

March 15, 2021

The Board of Ellis County Commissioners met in regular session at 5:00 pm Monday, March 15, 2021, 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, Commissioner Neal Younger and Commissioner Dean F Haselhorst. Also present were Interim 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

Schlyer asked that agenda item #17 Mask Mandate Discussion be taken off the agenda and be put back on at a later date.

APPROVAL OF PRIOR MINUTES

Chair Schlyer asked for any changes to the draft minutes of March 8, 2021. No changes were given; the draft minutes were approved as presented.

CONSENT AGENDA

Motion: Younger Second Haselhorst

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

Payment Voucher Claims

Payroll #5 February 21-March 6, 2021 for \$423,263.18

Account payables dated March 3, 2021 for \$565,799.22

Solid Waste Credit Card charges March 11, 2021 for \$299.37

Solid Waste charges March 10, 2021 for \$15,141.41

Purchase Order #7562 to Kansas Highway Patrol for 2019 Dodge Durango \$27,820.80

Purchase Order #7585 to Driggs Design Group PA for engineering services for Cathedral Ave \$83,190

Tax Adjustments

Tax roll adjustment number 2021000041-53.

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

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

None

MONTHLY FINANCIAL REPORT

All reports looked good.

CONDITIONAL USE PERMIT 2047 INDUSTRIAL TOWER WEST (VIAERO WIRELESS)

Ellis County Environmental Planning Supervisor Mason Ruder discussed the Conditional Use Permit (CUP) for Plan 2047 to allow Viaero Wireless to construct a wireless telecommunication facility. The Planning and Zoning Commission approved the CUP at the public hearing on February 24, 2021 and now submitting it to the Commission for final approval. Marcus Catlin with Viaero Wireless joined the discussion by telephone conference. There have been no protests submitted. Catlin said they are looking to place 150-foot self-supporting cell tower south of Victoria. Haselhorst said he had a few calls of the placement of the tower in reference to where the church is situated but has no concerns as the tower will be situated further south.

Motion: Haselhorst Second Younger

Move to approve CUP 2047 to allow Industrial Tower West to construct a wireless telecommunication facility located West of Cathedral Ave and North of Old Highway 40 Road in rural Ellis County as the zoning regulations have been followed and approved by the Planning and Zoning Commission on February 24, 2021.

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

COMPREHENSIVE PLANNING AND ZONING REGULATIONS UPDATE

Ellis County Environmental Planning Supervisor Mason Ruder updated the Commission on Marvin Planning Consultants nearing the end of updating the Ellis County Comprehensive Planning and Zoning and Subdivision Regulations. This has been in progress for several years. This will be a general update of what has already been done and the next step will bring it to a public hearing and adopt the new documents. Schlyer said he is looking forward in seeing the final plan.

COTTONWOOD EXTENSION DISTRICT UPDATE

Staff from the Cottonwood Extension presented to the Commission the happenings within their organization and their community-based programs. District Director Donna Krug discussed how challenging the last year as been. Susan Schlichting 4-H Youth Development discussed what is happening with the 4-H youth and the events they will be holding. They will be doing a water ambassador program with the City of Hays. This will help build their leadership skills along with showing the importance of preserving water. Ag Agent Stacy Campbell discussed what is new with his agency. He stated that weed control is becoming more of a challenge due to the resistance to herbicides. Horticulturist Lauren Fick said she has been busy and has been reaching out to the younger audience to get them involved. She is involved with the Master Gardeners. They have put up a drought tolerant landscape on the south side of 601 Main street and encourages everyone to go by and see it. Family Community Wellness Agent Bernie Unruh discussed the projects that are coming up: Kansas Senior Farmers Market Program which brings more fruits and vegetables to the seniors and Double Up Food Bucks.

CATHEDRAL AVENUE ROAD PROJECT

Public Works Director Brendan Mackay discussed the Cathedral Avenue road project. The County applied for the KDOT Cost Share Program but did not get selected. As of February 15, 2021, the Victoria City Council approved bonding out \$1,000,000 for their share of the project. Pursuant to KSA 68-506f Ellis County is responsible for all costs of the twenty-four (24) foot driving surface and the City of Victoria will bear all costs for the scope of the project outside of the driving surface. Ellis County will reapply again this year for the KDOT Cost Share Program; but whether this project is selected by KDOT or not Ellis County will proceed with utilizing funds received from the GO Bond in Fund 78. Engineering services contract is \$83,190 for Ellis County from the GO Box in Fund 78.

Motion: Younger Second Haselhorst

1. Move to approve and sign the Memorandum of Understanding with the City of Victoria with regards to the Cathedral Avenue Project.
2. Move to approve and sign the Professional Engineering Services Proposal from Driggs Design Group PA for the Cathedral Avenue Project.

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

PURCHASE WHEEL LOADER

Public Works Director Brendan Mackay is asking the approval to purchase a new wheel loader with one that is needing to be replaced. The one currently in operation is a 2003 Volvo L120E and has over

12,250 hours and has multiple oil leaks that require pulling the engine from the machine to diagnose and repair. The pricing of a new machine is through Sourcewell. The new wheel loader will be able to utilize attachments the staff currently use on the Caterpillar 950 Wheel loader. The price for the loader is \$245,000, but Foley is offering a trade value of \$30,000 for the Volvo bringing the net price to \$215,000. Mackay is recommending the finance option from Caterpillar, which is a lease/purchase over seven years and a \$61,920 buy-out with the interest rate of 2.99%. This would become an annually budgeted item for Public Works.

Motion: Haselhorst Second Younger

Approve the Public Works Director to purchase a new 2021 Caterpillar 93 Wheel Loader and trade in the 2003 Volvo L120E Wheel Loader to Foley Equipment using Sourcewell's government pricing. The machine is brand new and has zero hours of demo time. The unit will come with full factory 7 years/7,500-hour Premier w/travel warranty. It meets all specs required by the Road and Bridge shop foreman.

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

BIG CREEK ESTATES TRAFFIC CONTROL STUDY

Public Works Director Brendan Mackay discussed the traffic study the Commission requested be done at the February 8, 2021 meeting of the Big Creek Estates Subdivision. Driggs Design Group, PA completed the Traffic Control Study. The roads currently have a 55 mile per hour speed limit as there is none posted currently. According to KSA 801558(1) set the maximum lawful speed limit at thirty (30) miles per hour in any urban district. There is also currently no intersection controls in this subdivision, so it follows KSA 8-1526 and KSA 8-1527 regarding Right-of-Way when approaching an intersection. Driggs has determined locations of stop signs. There would be a minimal cost for the installation of traffic control signs for which there is ample funds to do so.

Motion: Schlyer Second Younger

Move to install the recommended Traffic Control Devices on Big Creek Drive, South View Drive and Logan Drive.

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

FEEDLOT ROAD REPAIRS

Public Works Director Brendan Mackay presented to the Commission the details on what it would take to repair Feedlot Road. It is recommended to remove the existing road surface, haul in approximately 50 loads of oversize rock from the landfill, install two perforated pipes on either side of the culvert to allow the water from the springs to drain into the ditch before it reaches the crust in the road; remove existing culvert and replace at a higher elevation; install mesh fabric between base and topcoat to facilitate drainage of water from the currently active spring, and bring in approximately 20 loads of topcoat rock for the new driving surface. There is a planning start date of March 29, 2021 subject to the weather conditions with an approximate time for the repairs to be completed of two weeks. The financial impact would be \$1900 for the bridge inspection 585.0-446.4 located on 140th Road and materials not including the equipment is estimated at \$3000.00

Motion: Haselhorst Second Younger

Move the Commission approve the road repairs as proposed by the Public Works Director.

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

2022 ELLIS COUNTY ROAD TOUR

County Administrator Darin Myers discussed the planned Ellis County Road Tour; it is scheduled for April 26, 2021. Some of the locations to be considered are:

Cathedral Road in Victoria
Five southernmost miles of Ellis Avenue
Rome Road Bridge
Feedlot Road and 140th
West 48th Street
Northwest Business Corridor project location.

NORTHWEST BUSINESS CORRIDOR BUILD GRANT AGREEMENT

County Administrator Darin Myers presented to the commission the design process for the Northwest Business Corridor and we are one step closer to sign the Build Grant Agreement with USDOT and KDOT. This will be followed by a bid letting and award of the project around July. The project start date is still on target for August of 2021. Staff is currently working to help complete the right-of-way acquisitions and to finalize utility movements. The County has currently expended about \$700,000 in engineering agreements and right-of-way purchases. There is approximately \$800,000 in projected expenditures for further right-of-way purchases and utility relocation processes. The agreement is for the USDOT Build Grant the County received in late 2019 in the amount of \$6,506,686. KDOT also pledged an additional \$1,000,000 to the project. The remaining amount of \$3,111,868 left is to be paid by the County. These numbers are all estimates and will change upon bid opening this summer.

Motion: _____ **Younger** _____ **Second** _____ **Haselhorst**

Move the Commission chair to sign the USDOT Build Grant Agreement No. 208-20 for the Northwest Business Corridor project.

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

2022 COMMISSION BUDGET DIRECTION

County Administrator Darin Myers informed the Commission they need to provide direction to department heads and elected offices on their 2022 budgets. They need to know if they will be required to plan on budget cuts, keep the budget flat, or if there are any areas the commission wants to see increases in funding. Haselhorst wanted to see an increase in the Public Works' budget. Schlyer doesn't want anyone to cut their budgets but to look at their budgets closely; he doesn't want any padding and will be looking at end-of-year transfers very carefully. Departments that are consistently putting money in Fund 16 need to really look at their budgets and decrease them if necessary. Haselhorst agreed with this. Younger would like to keep the budgets flat at this time. He feels more money needs to be put into our roads. Myers inquired about getting a levy for bridges and starting a new fund for this; it would be a separate fund just for bridge repairs. Schlyer did visit with Myers and Treasurer Elect Vern Ruder. He is requesting that Myers and Ruder prepare the budget for 2020 for the Treasury with no input from the current Treasurer.

NORTHWEST BUSINESS CORRIDOR CONDEMNATION RESOLUTION

County Counselor Bill Jeter stated to the Commission there are still 14 tracts that have not reached or finalized an agreement; however, most of these 14 tracts are near an agreement. There were 36 tracts and some of these landowners have already been issued checks. The goal is that none of the remaining 14 tracts of land will require condemnation as staff continues to reach settlements with the landowners. He is asking the Commission to approve Resolution 2021-07 to approve to move forward with the condemnation process and allow the Ellis County Counselor's office to file the condemnation paperwork. Right now, there are three tracts that will need to be filed on.

Motion: _____ **Younger** _____ **Second** _____ **Haselhorst**

Move to approve Resolution 2021-07 to start the condemnation process for the Northwest Business Corridor Project.

RESOLUTION OF THE BOARD OF ELLIS COUNTY COMMISSIONERS

WHEREAS, the Board of County Commissioners of Ellis County, Kansas, by the powers vested in it by K.S.A. 19-101(a) may perform powers of local legislation, and

WHEREAS, K.S.A. 68-114 and 26-501 et seq. provides the authority to exercise eminent domain procedure.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS, that:

That Darin T. Myers, Ellis County Administrator, shall institute an action in the District Court of Ellis County, Kansas, in the name of the Board of County Commissioners against the owners, lienholders of record, and any party in possession for the purpose of acquisition of land necessary to construct a new highway and to improve, layout, relocate, or alter and/or widen portions of 230th Ave. and Feedlot Road in Ellis County, Kansas for the purposes of the proper construction of an Ellis County highway by filing a Petition with the Clerk of the District Court.

Adopted this 15th day of March 2021, by the Board of Ellis County Commissioners, Ellis County, Kansas.

BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS

Robert (Butch) Schlyer, Chairman

Neal Younger, Member

Dean F. Haselhorst, Member

ATTEST:

Bobbi Dreiling, County Clerk

COUNTY ADMINISTRATOR REPORT

County Administrator Darin Myers has a letter of support for the commission chair to sign for Developmental Services of Northwest Kansas to apply for a grant. The commission agreed. He discussed the Midwest Energy bills from the cold snap in February. In January we had about \$17,000 in bills, in February it has jumped to \$85,200 for those six properties. In November we paid 0.30 cents a therm, when we hit our daily average it jumped to \$9.99 a therm. He had a discussion with Secure Energy consultants and they are talking with Legislature and the Legislature, is looking at things at the State level to make sure there was no price gouging. He said several of the department's budgets will be heavily impacted by these bills. Younger asked if we should set money aside in the future. Myers said there are several things that we could do: towards the end of the year use contingency money and decrease the budget stabilization account. It really shouldn't have an impact overall since these bills all come out of the General fund so it will not create a budget violation. Schlyer said we also need to be aware of the rising fuel prices that could impact the budgets.

COUNTY COMMISSION REPORTS

Haselhorst has been talking with Jeff Younger with Secure Energy, and with Roger Marshall on these issues. He thinks there will be some positive things coming down the pipes. Going back to in-person meetings with KAC in April, and the meeting in October is still a go. Younger attended the NW Community Corrections and Juvenile meeting. He is very pleased that we have this in our community. He will go to a city work session on April 1st to try to get side-by-sides/Razors legalized in the City of Hays. Schlyer had no report.

ADJOURNMENT

With no further business, Chair Schlyer adjourned the meeting at 6:13 pm. The next regular meeting will be held on Monday, April 5, 2021, 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

DEAN F HASELHORST, COMMISSIONER

ATTEST:

BOBBI L DREILING
ELLIS COUNTY CLERK