from the Board to submit a letter to the State on behalf of the Capper Foundation for a letter of support for a grant request to KDOT for vehicles for transportation for their clientele in Butler County.

Commissioner Woydziak motioned to approve a letter of support to send to the State for a grant request from the Capper Foundation. Commissioner Masterson seconded the motion. Motion carried 5-0.

Administrator Johnson stated the City of El Dorado is hosting a party to recognize outgoing El Dorado City Mayor, Vince Haines, on Monday, December 2nd at 6 p.m. at the City Hall.

Administrator Johnson discussed RSVP's from the Board for the NACO Legislative Conference.

(02:11:26)

ADJOURNMENT

Commissioner Woydziak motioned to adjourn the meeting of the Board at 11:16 a.m.

Commissioner Masterson seconded the motion. Motion carried 5-0.