

AGENDA

POTTAWATOMIE COUNTY, KANSAS
BOARD OF COUNTY COMMISSIONER'S
District 1, Deloyce McKee – Member
District 2, Dennis Weixelman – Vice Chair
District 3, Greg Riat – Chair

REGULAR MEETING

February 22, 2021 - 8:30 a.m.

612 E Campbell, Westmoreland - Sunflower Room

- 8:30** **1.0** **CALL TO ORDER REGULAR MEETING WITH FLAG SALUTE**
- 2.0** **ROUTINE ITEMS**
 2.1 Approval of Agenda Items
 2.2 Approval of Minutes
- 3.0** **COMMENTS FROM THE PUBLIC** (Non Agenda Items Only, limited to 3 min)
- 4.0** **DEPARTMENT UPDATES**
 4.1 Health - Leslie Campbell
 4.2 County Attorney - Sherri Schuck
 4.3 County Treasurer - Lisa Wright
 4.4 EMS - Hal Bumgarner
 4.5 EMGT - Jennifer Merrow
 4.6 FIRE - Jared Barnes
 4.7 Clerk/Election - Dawn Henry
 4.8 Public Works - Dustin Newman
 4.9 Commissioners Updates
 4.10 Administration Office
 4.11 County Counselor
- 5.0** **NEW BUSINESS**
10:00 5.1 Whispering Meadows Sewer Annexation Hearing
11:00 5.2 2021 County Project Work Session
- 6.0** **CONSENT ITEMS*** (Approve all by single motion, unless discussion is needed)
 6.1 Tax Corrections
 6.2 Ledger Transactions
- 7.0** **ADJOURNMENT**

AND OTHER COUNTY MATTERS THAT MAY ARISE

The times indicated are used as estimated times only by the Commission to assure that individuals requesting time to discuss business with the Board of County Commissioners are provided an opportunity to do so. New business and topics are scheduled following the completion of scheduled meeting times.

Note: The agenda is set Wednesday at 4:30 p.m.

Yearly CASE FILINGS by County Attorney's Office

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	481	556	509	510	495	503	453	489	361	324	
Traffic (TR)	495	577	586	520	381	568	750	706	597	351	
Juvenile (JV)	97	114	59	69	64	66	42	36	32	29	
CINC (JC)	43	42	70	51	49	60	63	62	50	37	
Fish & Game (FG)	57	28	36	21	12	13	6	6	11	20	
Care & Treatment (CT)	13	11	19	10	11	7	9	13	13	6	
Total	1186	1328	1279	1181	1012	1217	1323	1312	1062	767	

Immediate Intervention Program for Juvenile Offenders

* The program began in September 2017

* Successful Discharges to date: 74; Unsuccessful Discharges to date: 2; Refusal/Decline: 1

* Pending: 24

Monthly CASE FILINGS by County Attorney's Office as of 2/17/2021

JANUARY	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	21	25	28	29	24	18	31	35	25
Traffic (TR)	59	44	46	34	53	60	53	40	32
Juvenile (JV)	2	9	14	5	4	4	1	0	5
CINC (JC)	3	3	6	1	2	5	3	9	1
Fish & Game (FG)	2	0	3	4	1	1	0	0	0
Care & Treatment (CT)	2	1	0	0	1	1	0	0	0
Total JANUARY Cases	89	82	97	73	85	89	88	84	63

FEBRUARY	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	19	12	21	18	37	23	36	22	14
Traffic (TR)	59	31	28	41	54	42	30	51	7
Juvenile (JV)	4	3	2	2	3	3	6	5	1
CINC (JC)	2	4	10	4	2	9	5	3	4
Fish & Game (FG)	0	0	3	0	0	0	0	1	0
Care & Treatment (CT)	2	0	1	1	1	1	1	0	0
Total FEBRUARY Cases	86	50	65	66	97	78	78	82	26

MARCH	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	26	21	14	23	23	50	26	33	
Traffic (TR)	48	59	42	50	43	42	34	35	
Juvenile (JV)	2	4	2	5	9	5	0	2	
CINC (JC)	8	6	8	2	13	8	3	1	
Fish & Game (FG)	0	1	0	0	0	0	0	1	
Care & Treatment (CT)	1	2	3	0	0	0	0	1	
Total MARCH Cases	85	93	69	80	88	100	63	73	

APRIL	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	26	31	26	31	29	25	27	9	
Traffic (TR)	46	39	27	45	65	57	57	12	
Juvenile (JV)	3	5	3	10	5	0	3	2	
CINC (JC)	10	5	4	3	6	3	3	1	
Fish & Game (FG)	1	0	0	0	1	0	0	0	
Care & Treatment (CT)	2	0	1	1	1	2	1	1	
Total APRIL Cases	88	80	61	90	107	87	91	25	

MAY	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	19	16	26	29	18	32	23	36	
Traffic (TR)	50	49	23	58	76	64	50	13	
Juvenile (JV)	5	2	10	7	0	5	3	5	
CINC (JC)	15	2	3	2	9	6	2	2	
Fish & Game (FG)	4	0	0	1	0	1	2	1	
Care & Treatment (CT)	3	0	0	1	0	1	4	0	
Total MAY Cases	60	36	62	98	103	109	84	57	

JUNE	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	23	47	26	119	91	66	27	52	
Traffic (TR)	46	54	26	68	67	78	51	31	
Juvenile (JV)	4	8	5	4	3	4	1	2	
CINC (JC)	3	2	0	5	4	6	3	1	
Fish & Game (FG)	3	2	0	2	1	0	2	7	
Care & Treatment (CT)	1	2	2	1	1	1	1	0	
Total JUNE Cases	80	115	59	199	167	155	85	93	

JULY	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	206	206	196	80	94	111	28	32	
Traffic (TR)	39	36	46	49	68	75	52	27	
Juvenile (JV)	7	7	8	9	1	1	2	2	
CINC (JC)	1	0	0	6	6	2	2	4	
Fish & Game (FG)	7	0	0	0	1	0	5	4	
Care & Treatment (CT)	0	0	1	0	1	2	1	1	
Total JULY Cases	260	249	251	144	171	191	90	70	

AUGUST	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	20	20	35	46	40	53	24	30	
Traffic (TR)	31	40	20	48	75	57	53	25	
Juvenile (JV)	2	6	8	3	10	5	3	2	
CINC (JC)	6	2	1	8	2	2	8	0	
Fish & Game (FG)	3	5	2	3	0	0	0	6	
Care & Treatment (CT)	3	2	1	0	2	1	1	1	
Total AUGUST Cases	62	75	67	108	129	118	89	64	

SEPTEMBER	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	20	39	29	26	34	34	34	26	
Traffic (TR)	43	28	26	36	76	48	62	23	
Juvenile (JV)	3	6	4	7	4	1	3	5	
CINC (JC)	7	12	1	4	2	4	0	5	
Fish & Game (FG)	6	1	3	0	0	0	0	0	
Care & Treatment (CT)	3	0	0	2	0	1	1	1	
Total SEPTEMBER Cases	82	86	63	75	116	88	100	60	

OCTOBER	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	20	37	27	42	13	23	36	23	
Traffic (TR)	50	42	24	40	56	51	75	28	
Juvenile (JV)	4	4	4	2	1	1	5	2	
CINC (JC)	10	2	1	13	7	7	10	1	
Fish & Game (FG)	10	0	0	0	0	1	0	0	
Care & Treatment (CT)	0	0	0	0	0	1	0	1	
Total OCTOBER Cases	94	85	56	97	77	84	126	55	

NOVEMBER	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	27	23	33	24	19	29	29	15	
Traffic (TR)	40	33	41	54	46	68	33	42	
Juvenile (JV)	5	3	2	4	0	3	3	1	
CINC (JC)	3	3	8	9	3	8	5	3	
Fish & Game (FG)	0	3	0	2	2	2	2	0	
Care & Treatment (CT)	0	0	1	0	2	2	2	0	
Total NOVEMBER Cases	75	65	85	93	72	112	74	61	

DECEMBER	2013	2014	2015	2016	2017	2018	2019	2020	2021
Criminal (CR)	16	8	28	34	18	25	40	11	
Traffic (TR)	19	19	27	38	56	68	45	24	
Juvenile (JV)	5	0	2	7	1	4	2	1	
CINC (JC)	0	3	7	1	6	3	6	7	
Fish & Game (FG)	0	3	1	1	0	2	0	0	
Care & Treatment (CT)	0	0	1	1	0	0	1	0	
Total DECEMBER Cases	40	33	66	82	81	102	94	43	

JURY TRIAL SCHEDULE

March

3/10 - 3/12 – Clifford Swarouth 19CR349

3/22 & 3/23 – Brady Reed 20CR166 (misdemeanors)

3/25 & 3/26 – Kyle Johnson 19CR366

April

4/1 & 4/2 – Julie Martin 20CR188

4/8 & 4/9 – Dawn Niedfeldt 19CR255

May

5/13 & 5/14 – Dean Johnson 20CR71

5/26 & 5/27 – Sherri Jones 19CR240

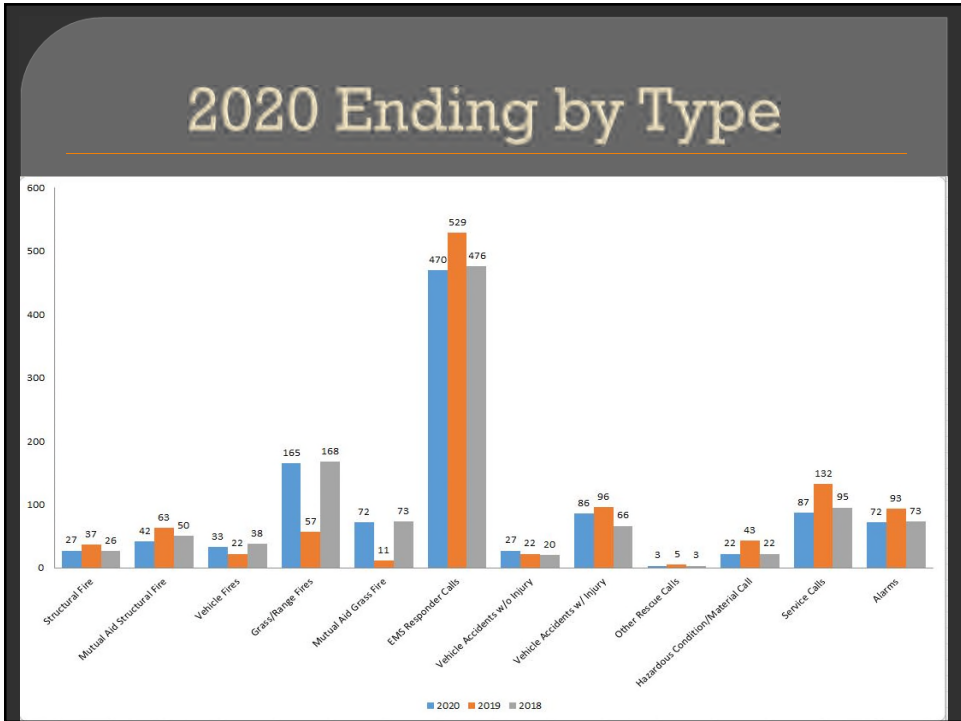
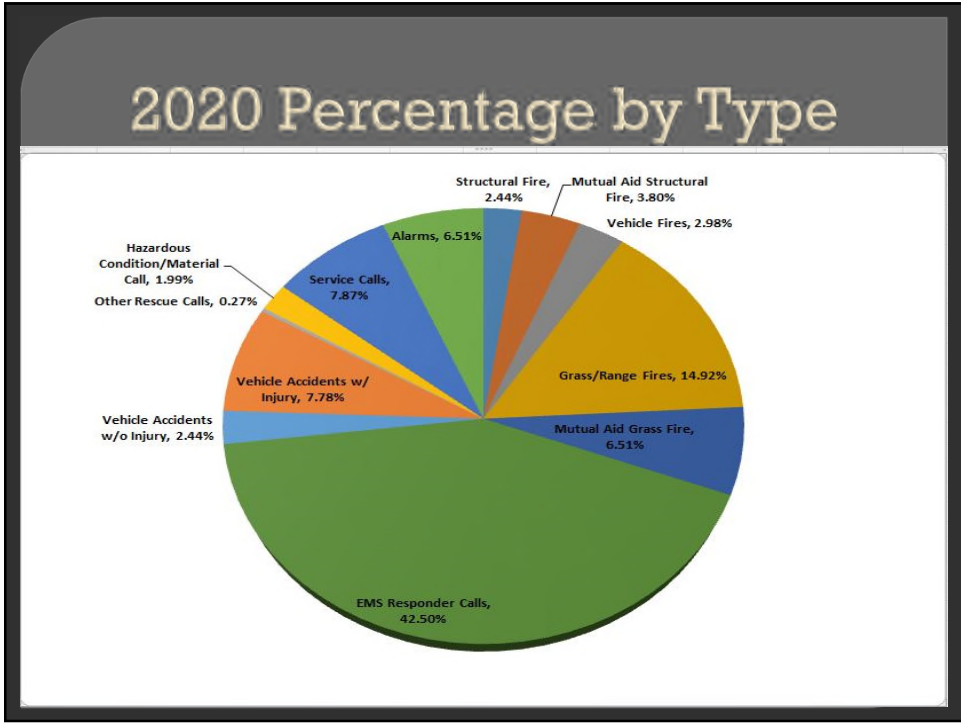
June

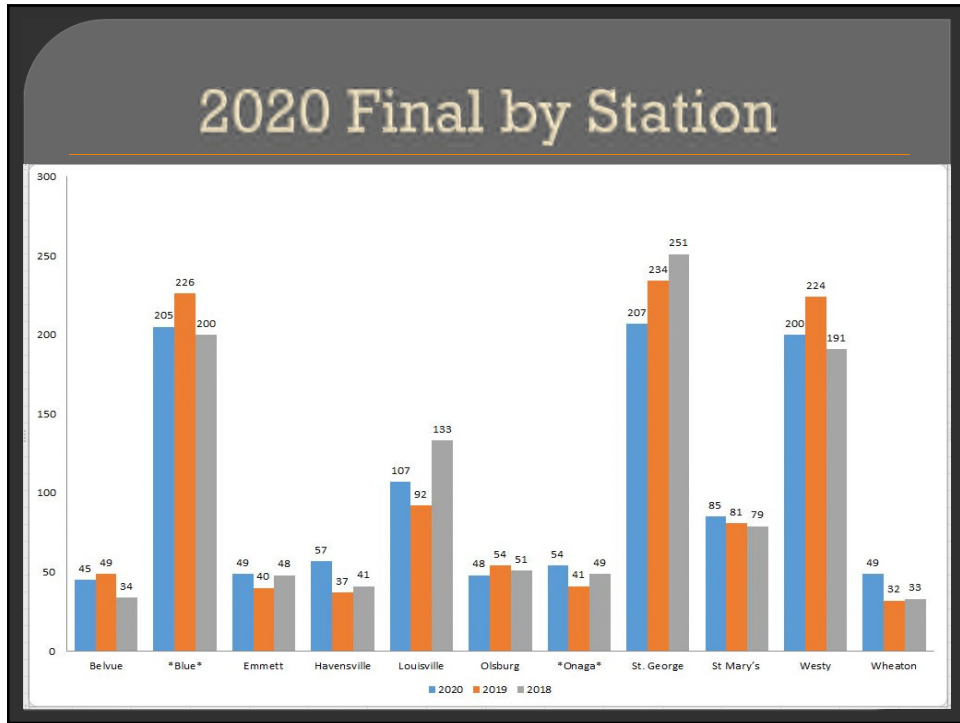
6/2 & 6/3 – Corey Schwant 20CR268

6/7 – 6/9 – David Burke 20CR303



YTD 2020 Fire Station Response Calls												
CALL TYPE	Belvue	Blue	Emmett	Havensville	Louisville	Olsburg	Onaga	St. George	St Mary's	Westy	Wheaton	Totals
Structural Fire	0	7	1	0	4	0	1	2	7	4	1	27
Mutual Aid Structural Fire	3	2	4	3	8	1	1	10	2	4	4	42
Vehicle Fires	1	2	5	1	3	2	2	2	4	8	3	33
Grass/Range Fires	10	11	9	13	15	15	17	21	18	22	14	165
Mutual Aid Grass Fire	4	7	3	6	10	2	4	11	7	9	9	72
EMS Responder Calls	13	111	17	19	44	16	5	116	12	112	5	470
Vehicle Accidents w/o Injury	0	7	1	2	6	2	1	2	0	4	2	27
Vehicle Accidents w/ Injury	4	20	1	8	5	3	5	13	5	17	5	86
Other Rescue Calls	0	1	0	0	0	1	1	0	0	0	0	3
Hazardous Condition/Material Call	1	6	0	0	1	0	1	6	4	3	0	22
Service Calls	9	4	7	5	6	6	10	10	13	12	5	87
Alarms	0	27	1	0	5	0	6	14	13	5	1	72
Total Calls	45	205	49	57	107	48	54	207	85	200	49	1106





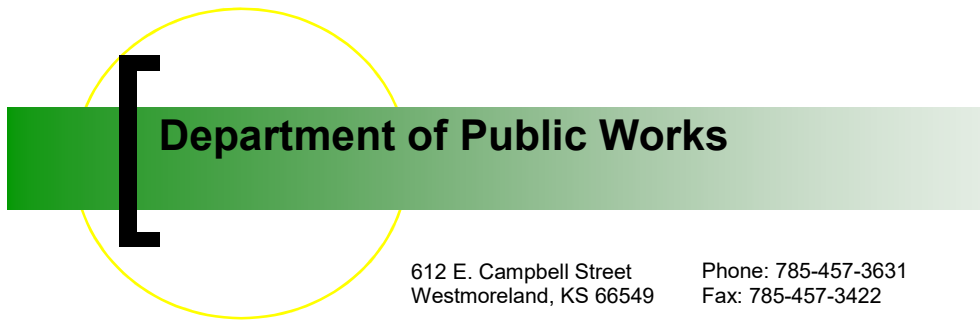
YTD 2021 Fire Station Response Calls												
CALL TYPE	Belvue	Blue	Emmett	Havensville	Louisville	Olsburg	*Onaga*	St. George	St. Mary's	Westy	Wheaton	Totals
Structural Fire	0	1	0	0	0	0	0	0	0	0	1	2
Mutual Aid Structural Fire	0	1	0	1	0	0	1	1	0	0	0	4
Vehicle Fires	0	1	0	0	0	0	0	1	0	0	1	3
Grass/Range Fires	1	1	1	1	2	1	0	1	1	1	0	10
Mutual Aid Grass Fire	0	1	1	1	2	1	0	3	2	2	2	15
EMS Responder Calls	1	12	0	1	3	3	0	12	1	9	0	42
Vehicle Accidents w/o injury	0	1	1	1	0	0	0	0	1	0	0	4
Vehicle Accidents w/ injury	0	0	0	1	1	2	0	2	0	1	0	7
Other Rescue Calls	0	0	0	0	0	0	0	0	0	0	0	0
Hazardous Condition/Material Call	0	0	0	0	0	0	0	0	0	0	0	0
Service Calls	0	0	0	0	0	0	0	0	1	0	0	1
Alarms	0	0	0	0	0	0	0	0	1	1	0	2
Total Calls	2	18	3	6	8	7	1	20	7	14	4	90

Old Air Packs

- ◉ AirPacks
 - Approximately 20 are wanted by other Pott County Departments
 - Option to get rid of the rest is through the Kansas Forest Service Kansas Equipment Donation Program.
 - Other Option is to try to sell via auction.

Emmett Station

- ◉ Remodel or build new?
- ◉ Building has some items that should be addressed sooner than later.
 - Roof needs replaced
 - Damaged Soffit needs replaced
- ◉ Met with Dustin to put a plan together for those items as well as other things that need to be done.
- ◉ Budgeted for remodel in 2019 and 2020.



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Westmoreland, KS 66549 Fax: 785-457-3422

COUNTY COMMISSION MEMORANDUM

DATE: February 22, 2021

FROM: Dustin Newman, Interim Public Works Administrator

TO: Board of County Commissioners

SUBJECT: 2021 Agricultural Land Acquisition Policy & Authorization

BACKGROUND

Public Works regularly works with adjacent land owners when designing improvements to public roads and bridges in agricultural areas. At times these improvements require that additional land be acquired for use as road right of way in order to accomplish the project. This process is essential for the timely completion of public improvement projects and in many cases does not require a substantial amount of land. In previous years the County has authorized the Public Works Director to negotiate purchases of easements and right of way within a specified range of values for agricultural land, based on land valuations established by the County Appraiser.

DISCUSSION

Robin Knoblach, County Appraiser has performed an agricultural market land analysis for the 2021 year that establishes appropriate values for different types of agricultural land. These values are contained in the report that is attached. These would be the basis for the policy that the Board of County Commissioners has for consideration, which would give the Public Works Administrator authorization to negotiate easement and right of way purchases within a certain range of values, but not to exceed a total of \$10,000. The methodology for determining the easement purchase prices are that each acquisition is not to exceed 2 times the value of the agricultural land, based on the Appraiser's market analysis for permanent easements and right of way, and not to exceed 0.2 times the value of the agricultural land for temporary easements. If temporary right of way is needed, the County can generally do this at no cost.

FINANCE

There is no direct financial impact by the authorization of this policy. The Road and Bridge Fund has operational funds that are used for the purchases of easements and right of way when it is required by specific projects.

POSSIBLE MOTION

The following alternatives are available by the Board of County Commissioners for action on this item:

1. Approve the 2021 Policy for Acquisition of Right of Way on Road and Bridge Projects.
2. Modify the item
3. Table the item for further discussion
4. Deny the policy approval

RECOMMENDATION

Public Works staff recommends that the Board of County Commissioners approve the 2021 Policy for Acquisition of Right of Way on Road and Bridge Projects.

Attachments

- 2021 Acquisition Policy
- 2020 Ag Market Analysis
- 2019 Ag Market Analysis

2020 AG MARKET LAND ANALYSIS POTTAWATOMIE COUNTY

For 2020 the analysis for market agricultural land was completed on the expanded detailed spreadsheet as suggested and provided by Property Valuation Department in Topeka. Based upon a query (Agsale) and an analysis template developed by PVD with Orion sales data showing agricultural land sales throughout the county it was determined that the following changes should be made to the appropriate land uses and soil map units.

This year the market value for agricultural land was determine by analyzing the sales by soil typing and also by a median sale price per acre. I obtained the 2017 LNI's for our county from PVD to help in determining the sale price per acre by soil type, because that was the last year of the 8 year average that was determined for Landlord Net Income.

Native and tame pasture land sales include 20 valid sales during 2018 and 2019. The median cap rate chosen for those 20 sales was .83%. The median sales ratio was 0.9986 for the median sale price per acre which is within sales ratio studies guidelines. The COD for this came in at 24.6534 which is a little above sale ratio guidelines. The median sales ratio for market values by LNI's is 0.9020. The COD was 27.508 which is over the recommended ratio for sales ratio studies. According to the final testing between market values of the LNI's and sale price per acre median value, the decision was to choose the median sale price per acre as the actual market value for native and tame pasture. The total median sales price per acre is \$2,400. The same value was applied to the tame grass designation. The native grass market value according to LNI's was \$3,856. This value was considered too high based off of current sale price per acre market value.

There were 9 dryland crop sales that were considered valid sales for the analysis and that sold in 2018 and 2019. The median cap rate applied to those sales indicated 2.90% with the median sales ratio coming in at 1.0000. The COD indicated was 28.0641 which doesn't concern me with a median sales ratio of 1.0000. The median values for cropland LNI's is coming in at \$3,879. The total median sales price per acre was \$3,784. So these values are all within the market estimation of each other. The final market value chosen for dryland crop is the median value per acre of the LNI's soil map units of \$3,880 per acre.

There were 4 valid sales considered for irrigated cropland which is more than we have had before for analysis. Considering these 4 sales, the market cap rate determined for LNI's was 2.35%. The median ratio for the 4 sales was 1.0000. The COD came out to 30.8517 which is over the guidelines for sales ratio, but doesn't concern me with the ratio coming in at 1.0000. The total median sales price by soil typing the market LNI's is \$4,795 per acre. This value seems low for irrigated cropland. Of course a lot of this depends on location and the type of soil concerned and the actual validity information of the sale.

There weren't any sales on just wasteland, but by doing analysis by soil mapping units, the market value of waste agricultural land was analyzed and determined by each productivity group of dryland crop, irrigated crop, native grass and tame grass LNI's. We chose an average LNI value for each group, applied the cap rate and took the average value from all 4 groups to determine the final value. The overall average of all four productivity groups for wasteland will be \$1,205 per acre.

2020 agricultural market median values county wide are as follows:

Native pasture	\$2,400.00 per acre
Tame pasture	\$2,400.00 per acre
Dry crop	\$3,880.00 per acre
Irrigated Crop	\$4,800.00 per acre
Waste	\$1,205.00 per acre

Lois E. Schlegel, RMA
Pottawatomie County Appraiser
Assisted by Mike Dallman
PVD Field Supervisor
January 8, 2020

2021 AG MARKET LAND ANALYSIS POTTAWATOMIE COUNTY

For 2021 the analysis for market agricultural land was completed on the expanded detailed spreadsheet as suggested and provided by Property Valuation Department in Topeka. Based upon a query (Agsale) developed by PVD with Orion sales data showing agricultural land sales throughout the county it was determined that the following changes should be made to the appropriate land uses and soil map units.

This year the market value for agricultural land was determine by analyzing the sales by soil typing and also by median sale price per acre. The 2018 LNI's for our county from PVD to help in determining the sale price per acre by soil type.

Native and tame pasture land sales include 34 valid sales. The median cap rate chosen for those 34 sales was .77% and the median sales ratio was 1.000 which is right where it should be. The COD was 28.4201 which is a little over the recommended ratio for sales ratio studies. This doesn't concern me with the median ratio being at 1.000. The median sales ratio for market values by LNI's is 1.1605. The COD is 20.919 which is over the recommended ratio for sales ratio studies. According to the final testing between market values of the LNI's and sale price per acre median value, the decision was made to choose the median sale price per acre as the actual market value for native and tame grass pasture. The total median sales price per acre is \$2,700. The native grass market value according to the LNI's was \$3,522. This value was considered too high based off of the current price per acre market value.

There were 6 dryland crop sales that were considered valid sales for the analysis. The median cap rate applied to those sales indicated 3.01% with the median sales ratio coming in at 1.0000. The COD indicated was 29.3021 which doesn't concern me with a median sales ratio of 1.0000. The median values for cropland LNI's is coming in at \$3,805. The total median sales price per acre is at \$3,676. The final decision was made to let the market LNI's dictate the market value of \$3,805 for dry crop.

There were 4 valid sales used for the irrigated land analysis. They are from year 2018. We had no sales in 2019 or 2020. The market cap rate determined for LNI's was 2.04%.The median ratio was 1.0000. The COD came in at 12.3669. The total median sales price by soil typing the market LNI's is \$5,621 per acre. It is my final decision to make this the ag market value of irrigated land acres.

There weren't any sales on just wasteland, but by doing analysis by soil mapping units, the market value of waste agricultural land was analyzed and determined by each productivity group of dry land, irrigated, native and tame grass LNI's. We then chose and average LNI value for each group and applied the cap rate and took the average value from all 4 groups to determine the final value. The overall average of all four groups of wasteland will be \$1,205.

There was no trend analysis completed for this Ag market study. Per Mike Dallman, PVD, if only 2 years of sales are used, there is no need to complete a trend.

2021 agricultural market median values county wide are as follows:

Native pasture	\$2,700 per acre
Tame pasture	\$2,700 per acre
Dry crop	\$3,800 per acre
Irrigated Crop	\$5,600 per acre
Waste	\$1,205 per acre

Robin R. Knoblauch, RMA
Pottawatomie County Appraiser
January 27, 2021

The County Commission authorizes the Public Works Administrator/County Engineer to act on behalf of Pottawatomie County in the Acquisition of right-of-way per the adopted County Policy.

Chairperson, Greg Riat

Pottawatomie County Commission

Attest:

Dawn Henry, County Clerk



COUNTY COMMISSION MEMORANDUM

DATE: February 22, 2021

FROM: Dustin Newman - Interim Public Works Administrator

TO: Board of County Commissioners

SUBJECT: 2021 DUST CONTROL PROGRAM

BACKGROUND

County gravel roads are typically known for producing dust as traffic wears down the rock aggregate into fine particles, which are blown into the air by passing vehicles and wind. Dust amounts are influenced by type of rock, weather and traffic volumes. Complaints always increase when the weather is dry and more complaints are happen in areas where there is more traffic. Dust is considered a nuisance to travelers and adjacent property owners and also a travel hazard when the dust is produced to the extent that it impedes visibility of the road and reduces the stopping sight distance. It is also a sign of road rock being destroyed and carried from the road. Eventually this will need to be replaced in order to maintain the surface.

Dust control is a process employed by a number of county and other rural agencies throughout the nation to apply an agent to the gravel road that will reduce the amount of dust that is produced by traffic and that is then carried into the air. Magnesium Chloride (MgCl) is a popular dust suppressant that when applied to gravel, works as a hydrophilic agent, attracting ambient moisture out of the air to keep the rock aggregate in a constant state of slight moisture. This moisture binds the fine aggregate particles together and to other larger particles such that they do not become light enough to be carried into the air. This reduces or eliminates the amount of dust that affects adjoining properties and keeping current stopping sight distances from being reduced. Another benefit to this moisture being held within the rock surface is that the rock particles pack together more tightly, which can have an impact on the amount of maintenance (motor grader dragging and blading) that is required to keep the surface in an acceptable condition for the traveling public.

Past Dust Control Costs

Pottawatomie County has offered a cost-share dust control program for landowners and residents along gravel roads since the year 1999, using MgCl. Eleven applications were received in the program's first year. Participation in this program has increased nearly every year until 2017 when

the County significantly increased the application cost. This cost rose from \$175 for the minimum 500 foot application in 2015, to \$200 in 2016, to \$315 in 2017 and to \$394 in 2018. In 2016, 192 applications were received, even with the slight increase in the minimum application cost (14%).

In 2017 the number of applications dropped to 123, and then to 79 in 2018, and then to 55 in 2019, likely due to the significant increase in the minimum application cost. In 2020 the County received 54 applicants.

The reasoning for the increase in cost, which was authorized by the Board of County Commissioners, was that the dust control program up to that point had been heavily subsidized by the County at large, as the majority of the costs associated with the dust control application was absorbed by the Road and Bridge operating budget. The actual 2017 cost of the MgCl product was approximately \$394 for a 500 foot gravel road section, 20 foot in width. In addition to the MgCl product cost, Road and Bridge also contributed significant labor, equipment, and other material costs to make each dust control application as successful as possible. The total costs for a 500 foot application are estimated to be \$1,000.

The 2019 cost of the MgCl suppressant product delivered and sprayed onto the road surface was \$1.03 per gallon. A 500' x 20' road section (minimum application amount) requires 389 gallons at a rate of 0.35 gallons per square yard for a total product cost per standard application of \$400. *(The product suppliers recommend an application rate of 0.5 gallons per square yard applied in two passes; Pottawatomie County has chosen in previous years to use the 0.35 gallons/sy rate to reduce cost. Increasing the rate to 0.5 gallons/sy would increase the product cost to \$572 for a standard 500' application. The product, however, would perform better, reducing dust for a longer time period (approximately 43% longer), if the recommended rate were to be used.)*

The cost to prepare the road prior to application, including adding gravel, grading and applying water is approximately \$570 for the minimum 500-foot treatment. The fact that the road would normally need rock and blading without the dust control program does not factor into or reduce this cost because of the gross inefficiency of preparing the road in 500' sections and timing to coincide with the suppressant application schedule. Staff time to administer the program adds another \$50 to the cost of each application.

2019 County Dust Control Projects – Unilateral Applications

In 2019 the County also applied a Magnesium Chloride Treatment to all public gravel roads that carry *over 200 vehicles per day* that were not part of a subdivision (**approximately 23 miles of gravel roads**), based on recent traffic counts taken by the county. This was in order to take a proactive approach to mitigating the substantial impacts of traffic on these gravel roads, not only from a dust suppression standpoint, but also to benefit from the gains of the MgCl treatment on overall road maintenance.

Other Kansas Counties

Several other counties in Kansas offer dust control programs for their gravel roads. Some apply dust suppressant for entire road sections at no additional cost to abutting residents based on daily traffic counts exceeding established thresholds. Other counties provide the service but the

applicants pay 100% of the product costs and the county provides the road preparations and manages the application logistics. Some counties do not have a program but do allow landowners to contract directly with dust suppressant providers for this service. Of all of the counties queried, none provides dust control for individual applicants on a cost-share basis similar to what Pottawatomie County has done.

Pottawatomie County historically has one of the largest dust control programs in Kansas. This is most likely due to the subsidized cost. If the applicants were to pay the total cost of the product in 2021, their cost would increase from \$407.00 to \$415.00. If the recommended application rate of 0.50 gallons/sy were used, the cost would rise further. If the County's equipment, labor and material costs were also charged to the applicant, the cost would further increase to \$1,000 or more per 500 foot application. This increase would likely further reduce program participation than what has happened in the last few years.

DISCUSSION

Due to COVID-19 in 2020 the County opted out of the County Spray. However, in 2021 the commission gave authorization to the Interim Public Works Administrator to go out to bid on MgCl treatment as well as approval for the new plan for 2021.

We will be implementing a rotational plan spraying the first set of 10 miles in 2021 and the second set of approved 10 miles in 2022. This will allow us to continue the County Spray, save taxpayer dollars and continue to keep the roads safe for our drivers.

We do not foresee an issues with the rotational plan as vendor recommendations are every 3 years for spray. Additionally, when skipping the 2020 county spray we did not see any damage to the roads and found that the prior year spray continued to work.

Staff recommends that we proceed with this plan, with a unilateral MgCl dust suppression application on the prior approved roads awarding Scottwood the bid. Additionally, staff proposes that a public application process be available to those of the general public that wish to receive a MgCl dust suppression on a public road adjacent to their property that is not covered in the County's unilateral program. Scottwood bid a \$415.00 application fee for a 500 foot minimum treatment, and \$0.83 per linear foot of additional treatment over the 500 feet. This value is equal to the total product cost of \$1.07 per gallon and is the lowest bid received by Public Works in 2021.

FINANCE

The 2021 Road and Bridge operating budget will pay all of the cost for the dust control program, with the proceeds of the applications paid back to the Road and Bridge Budget for the purpose of paying for that material used. The anticipated cost of material for the unilateral portion of the program is anticipated to be approximately \$45,000, and the public application portion will be based on the total number of applications.

POSSIBLE MOTION

The following alternatives are available by the Board of County Commissioners for action on this item:

1. Award Scottwood the bid for the 2021 Dust Control program to apply dust control to the prior approved 10 miles of roads in 2021. Additionally, approve the County plan to continue the private application process with a \$415.00 application fee for the minimum 500 foot treatment and \$0.83 for each additional linear foot of roadway treatment.
2. Modify the above option.
3. Table the item for further discussion.
4. Discontinue the dust control program for 2021.

RECOMMENDATION

Public Works staff recommends that the Board of County Commissioners authorize Public Works to award Scottwood the 2021 Dust Control program bid and to execute the 2021 Dust Control Program.

Attachments

- 2021 MgCl Bids

2021 Dust Control Bids

	Price per gallon
Envirotech Services Inc.	
RoadSaver	\$1.39
Durablend	\$1.69
Scotwood Inc.	\$1.07

**POTTAWATOMIE COUNTY PUBLIC WORKS DEPARTMENT
2021 MAGNESIUM CHLORIDE QUOTATIONS**

METHOD: Delivered to sites within Pottawatomie County.

% Solution 30 % Minimum delivered quantity 4300 GALS

Price per gallon (tanker) \$ 1.065 Price per gallon (min. delivery) \$ 1.28

Demurrage charge \$ 85 per hour, after 2 hours of spraying time.

COMPANY NAME: Scotwood Industries, LLC.

COMPANY ADDRESS: 12980 Metcalf Ave., Ste. 240

Overland Park, KS 66213

PHONE NUMBER: 913-851-3500/800-844-2022

FAX NUMBER: 913-851-3553

COMPANY REPRESENTATIVE: Michelle Nations
Michelle Nations; Director, Liquid Division

**POTTAWATOMIE COUNTY PUBLIC WORKS DEPARTMENT
2021 MAGNESIUM CHLORIDE QUOTATIONS**

durablend

METHOD: Delivered to sites within Pottawatomie County.

% Solution 30 % Minimum delivered quantity 4,250

Price per gallon (tanker) \$ 1.69 Price per gallon (min. delivery) \$ 1.69

Demurrage charge \$ 95 per hour, after 2 hours of spraying time.

COMPANY NAME: EnviroTech Services, Inc.

COMPANY ADDRESS: 910 54th Avenue, Suite 230
Greeley, CO 80634

PHONE NUMBER: 970-346-3900

FAX NUMBER: 970-346-3959

COMPANY REPRESENTATIVE: 

**POTTAWATOMIE COUNTY PUBLIC WORKS DEPARTMENT
2021 MAGNESIUM CHLORIDE QUOTATIONS**

RoadSaver

METHOD: Delivered to sites within Pottawatomie County.

% Solution 30 % Minimum delivered quantity 4,250

Price per gallon (tanker) \$ 1.39 Price per gallon (min. delivery) \$ 1.39

Demurrage charge \$ 95 per hour, after 2 hours of spraying time.

COMPANY NAME: EnviroTech Services, Inc.

COMPANY ADDRESS: 910 54th Avenue, Suite 230

Greeley CO 80634

PHONE NUMBER: 970-346-3900

FAX NUMBER: 970-346-3959

COMPANY REPRESENTATIVE: 

RESOLUTION NUMBER 2021-11

A RESOLUTION ANNEXING CERTAIN REAL ESTATE INTO THE BLUE TOWNSHIP SEWER BENEFIT DISTRICT

WHEREAS, a Petition was filed in the Office of the County Clerk of Pottawatomie County, Kansas, by Whispering Meadows Development, LLC, requesting that certain real estate described in said Petition be annexed into the Blue Township Sewer Benefit District, a sewer benefit district organized and existing in Pottawatomie County, Kansas, and

WHEREAS, Notice of Public Hearing was published in the official county newspaper as provided by law, and

WHEREAS, on the 22nd day of February, 2021, at 10:00 o'clock A.M., a public hearing was held before the Board of County Commissioners of Pottawatomie County, Kansas, and after considering all testimony presented at such public hearing, on motion duly made, seconded, and approved unanimously, the Board of County Commissioners of Pottawatomie County, Kansas, approved the annexation of the requested real estate into the Blue Township Sewer Benefit District.

NOW, THEREOFRE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POTTAWATOMIE COUNTY, KANSAS:

Section 1: The following described real estate, to wit:

A tract of land in the Northeast Quarter of Section 2, Township 10 South, Range 8 East of the Sixth Principal Meridian in Pottawatomie County, Kansas described as follows:

Beginning at a point on the East line of the said Northeast Quarter (NE1/4) that is South 00°25' 20" West, 450.02 feet from the Northeast corner of the said Northeast Quarter (NE1/4); thence along the said East line, South 00°25'20" West, 918.62 feet to the Northeast Corner of Whispering Meadows Unit Four, a subdivision in Pottawatomie County, Kansas, as recorded in Plat Book E on Page 46 at the Pottawatomie County Register of Deeds Office; thence along the Northerly line of said Whispering Meadows Unit Four , the following NINE COURSES: COURSE ONE: North 89°39'37 West, 185.09 feet; COURSE TWO: North 76°45'12" West, 61.56 feet; COURSE THREE: North 89°39'41" West, 160.05 feet; COURSE FOUR: South 68°07'59" West, 304.00 feet; COURSE FIVE: South 50°58' 22" West, 62.83 feet; COURSE SIX: South 68°07' 59" West, 121.60 feet; COURSE SEVEN: North 23°21'14" West, 268.89 feet; COURSE EIGHT: South 59°55'24" West, 68.12 feet; COURSE NINE: South 52°12' 25" West, 969.06 feet to the Northwest corner of said Whispering Meadows Unit

Four; thence along the West line of said Whispering Meadows Unit Four, South 00°46'34" East, 154.26 feet to the Southwest corner of said Whispering Meadows Unit Four, said point being the Northwest corner of Lot 29, Whispering Meadows Unit Two, a subdivision in Pottawatomie County, Kansas, as recorded in Plat Book D on Page 149 at the Pottawatomie County Register of Deeds Office; thence along the Northerly and Westerly lines of said Whispering Meadows Unit Two, the following SIX COURSES: COURSE ONE: South 00°46'38" West, 278.91 feet; COURSE TWO: North 46°59'13" West, 193.88 feet; COURSE THREE: South 43°00'47" West, 122.10 feet; COURSE FOUR: South 54°03'59" West, 61.13 feet; COURSE FIVE: South 45°41'46" West, 224.29 feet; COURSE SIX: South 00°17' 40" West, 236.50 feet to the Southwest corner of said Whispering Meadows Unit Two, said point being on the South line of the Northeast Quarter (NE1/4) of said Section 2; thence along the said South line, South 89°25'57" West, 454.13 feet to the Southwest corner of the said Northeast Quarter (NE1/4); thence along the West line of the said Northeast Quarter (NE1/4), North 00°33' 41" East, 2309.94 feet to a point 450.01 feet South of the Northwest corner of the said Northeast Quarter (NE1/4); thence South 89°54'10" East, 2648.83 feet (measured) vs. 2646.66 feet (described) to the Point of Beginning, LESS Whispering Meadows Unit Five, a subdivision in Pottawatomie County, Kansas, as recorded in Plat Book E on Page 122 at the Pottawatomie County Register of Deeds Office and LESS Whispering Meadows Unit Six, a subdivision in Pottawatomie County, Kansas, as recorded in Plat Book E on Page 176 at the Pottawatomie County Register of Deeds Office. Said tract contains 53.4 acres, more or less.

Subject to easements and rights of way of record.

The above property describes the remaining un-platted portions of Whispering Meadows Subdivision, a 139-acre tract with 325 possible residential lots located north of Harvest Road and west of Lake Elbo Road.

is hereby ordered to be annexed into the Blue Township Sewer Benefit District

Section 2: This Resolution shall be published in the official county newspaper.

Section 3: This Resolution shall be become effective upon its publication in the official county newspaper.

Passed and adopted by the Board of County Commissioners of Pottawatomie County, Kansas, this 22nd day of February, 2021.

Board of County Commissioners of Pottawatomie
County, Kansas

Greg Riat, Chairman

Dennis P. Weixelman, Member

Deloyce McKee, Member

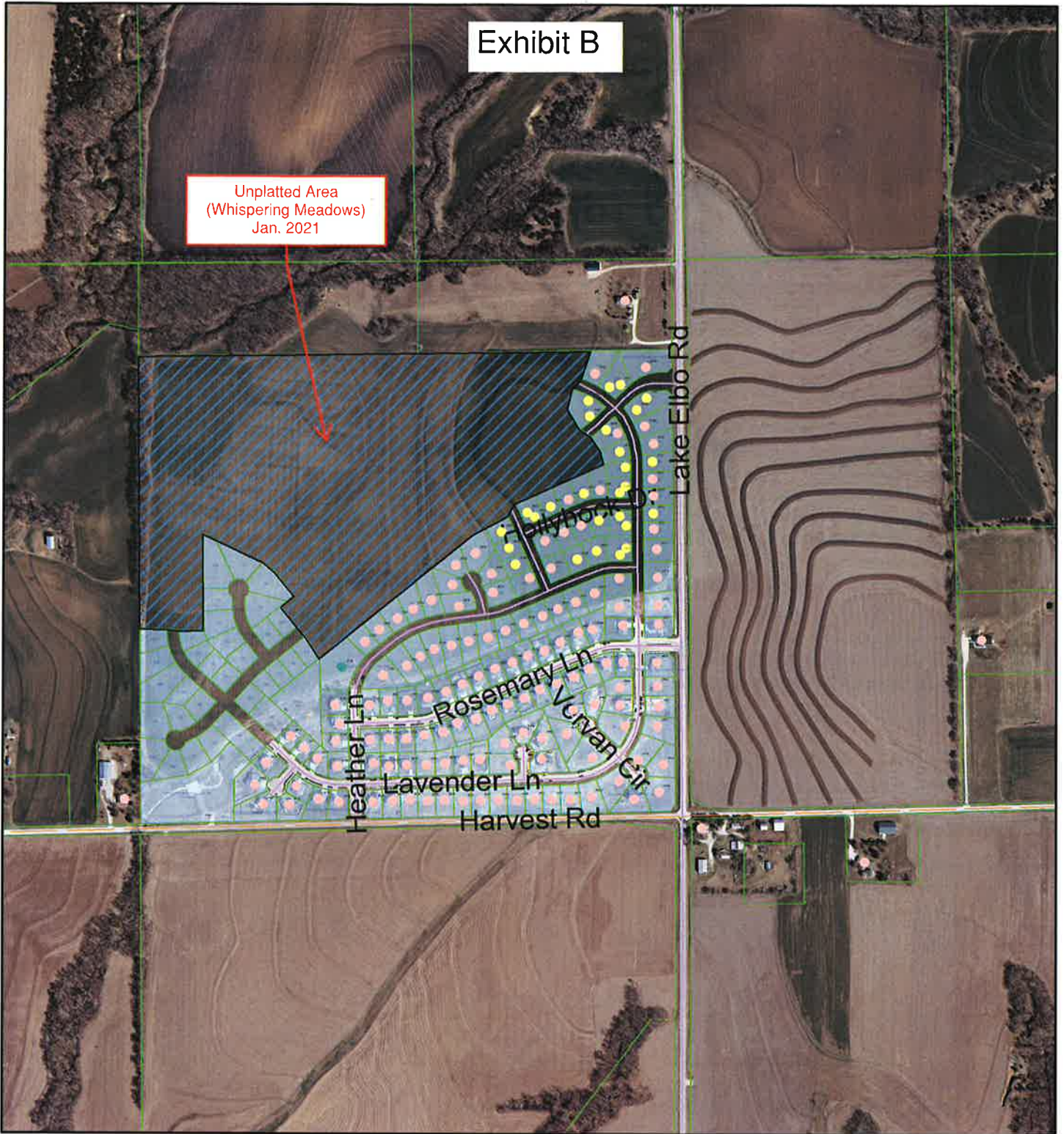
Attest:

County Clerk

Pottawatomie Co KS

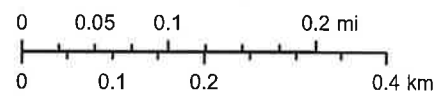
Exhibit B

Unplatted Area
(Whispering Meadows)
Jan. 2021



March 19, 2019

1:8,262



- | | | |
|---------------|--------------|--------------------------|
| · Business | — State Hwy | — Lake Rd |
| · Other | — Paved Rd | — Future Rd |
| · Residential | — Gravel Rd | · Parcel Detail Boundary |
| · Vacant | — Dirt Rd | · Subdivisions |
| — Divided Hwy | — Private Dr | |