

August 15, 2022

The Board of Ellis County Commissioners met in regular session at 5:00 pm Monday, August 15, 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 no executive sessions.

### **APPROVAL OF PRIOR MINUTES**

Chair Schlyer asked for any changes to the draft minutes of August 8. 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**

Freedom Claims Management dated August 10 in the amount of \$19,718.33

Insurance and retirement match dated August 10 in the amount of \$206,677.13

Payroll #16 dated July 24-August 6 dated August 12 in the amount of \$474,427.94

Solid Waste payment dated August 10 in the amount of \$21,142.53

Accounts payable dated August 16 in the amount of \$794,782.95

Open Edge payment dated August 11 in the amount of \$784.196

Post office for RNR mailing dated August 10 in the amount of \$11,053.59

#### **Tax Adjustments**

Tax roll adjustment numbers 2022000105

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

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

None.

### **MONTHLY DEPARTMENTAL REPORTS**

Commissioners said the reports looked good.

### **WALKER COMPLAINT**

Van Froelich, resident of Walker, Kansas, and Public Works Director Brendan Mackay discussed with the Commissioners an ongoing issue with a resident in Walker, Kansas. He wanted to address what he believes is a lawnmower junk/salvage yard at 1270 Walker Avenue. There were several photos shown. Mackay discussed the following: Public Works Department staff met with residents of Walker, KS to discuss their concerns about the road and right of way. Their concerns are as follows:

- Steep Road grade and driveway approaches causes vehicles and trailers to drag.

- Drainage concerns along east side of Walker Avenue in the curb section.
- Vehicles parking along roadway.
- Snow is pushed to edge of roadway blocking driveways and not pushed to center and hauled off later.
- Walnut Street as a public roadway.

Ellis County last overlaid and sealed Walker Avenue in 2015 but did not overlay the section of road within the curb area to not further exacerbate the grade issues. Staff has discussed the possibility of milling and removing material from the roadway to change the approach angles for the driveway approaches. The east side of the roadway has two 4" tubes installed at the southern end in front of the curb that slows the ability of the water to drain to the south. These were installed previously at the landowner's request as they struggled to access their property. Walker Avenue is 40' wide and has parking lanes to allow on street parking for residents similar to Cathedral Avenue in Victoria. On street parking is allowed as there are not any "No Parking" signs which would disallow on street parking. Only during heavy snowstorms county staff stockpiles the snow in the center of the roadway and hauls it off with the use of a loader and dump trucks. It is standard procedure to discharge snow off of the roadway for the safety of the travelling public. In areas where there are curbs the snow is carried with the blade and discharged in an open area. The plows are straight so there may be a windrow of snow that is left behind close to the curb line. Walnut Street was platted originally in 1887 as part of the Walker Town and Improvement Co. Addition to the original townsite of Walker. The Board of County Commissioners vacated all the streets and alleys in the addition south of the Union Pacific Railroad right of way. This area was replatted in 1907 as the Dreiling First addition to Walker and does not list Walnut Street or any public right of way in its place. He also showed several pictures of the residence and vehicles. He said the vehicle on the road is non-operable and will be in the way of a road grader. He is also questioning an alley in if it is actually an alley or a street. Mackay said it was an alley and it is a public right-of-way. Froelich said this person went into business that hauls customer waste and it is starting to pile up at his residence. Schlyer ask Myers as fire chief if he could write this person a letter. Myers said he could do that and also visit with him. Leroux said the next question would be if this took place and he didn't do anything about it, what would be the next step. Schlyer asked County Counselor Bill Jeter if there is anything the County can do. Jeter commented that there is not. There was a time that the County could do something about this very thing by an abatement. But in 2012 the Kansas Court of Appeals the County does not have the authority to do self-help or an abatement on nuisances. There is a criminal statute on maintain a public health nuisance. This is enforceable by the County attorney's office. Myers said the Gorham Fire District would have to enforce anything, not Ellis County. Froelich said Walker Avenue has been a concern; the crown is very high because of all the overlays, and they have problems getting into their driveways. He also said their curbs do not drain. He said the ditch can not be cleaned out because of the gas line that is in place. Mackay said the best solution is to do what was done with Victoria on Cathedral Ave. There is no stormwater system to take it away. In 2015 a sand seal was done. Best fix would take out the center of the road and lower it. Schlyer asked if there was anything in the plans to fix this. Mackay said it is but it is later years out. Younger asked if the high-pressure gas line if any one has ever hydrovaxed down to see how deep it is. Younger said if they could dig a ditch through there. Froelich said that has been tried and they wouldn't let it be done. Younger said he would talk with Kansas Gas. Mackay said this would

not help as it is very flat and it would not carry the water away any faster. Younger also said they maybe try to get incorporated even though he knows that is difficult to do.

### **UNITED WAY REQUEST**

United Way Director Erica Berges and Board President/Chair for the Care Counsel Korinna Parker is asking the Commission to approve the alcohol tax collected to be distributed to United Way.

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

I move to allow the two \$4500 Alcohol Tax payments to Dream Inc. and the Smoky Hill Foundation per the United Care Council's request.

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

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

Ellis County Historical Society liaison Brad Ricke and Director Amanda Rupp updated the Commission on the Ellis County Historical Society.

### **APPRAISER'S OFFICE COMPLIANCE**

Appraiser Lisa Ree gave the Commissioners an update on the annual review from the Kansas Department of Revenue. Ree received a letter that the Ellis County Appraiser's office is in substantial compliance when reviewed by the Kansas Department of Revenue. Everything they were graded on they got a perfect score. The letter the Commissioners received was on the ratio study and it shows how they got graded on sales of residential and commercial property. They did get passing scores even though they was on the low end but did meet State requirements. Schlyer said their office works very hard. Ree said her staff deserves a lot of this credit. Younger congratulated Ree and her staff. Leroux said he appreciates all their hard work

### **2023 LANDFILL RATE INCREASE**

Environmental Services Director Just Craig is asking the Commission to approve the Solid Waste increases of \$5.00 per ton for construction and demolition, and municipal waste disposal rates; and the increase of \$25.00 per ton for Special Waste effective January 1, 2023.

**Motion:** \_\_\_\_\_ **Schlyer** \_\_\_\_\_ **Second:** \_\_\_\_\_ **Leroux**

I move to approve the proposed Ellis County Solid Waste rate increases effective January 1, 2023.

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

### **FY2019 BUILD GRANT AWARD**

Public Works Director Brendan Mackay told the Commissioners that back in April there was grant money available and we applied. On August 9<sup>th</sup> Ellis County got awarded 2.5 million dollars but need to submit an amended grant agreement by August 15<sup>th</sup>. Schlyer said there are so many needs in Ellis County that he would like to keep it as a 24-foot-wide road. Younger agreed with Schlyer. Leroux said whatever takes care as much that we can cover more ground. He thanked Mackay on getting the 2.5 million dollars.

### **KDOT COST SHARE AGREEMENT**

Public Works Director Brendan Mackay is asking the Commission to sign the Cathedral Avenue Reconstruction Agreement for the KDOT Cost Share Program Project No. 26C-5132-02. As the commission is aware, Cathedral Road in Victoria is currently being reconstructed from 6<sup>th</sup> Street north to the North edge of Victoria. The original goal of the project was to replace the section South of 6<sup>th</sup> street

down to Highway 40. It will remove and replace the existing asphalt road surface with an 8" depth of concrete pavement matching the current work on Cathedral Avenue. Ellis County staff, with the assistance of Kirkham Michael's staff, applied for the KDOT Cost Share Grant Program to complete this work. Earlier this year, KDOT announced that Ellis County's project was awarded a grant. As part of the Cost Share Grant, KDOT awarded Ellis County 60% of eligible construction costs up to \$700,000 for this project. The remaining costs and non-participating costs will be Ellis County's responsibility. By accepting this agreement, and together with county funds, public works can proceed with this reconstruction project. The county share of eligible construction costs is estimated at \$475,600. In addition to this Ellis County will be responsible for the Preliminary Engineering and Construction Inspection Engineering Costs which are estimated at \$94,000 and \$176,000 respectively.

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

I move to approve the attached Cathedral Avenue Reconstruction Agreement for the KDOT Cost Share Program Project No. 26C-5132-02

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

### **GIS TECHNICIAN**

IT Director Mike Leiker is asking the Commission to reinstate the GIS Analyst position for the 2023 budget. The current GIS Specialist position, a shared position between the County IT and the City of Hays IT departments, has been working almost exclusively on the implementation of the Tyler New World Public Safety system since 2021. This system services all public safety agencies in Ellis County, including the Cities of Hays, Ellis, Victoria and FHSU. During this time, the GIS Specialist also had to complete other critical projects such as the regular commission redistricting required by statute. However, other county GIS projects such as the replacement of a GIS server, and the upgrade of the City of Hays/Ellis County Geospatial Data Portal website have been given lower priority because of the public safety system. Other County department projects still waiting are:

- The prep work for redistricting the Ellis County Commission Districts,
- Update election maps for the clerk's office,
- Updating map books for EMS, Fire, and sheriff's office,
- Updating Ag letter questionnaires layer for the Appraiser's office,
- The creation of a road signs map layer, updated bridge layer, and the creation of a road right-of-way layer for the Ellis County Public Works department

The reinstatement of the GIS Analyst position would not only allow the IT department to reduce the backlog of GIS requests, but it would also allow for a much-needed upgrade of the GIS website maintained by the GIS Specialist. Reinstating the GIS Analyst position will require an increase in the proposed 2023 IT budget by approximately \$78,000 for salary and benefits. This would increase the proposal from \$857,709 to approximately \$935,709. Schlyer asked if we got our own GIS technician would we still be sharing the current GIS person with the City of Hays. Leiker said we would still need to share the GIS person with the City of Hays. Schlyer asked if this new person would be working just with Ellis County to which Leiker said yes. Schlyer is not opposed to this position. Leroux asked if the person we currently share with the City of Hays is actually a 50/50 split. Leiker said overall it is a 50/50 split. Leiker and the IT Department with the City of Hays work closely together to make sure it is an equal load between the City and the County. Younger said he would like to know the percentage of what the split is with the City. He asked if we would GIS the bridges. Leiker said he is not an expert in GIS but that was the intention. Leiker said they would get the sign layer for Public Works. This position could GO reference the signs, bridges and roadways. We could also look at using a drone in the future. Younger asked if in the future they could do culverts and would this position have a drone license. Leiker said this

is not in the immediate plans. Younger asked if we were going with feet or inches for accuracy. Leiker said for GO location this person would stand next to the sign. Younger asked again if this would be feet or inches. Mackay said it depends on how much money the Commission would want to spend on the technology. Younger said if we are going to do this for the future of our community, he wants to get it in inches; if we were going to do this, we want to do it right the first time. Younger said if we were going to put this job out there, he wanted to add in the job description a drone license. Schlyer asked if the Commission was in favor of this position. Younger said he would like to know the percentage between the City of Hays and Ellis County. Leiker said they strive to make it 50/50 and he said it is at or very close to 50/50. Leroux said that if this is something we have funding for and the need is there, he is in favor of it. He said he could see things shifting over to the Ellis County position to what we currently share with the City of Hays. Schlyer asked if there was a contractual agreement with the City of Hays. Leiker said there is not. Schlyer asked if we should just table this for now and take it back up in September. It was agreed to table this and put it back on the agenda in September. Schlyer asked if the money could be put in the contingency fund. Myers said that could be done.

### **TAX FORECLOSURE SALE**

County Counselor William Jeter is asking the Commission to authorize him to institute an action in the District Court of Ellis County, Kansas regarding the delinquent real estate taxes. On August 11, 2022, the Ellis County Treasury provided to the County Counselor a spreadsheet regarding properties currently eligible for tax foreclosure as specifically provided in K.S.A. 79-2801 et seq. This list includes 11 properties showing total delinquent taxes, penalty, and interest due in the amount of \$19,241.30. Recommendation is made by the Ellis County Treasury and the County Counselor to the Board of County Commissioners to direct the institution of a tax foreclosure sale regarding said properties. Ellis County shall incur the costs for preparation of Certificates of Title of each property together with additional costs for publication and service of process fees, all of which can be recovered from the sale or redemption of the subject matter properties.

### **RESOLUTION NO. 22-09**

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

WHEREAS, the Board of Ellis 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. 79-2801 et seq. provides for the judicial foreclosure and sale of real estate for delinquent taxes.

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

William W. Jeter as county counselor shall institute an action in the District Court of Ellis County, Kansas, in the name of the Board of County Commissioners against the owners or supposed owners of real estate and all persons having or claiming to have any interest therein which real estate has been sold and bid in by the County at delinquent tax sale and remains unredeemed on September 1 of the second year after the sale, by filing a petition with the Clerk of the District Court.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, ELLIS COUNTY, KANSAS, this 15<sup>th</sup> day of August 2022. BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS.

Robert (Butch) Schlyer, Chairman  
Neal Younger, Commissioner  
Joe Leroux, Commissioner

ATTEST:

Bobbi Dreiling, County Clerk

### **PURPLE WAVE AUCTION ITEMS**

County Administrator Darin Myers is asking the Commission for approval to sell a list of surplus items on the Purple Wave Auction website. Myers said about once a year the staff gathers items and/or equipment that is no longer used, has been replaced or needs to be removed from service to sell on Purple Wave Auction. Most of the items on the list are vehicles that have been recently replaced with new fleet management vehicles. The sale of these vehicles would be additional unplanned revenue for each department and would be used to offset the current leased vehicles. The Commissioners told Myers to proceed.

### **KCAMP VOTING DELEGATE**

County Administrator Darin Myers asked the commissioners to decide who they want to appoint to be a voting delegate for KCAMP and KWORK. The Commission decided that Commissioner Younger would be the delegate with County Administrator Myers being the alternate delegate.

### **FINAL 2023 BUDGET PRESENTATION AND AUTHORIZE PUBLICATION**

County Administrator Darin Myers is asking the Commission to approve the final 2023 budget and authorize the County Clerk to publish for the public hearings scheduled for September 12<sup>th</sup>. Commissioners told Myers to proceed.

### **COUNTY ADMINISTRATOR REPORT**

County Administrator Darin Myers had no report.

### **COUNTY COMMISSION REPORTS**

Younger attended the HerzogFest in Victoria and he thanked all the election board workers for their work for the Primary Election. Leroux had not report. Schlyer had no report.

### **ADJOURNMENT**

With no further business, Chair Schlyer adjourned the meeting at 6:54 pm. The next regular meeting will be held on Tuesday, September 6, 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