

January 3, 2022

The Board of Ellis County Commissioners met in regular session at 5:00 pm Monday, January 3, 2022, in the Commission Chambers, at the Administration Center, 718 Main Street, Hays, Kansas. Chair Robert “Butch” Schlyer called the meeting to order. Commissioners present: Chair Robert “Butch” Schlyer and Commissioner Neal Younger. Commissioner Dean F. Haselhorst was absent . Also present were County Administrator Darin Myers, County Counselor Bill Jeter and County Clerk Bobbi L. Dreiling. The meeting opened with the Pledge of Allegiance.

ORDER OF BUSINESS

There were no changes to the order of business.

EXECUTIVE SESSION

There will be two executive sessions.

APPROVAL OF PRIOR MINUTES

Chair Schlyer asked for any changes to the draft minutes of December 20. No changes were given; the draft minutes were approved as presented.

CONSENT AGENDA

Motion: _____ **Younger** _____ **Second** _____ **Schlyer**

To approve the Consent Agenda items A-G as presented, including the following:

Payment Voucher Claims

Accounts Payable dated January 4 in the amount \$189,818.71

Purchase Card dated December 22 in the amount of \$84,674.31

Payroll #26 dated December 12 through December 25 in the amount \$487,504.53

Cereal Malt Beverage License #2022-1 to Hays Recreation Commission

Purchase Order #7639 to Hawk Equipment Company for \$32,000

Purchase Order #7641 to Vogts Porga Construction for \$1,125,719.15

Purchase Order #7640 to Driggs Design Group for \$75,680.40

Tax Adjustments

Tax roll adjustment number 2022000001

Disposition: _____ **Motion was carried by a voice vote of two to zero**

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

None.

INTRODUCTION OF NEW EMPLOYEES

Interim EMS Director Danita Schroeder introduced new employee Natasha Schumacher.

APPRAISER UPDATE ON FIRE DAMAGES

County Appraiser Lisa Ree talked about the recent fires that took place on December 15-17. The County Clerk has received one application for property tax relief for a homestead destroyed by fire. The County’s application form states that the application must be received by December 20th in the same year. Ree feels the application deadline is a bit stringent and would like to change the deadline date. In speaking with County Counselor Jeter, it was decided that how the law read it could be interpreted differently. Ree is asking that the wording be changed to be December 20 the following year as the

deadline. Schlyer asked what other counties had on their applications. Ree said she did not know other than the one county that she got the County's application from. Schlyer and Younger both agreed that the application deadline should be changed to reflect the deadline of December 20 of the next year as the new deadline date. Ree told the Commission that her office is in the process of reviewing all the properties that were damaged in the fire/wind storm. She is asking for public assistance by notifying her office of any structures that were damaged or destroyed during the storm. She said there may be a small financial impact based upon how property tax relief applications are received and approved.

CATHEDRAL ROAD AWARD BID

Public Works Director Branden Mackay and Victoria Mayor John Schulte is asking the Commission to approve the base bid and add alternate for the Cathedral Avenue Project. Three bids were received:

1. Morgan Brother Construction in the amount of \$2,144,526.54
2. Vogts Parga Construction, LLC in the amount of \$2,176,985.16
3. Paul Wertenberger Construction in the amount of \$2,184,786.00.

All three have the resources to complete the project. Recent work in the area from the three companies include: 230th Ave and 55th St (Morgan Brothers Construction), 45th St and Walmart Area (Vogts Parga Construction, LLC), 27th St (Paul Wertenberger Construction). Paul Wertenberger Construction has prior commitments and would be unable to finish the project in 2022 and would come back in 2023 to finalize construction. Schlyer commented that he wasn't pleased with the Morgan Brother Construction on 45th Street; Younger concurred.

Motion: _____ **Schlyer** **Second:** _____ **Younger**

I move to approve the base bid and add alternate from Vogts Parga Construction, LLC in the amount of \$2,176,985.16 and I move to approve the supplement contract for Construction Inspection from Driggs Design Group, PA in the amount of \$126,134.00, and allow the Public Works Director to sign the Cathedral Avenue Supplement Agreement #1 Construction Engineering Services.

Disposition: _____ **Motion passed by a voice vote of two to zero.**

LOWBOY EQUIPMENT TRAILER

Public Works Director Brendan Mackay asked for approval to purchase a 1998 TA5ONGB Fontaine Lowboy Equipment trailer from Hawk Equipment Company for \$32,000. In the Fall of 2021 staff purchased two dump trucks instead of one. The current truck and trailer combo requires the use of a winch which needs costly repairs to load and unload equipment. The proposed trailer has a detachable neck which makes the winch not necessary. The trailer also includes a pony motor to actuate the hydraulic system, but staff would like to add a hydraulic kit (wet kit) to the truck to leave the pony motor as a backup. Although this trailer is an older model, it is in great shape and staff does not anticipate any repairs needed before it can enter service. If purchased, staff would be able to sell the winch and current trailer on an upcoming purple wave auction or similar. Schlyer asked if this was in the budget. Mackay said there was funds in Fund 16.

Motion: _____ **Younger** **Second:** _____ **Schlyer**

I move to approve the purchase of the 1998 TA5ONGB Fontaine Lowboy Equipment trailer from Hawk Equipment Company for \$32,000.

Disposition: _____ **Motion passed by a voice vote of two to zero.**

2022 AGREEMENT TO TREAT NOXIOUS WEEDS FOR KANSAS DEPARTMENT OF TRANSPORTATION (KDOT)

Noxious Weed Control Supervisor Gary Haas discussed the 2022 County Agreement to treat noxious weeds for Kansas Department of Transportation (KDOT). Labor rates were updated with an increase in 2020 and equipment rates were increased in 2017. After reviewing current labor, benefits, fuel and equipment costs, and conferring with other weed departments in the State, Haas recommends we keep our labor rate at \$36 an hour. If approved this would reflect a \$4 per hour increase for the ¾ ton truck in addition to the UTV sprayer.

Motion: _____ **Schlyer** **Second:** _____ **Younger**

I move that the Commission approve the 2022 Kansas Department of Transportation Bureau of Maintenance County Agreement to treat noxious weeds contract and authorize Commission Chair to sign.

Disposition: _____ **Motion passed by a voice vote of two to zero.**

ELLIS COUNTY BURN BAN

County Administrator Darin Myers asked the Commission to consider the continuation of the burn ban. Since Ellis County has not received measurable moisture for nearly two months, Myers is asking for the continuation of the burn ban. On December 21 Commission Younger requested the Ellis County Fire Chief to implement the burn back into the unincorporated areas of Ellis County. The burn ban is currently in place until a reasonable amount of moisture is received. Myers asked if the burn ban can be updated to include allowing the burning of trash in the unincorporated areas of the county. Schlyer said it is important to burn household waste so he agrees. Younger agrees, but he is concerned about the size of the containers that are used and would like to see nothing larger than a 55-gallon barrel. Myers was told to proceed.

WAIVE GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) STANDARDS RESOLUTION

County Administrator Darin Myers asked the Commission to adopt Resolution 2022-01 waiving the GAAP Standards. Kansas laws generally require local governments to prepare financial statements conforming to the GAAP standards. It is, however, acceptable to request to waive this requirement from the Director of Accounts and Reports with the State Department of Administration. Ellis County's financial advisor and auditor were both contacted regarding waiving these standards and its impact to the County. There would be a significant amount of time, reporting, collection of information, and costs if the GAAP Standards were adopted. By waiving these standards, it would not have any impact on the County trying to issue any bonds, if necessary, in 2020. It is also noted by waiving these standards it does not change the level of financial transparency to the taxpayers. Ellis County has requested this same practice since approximately 2004. Staff recommends adopting the resolution requesting the Director of Accounts and Reports to waive the GAAP requirement for Ellis County and conform to the Regulatory Basis of Accounting.

Motion: _____ **Younger** **Second:** _____ **Schlyer**

I move to adopt Resolution 2022-01, waiving the GAAP Standards.

Disposition: _____ **Motion passed by a voice vote of two to zero.**

RESOLUTION 20 22-01 **RESOLUTION OF THE BOARD OF ELLIS COUNTY COMMISSIONERS**

WHEREAS, Ellis County is required under K.S.A. 75-1120a (a) to utilize accounting and fiscal procedures in preparation of financial statements and financial reports that conform to generally accepted accounting principles as promulgated by the Government Accounting Standards Board (GASB)

and the American Institute of Certified Public Accountants (AICPA) and adopted by rules and regulations of the Director of Accounts and Reports, and

WHEREAS, Ellis County is permitted under K.S.A. 75-1120a (c) (1) to request the Director of Accounts and Reports to waive the requirements under K.S.A. 75-1120a (a) and the Director of Accounts and Reports shall grant the waiver to the extent requested by the governing body, and

WHEREAS, the Ellis County Commission has determined that financial statements and financial reports required under K.S.A. 75-1120a (a) are not relevant to the requirements of the cash-basis and budget laws of this state and are of no significant value to the County Commission or the members of the general public of the County, and

WHEREAS, Ellis County does not have any revenue bond ordinances or resolutions or other ordinances of the County that require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a (a) for the year ended December 31, 2022,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS, a request be made to the Director of Accounts and Reports to waive the requirements of K.S.A. 75-1120a (a) as they apply to Ellis County for the year ended December 31, 2022, and

BE IT FURTHER RESOLVED that the Board of Ellis County Commissioners shall cause the financial statements and financial reports of Ellis County to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash-basis and budget laws of the State.

Dated this 3rd day of January 2022.

BOARD OF COUNTY COMMISSIONERS

Robert "Butch" Schlyer, Chair
Neal Younger, Commissioner
Dean F. Haselhorst, Commissioner

ATTEST:

Bobbi Dreiling, County Clerk

COUNTY ADMINISTRATOR REPORT

County Administrator Darin Myers reminded the Commission about the after-event meeting to discuss the damage from the fire/windstorm from December 15 which will be held January 11 at 5:30 pm in the basement of the Emergency Services building. This will be a question and answer session, and the public is invited to attend. He discussed the RHID that the City just agreed to. He is asking the Commission to either opt out or oppose the RHID. Schlyer and Younger both indicated they are not opposed to it. He asked the Commission for their approval to pay the Kansas Association of County membership bill for \$7,729.86 that comes out of the Commission budget. Commissioners approved the expense.

COUNTY COMMISSION REPORT

Commissioner Younger went through the paid invoice report and wanted to thank everyone for their services and going to training. He did a walk-through of a building with an updated HVAC system with Glassman Corporation and he was very impressed. Commission Schlyer had no report.

EXECUTIVE SESSION

Motion: _____ **Schlyer** **Second:** _____ **Younger**

To recess into Executive Session for 10 minutes under the following exception to the Kansas Open Meeting Act pursuant to preliminary discussion of acquisition of real estate exception with the subject to be discussed during executive session is potential land purchase. Those persons to attend Chair Butch Schlyer, Commissioner Neal Younger, County Counselor Bill Jeter, County Administrator Darin Myers and Public Works Director Brendan Mackay.

Disposition: _____ **Motion passed by a voice vote of two to zero.**

The Executive Session started at 5:40 pm.

The Open Session resumed at 5:50 pm with no action taken.

Motion: _____ **Schlyer** _____ **Second:** _____ **Younger**

To recess into Executive Session for 15 minutes under the following exception to the Kansas Open Meeting Act pursuant to the non-elected personnel matter exception with the subject to be discussed during executive session is personnel issues. Those persons to attend Chair Butch Schlyer, Commissioner Neal Younger, County Counselor Bill Jeter and County Administrator Darin Myers.

Disposition: _____ **Motion passed by a voice vote of two to zero.**

The Executive Session started at 5:55 pm.

The Open Session resumed at 6:10 pm with no action taken.

ADJOURNMENT

With no further business, Chair Schlyer adjourned the meeting at 6:11 pm. The next regular meeting will be held on Monday, January 10, 2022, the Administrative Center Commission Chambers, 718 Main Street, Hays, Kansas at 5:00 pm.

BOARD OF ELLIS COUNTY COMMISSIONERS

ROBERT "BUTCH" SCHLYER, CHAIR

NEAL YOUNGER, COMMISSIONER

ABSENT

DEAN F HASELHORST, COMMISSIONER

ATTEST:

BOBBI L DREILING
ELLIS COUNTY CLERK