

February 14, 2022

The Board of Ellis County Commissioners met in regular session at 5:00 pm Monday, February 14, 2022, in the Commission Chambers, at the Administration Center, 718 Main Street, Hays, Kansas. Chair Robert “Butch” Schlyer called the meeting to order. The meeting opened with the Pledge of Allegiance. Commissioners present: Chair Robert “Butch” Schlyer, Commissioner Joe Leroux and Commissioner Neal Younger. Also present were County Administrator Darin Myers, County Counselor Bill Jeter and County Clerk Bobbi L. Dreiling.

### **ORDER OF BUSINESS**

There were no changes to the order of business.

### **EXECUTIVE SESSION**

There will be one executive session.

### **APPROVAL OF PRIOR MINUTES**

Chair Schlyer asked for any changes to the draft minutes of February 7th. No changes were given; the draft minutes were approved as presented.

### **CONSENT AGENDA**

**Motion:** \_\_\_\_\_ **Leroux** \_\_\_\_\_ **Second** \_\_\_\_\_ **Younger**

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

#### **Payment Voucher Claims**

Accounts Payable dated February 9 in the amount \$565.10

Payroll #3 dated January 9 through January 23 – February 5 in the amount \$420,406.45

Waste Connections for solid waste dated February 9 in the amount \$18,133.31

Open Edge for credit card charges for solid waste dated February 10 in the amount of \$611.93

State of Kansas for the GO Bond interest dated February 9 in the amount of \$39,825.

#### **Tax Adjustments**

Tax roll adjustment numbers 2022000061-72,2022000049

**Disposition:** \_\_\_\_\_ **Motion was carried by a voice vote of three to zero**

### **ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS**

None.

### **EMPLOYEE SERVICE AWARDS**

Human Resource Coordinator Jackie Schumacher presented the names of employees who have reached a five-year milestone of employment with the County. Awards were also given by the Kansas Association of Counties (KAC) for employees celebrating eight-year anniversaries with the County.

**5 Years** Requeta Moroni (Attorney), Brandon Kuhn (Public Works), Covey Becker (Sheriff), Ty McCullouch (Sheriff), Braden Parke (Sheriff), Davis Whisman (Sheriff), (Paid Per Call Fire) Russ Kohl, Nathan Kuhn, Dylan McKinney, Jacob Meis, Harry “Zane” Stipe, Cole Weigel

**8 Year KAC Awards** Kimberly Gabel (Attorney), Bobbi Dreiling (Clerk), Ruth Mermis (Clerk), Eleanor Durr (EMS), Eric Vonlintel (Public Works)

**10 Years** Timothy Epperson (Public Works), Lance Fisher (Sheriff), (Paid Per Call Fire) Cole Dreiling, Justin Scheck

**15 Years** Thomas Garner (Sheriff), Brian Shannon (Sheriff), Brian Walker (Sheriff), (Paid Per Call Fire) Adam Napell, John Weber,

**16 Year KAC Awards** Garrett Brening (Sheriff)

**20 Years** Lucy Hutchison (Appraiser), Eugene Rupp (Appraiser), Robert Meyers (EMS), Carla Hearld (Health), Randall Newton (Sheriff)

**24 Year KAC Awards** Claudine Richmeier (EMS), Michael Leiker (IT), Donnetta Pfeifer (Public Works), Scott Braun (Sheriff)

**25 Years** Chris Brungardt (Public Works), Brad Ricke (Sheriff)

**30 Years** Randall Johnson (Public Works), Daniel Randa (Public Works), David Rupp (Public Works), Asher C. White (Sheriff)

**32 Year KAC Awards** Gregory Erbert (Building and Grounds)

**40 Years with Ellis County and KAC** Melvin Kinderknecht (Public Works)

#### **ADMINISTRATIVE BUILDING HVAC UPGRADES**

County Administrative Darin Myers is requesting the award of the bid based on the RFP grading criteria and staff recommendations. Both vendors (Glassman and Werth) who responded to the RFP have stated they could complete the work before the end of 2022. The biggest impact to the schedule is the availability of the equipment as both vendors have stated some equipment is over 20 weeks out for delivery. Staff has reviewed the two proposals. After grading the proposals, staff is suggesting approving the proposal from Glassman Corporation. Money has been set aside out of the American Rescue Plan Act funds to complete this project. If the proposal suggested, which is also the low bid, to the commission is accepted, the base bid minus a deduction is \$1,228,149. A 10% contingency was requested to be included in addition to the base bid which would equal \$123,815. Staff is not suggesting any bid alternates be selected at this point. The total purchase order amount would be \$1,351,964. Justin Smith from Werth Plumbing and AC approached the Commission. Discussion was had on the RFP and the process. Joe Glassman and Tom O’Rosum with Glassman Corporation approached the Commission. Discussion was had on the RFP and the process.

**Motion:** \_\_\_\_\_ **Schlyer**                      **Second:** \_\_\_\_\_ **Younger**

I move to award the bid for the HVAC upgrades at the Administrative Building to Glassman Corporation in the amount of \$1,351,964.

**Disposition:** \_\_\_\_\_ **Motion passed by a voice vote of three to zero.**

#### **ELLIS COUNTY HISTORICAL SOCIETY UPDATE**

Ellis County Liaison Brad Ricke and Interim Director Amanda Rupp with Ellis County Historical Society gave an update on the progress of the Ellis County Historical Society. They had their meeting and appointed their Officers and Trustees; raised \$7200 of the \$10,000 needed to purchase the PastPerfect Museum software licensing; got moved into their offices at Eagle Business Plaza; and are working on various grants. The Commissioners thanked them for the update.

### **COLD MIX REQUEST FOR PROPOSALS**

Public Works Director Brendan Mackay told the Commission that each year staff at Road and Bridge create a Request for Proposal (RFP) for creating the cold mix asphalt for use in the maintenance of the roadways. There is \$725,000 budgeted in the General Fund, \$150,000 from prior year purchase order and an estimated \$140,000 in the Federal Fund Exchange Program for the approximate total of \$1,015,000 for the project. Commissioners thanked Mackay for the information and told him to proceed.

### **2022 CIC PEOPLEWARE AGREEMENT**

Information Technology Director Mike Leiker presented to the Commission the annual contract from CIC for the 2022 CIC Peopleware Agreement. CIC is the core financial, tax and payroll accounting software, Register of Deeds Records Management software and Time Keeping software. This is a budgeted item in the IT budget every year. Schlyer asked if the support was good. Leiker indicated that he has heard of no complaints.

**Motion:** \_\_\_\_\_ **Younger**      **Second:** \_\_\_\_\_ **Leroux**

I move the Commission approve the payment of \$60,350 for the 2022 CIC Peopleware Agreement.

**Disposition:** \_\_\_\_\_ **Motion passed by a voice vote of three to zero.**

### **2022 SALARY ADJUSTMENTS**

County Administrator Darin Myers is asking the Commission to approve the 2022 staff and elected official's salary adjustments. The elected official's salary increase would have to be by an approved Resolution. With individual commission input, the following pay adjustments are to be considered for approval based on the personnel policy change. This is above what the Wage & Benefit committee has recommended. Employees would receive a step raise and a 6% COLA adjustment to both the EMS and general pay scales. For employees who are at their highest step within their pay grade, the attorneys who are in contract with the court system, medical directors, and to those individuals who are within their probationary periods will receive the 6% pay adjustment for COLA. These probationary employees are those who have started employment with Ellis County within the last six months, or those who have been promoted within the last six months. Regarding pay adjustments for elected officials' salaries, they can only be adjusted through a county resolution. The attached Resolution 22-05 includes a comparable increase to the elected officials' salaries as compared to all other employees. This proposal does not include the County Commissioners receiving a pay increase for 2022, and not count PTO, extended leave, compensatory time taken, and holidays as time worked in computing overtime hours. County staff has already eliminated the accrual of compensatory time. Schlyer gave a brief rundown of the Evergreen Study done about seven ago. Leroux commented that there are 669 years of combined years for the employees that came up earlier to accept their awards for their years of service and said anything that we can do to retain these employees is worth doing these salary adjustments. Younger said this is well needed and has seen several employees leave and go to other jobs because of the pay.

**Motion:** \_\_\_\_\_ **Leroux**      **Second:** \_\_\_\_\_ **Younger**

I move to adopt Resolution 22-05 to adjust salaries for elected officials and to approve the general budget adjustments for the 2022 salary adjustments starting with the April 3<sup>rd</sup> pay period.

**Disposition:** \_\_\_\_\_ **Motion passed by a voice vote of three to zero.**

**RESOLUTION 2 2-05**

**RESOLUTION OF THE BOARD OF ELLIS COUNTY COMMISSIONERS**

**WHEREAS**, the Board of County Commissioners of Ellis County, Kansas, may transact all County business and perform all powers of local legislation and administration it deems appropriate subject only to the limitations, restrictions or prohibitions listed in K.S.A. 19-101 (a), and

**WHEREAS**, there is no limitation, restriction or prohibition regarding the setting of annual salaries for county elected officials, and

**WHEREAS**, the Board of County Commissioners has adopted a pay plan and a policy for administration of that pay plan,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS**, that the salaries of Ellis County Elected Officials for 2022 shall be:

<b>County Commissioner</b>	\$19,036
<b>County Attorney</b>	\$99,376
<b>County Clerk</b>	\$69,563
<b>County Clerk - Election Stipend</b>	\$10,000
<b>County Treasurer</b>	\$69,011
<b>Register of Deeds</b>	\$62,607
<b>Sheriff</b>	\$93,855

**BE IT FURTHER RESOLVED** that the adjusted salaries stated above shall be effective April 3<sup>rd</sup>, 2022.

**BE IT FURTHER RESOLVED** that all Ellis County Elected Officials on the County Health Insurance Plan will be responsible for paying 14% of their monthly premium with said obligation to be withheld from their paycheck unless mandates of the health plan require an employee contribution of less than this amount depending on the choice of coverage.

Dated this 14<sup>th</sup> day of February 2022.

COMMISSIONERS

BOARD OF COUNTY

/s/Robert "Butch" Schlyer, Chair  
/s/Neal Younger, Commissioner

/s/Joe Leroux, Commissioner

ATTEST:  
/s/Bobbi L. Dreiling, County Clerk

**UPDATED OPIOID RESOLUTION**

County Administrator Myers gave an update on the Opioid Resolution that was approved on December 20, 2021. Since that time, the resolution was sent to the Attorney General's office as well to legal counsel with KAC. It was discovered the resolution did not include a certification that the County has or would anticipate incurring at least \$500 in remediation expenses. They sent a new resolution to rectify the anticipated remediation expenses which could occur.

**Motion:** \_\_\_\_\_ **Schlyer**      **Second:** \_\_\_\_\_ **Younger**

I move to adopt Resolution 22-06 to include the acknowledgement of remediation expenses for Ellis County.

**Disposition:** \_\_\_\_\_ **Motion passed by a voice vote of three to zero.**

**RESOLUTION NO. 22-06**

**A RESOLUTION OF ELLIS COUNTY KANSAS, APPROVING THE EXECUTION AND DELIVERY OF AN AGREEMENT TO RELEASE AND ASSIGN THE COUNTY'S OPIOID CLAIMS TO THE KANSAS ATTORNEY GENERAL AND CERTIFYING COSTS ATTRIBUTABLE TO SUBSTANCE ABUSE AND ADDICTION MITIGATION IN EXCESS OF \$500.**

**WHEREAS**, in 2021, the Kansas Legislature enacted HB 2079, the Kansas Fights Addiction Act (the "Act"), authorizing litigating municipalities such as Ellis County to access opioid litigation settlement funds and become eligible for certain state grants by entering an agreement releasing the county's opioid litigation claims to the Attorney General and assigning any future opioid litigation claims to the Attorney General (the "Agreement"); and

**WHEREAS**, Ellis County sustained damages related to the opioid epidemic; and

**WHEREAS**, Ellis County desires to enter an Agreement releasing and assigning its Claims to the Attorney General in order to access opioid litigation settlement funds and become eligible for certain state grants;

**BE IT RESOLVED BY THE GOVERNING BODY OF ELLIS COUNTY, KANSAS:**

**Section 1. Authorization of the Agreement.** Ellis County hereby authorizes the release of its legal claims arising from covered conduct to the Attorney General, and the assignment of any future legal claims arising from covered conduct to the Attorney General, pursuant to the Agreement by and between the Attorney General and Ellis County in substantially the form presented to and reviewed by the governing body at this meeting (copies of this document shall be on file in the records of the County), with such changes therein as shall be reviewed by the County Attorney and the officials of the County executing such documents.

**Section 2. Execution of the Agreement.** The County Clerk is hereby authorized and directed to execute, seal, attest and deliver the Agreement in substantially the form presented to and reviewed by the governing body at this meeting and such other settlement agreements, documents, certificates and instruments as may be necessary and desirable to carry out and comply with the intent of this Resolution, for and on behalf of Ellis County.

**Section 3. Certification of Costs and Expenses.** Ellis County hereby certifies that it has incurred costs and expenses related to substance abuse or addiction mitigation in excess of \$500 and Ellis County can utilize the opioid litigation settlement funds for the lawful purposes established in the Kansas Fights Addiction Act and the settlement agreements. The County Clerk is hereby authorized to execute, seal, attest and deliver such other documents, certificates and instruments as may be necessary and desirable to certify these costs and expenses or similar costs and expenses, for and on behalf of Ellis County.

**Section 4. Effective Date.** This Resolution shall be in full force and effect from and after its adoption.

**Section 5. ADOPTED** this 14<sup>th</sup> day of February 2022 and **SIGNED** by the County Clerk.

BOARD OF COUNTY COMMISSIONERS  
/s/Robert "Butch" Schlyer, Chair  
/s/Neal Younger, Commissioner  
/s/Joe Leroux, Commissioner

ATTEST:  
/s/Bobbi L. Dreiling, County Clerk

**COUNTY ADMINISTRATOR REPORT**

No Report.

**COUNTY COMMISSION REPORTS**

Leroux attended Imagine Ellis County Town Hall meeting, visited with Amanda Rupp with the Historical Society, met with two representatives with the NW Kansas Planning and Development Commission Jerry Hrabec and Dan Steffens; and met with Myers and Mackay and travelled around Ellis County and looked at road and bridges. Younger attended Imagine Ellis County Town Hall meeting. Schlyer had no report.

**EXECUTIVE SESSION**

**Motion:** \_\_\_\_\_ **Leroux**                      **Second:** \_\_\_\_\_ **Younger**

To recess into Executive Session for 15 minutes under the following exception to the Kansas Open Meeting Act pursuant to the acquisition of real estate with the subject to be discussed during executive session potential purchase of land. Those persons to attend are Chair Butch Schlyer, Commissioner Neal Younger, Commissioner Joe Leroux, County Counselor Bill Jeter, Brendan Mackay and County Administrator Darin Myers.

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

The Executive Session started at 6:25 pm.

The Open Session resumed at 6:40 pm with no action taken.

**ADJOURNMENT**

With no further business, Chair Schlyer adjourned the meeting at 6:40 pm. The next regular meeting with be held on Monday, February 21, 2022, the Administrative Center Commission Chambers, 718 Main Street, Hays, Kansas at 5:00 pm.

BOARD OF ELLIS COUNTY COMMISSIONERS

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ROBERT "BUTCH" SCHLYER, CHAIR

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NEAL YOUNGER, COMMISSIONER

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JOE LEROUX, COMMISSIONER

ATTEST:

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BOBBI L DREILING  
ELLIS COUNTY CLERK