

October 4, 2021

The Board of Ellis County Commissioners met in regular session at 5:00 pm Monday, October 4, 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 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

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 September 20, 2021. No changes were given; the draft minutes were approved as presented.

CONSENT AGENDA

Motion: Haselhorst Second Younger

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

Payment Voucher Claims

Payment to FCMI dated September 22 in the amount of \$5,779.39

Invoices dated October 5 in the amount of 224,226.43

Purchase Order #7602 to iParametrics LLC for \$50,000

Invoice to Enterprise for lease payment dated September 21 for \$7,180.43

Purchase card invoice dated September 21 for \$54,100.54

Payment to Ellis Co Treasury dated September 29 for \$187,359.27

Payment to BCBS dated September 29 for \$142,106.20

Payment to FCMI dated September 29 for \$10,096.44

Payroll #19 dated September 5-18 for \$453,714.84

Tax Adjustments

Tax roll adjustment number 2021000068-2021000080

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

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

No persons not on the order of business.

INTRODUCTION OF NEW EMPLOYEES

County Administrator Darin Myers introduced Jackie Schumacher, Human Resources Coordinator. Sheriff Scott Braun introduced Shelby Grieve, Jailer; and Darrin Hunt, Jailr. Appraiser Lisa Ree introduced Michell Jarmer, Appraiser 1, Field.

FHSU UPDATE

Fort Hays State University Tisa Mason gave an update regarding the progress at FHSU. She thanked the Commissioners and Ellis County for the support they gave for this year's Octoberfest. The enrollment is at 14,104 students; on-campus students is 3,807; international students is up with 110 students with 28 countries being

recognized; there are 6,604 students on-line, and currently all counties within Kansas are being served. They expect to rebound next year. Enrollment is down, but they are not planning for any layoffs or furloughs. They will be moving forward with the media tour. Schlyer asked if there was any concern because of COVID with the students that have been on-line, if they won't come back to campus; Mason indicated that the students are coming back to campus. The Commissioners all thanked her for the update.

NORTHWEST BUSINESS CORRIDOR AUTHORITY TO AWARD PACKET

Public Works Director Brendan Mackay said KDOT opened and read bids during the September letting on September 22, 2021, for the NW Business Corridor project. There were two bids and Wildcat Construction Co Inc and subsidiaries out of Wichita KS were the low bid. Their bid for the construction portion of the project is \$9,235,700 which is lower than the estimated construction costs. The work will start this fall with off alignment work which will not cause lane closures. Ellis County share of the project is \$3,390,000. This will be paid out of Fund 78 from the GO bond. Schlyer asked what the process was after this was signed into. Mackay said the County will step back and KDOT will manage the entire project and should be completed by the end of next year.

Motion: Younger Second Haselhorst

I move to approve and sign the Authority to Award contract for Project Number 026 C-5035-01, BUILD-C503(501) and submit the County's matching funds to KDOT.

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

BRIDGE FAS 450 PILING FAILURE

Public Works Director Brendan Mackay discussed the bridge failure on Saline River Road that happened on September 30, 2021. This bridge is heavily used by the oil and agricultural community, and it is also a school bus route. A detour around this bridge will be significant in this area of the County. Public Works contacted Penco Engineering, and after inspection the bridge was closed to all vehicle traffic. After reviewing the bridge, it was found to have pilings that failed and caused the bridge deck to buckle and crack. A similar failure of an identical bridge just east of this bridge (FAS 460) caused that bridge to be replaced several years ago. The bridge did not rust out, it just buckled and sheared off. It was determined by Penco that it will need to be a new construction and not a repair. It will be a six-mile detour with the bridge closed. There are currently no grants right now to assist with these costs but if the infrastructure bill passes here in a few weeks, there may be grants available. Right now, this will have to be self-funded if we want to get it completed sooner than later. Schlyer asked County Administrator Myers how this could be funded. Myers indicated there are funds still in Fund 78 that will be sufficient. Haselhorst said we need to move forward on this and start soliciting bids. Mackay said if we ask for a six month completion it will be a premium price; but if we ask for ten months it will cost less. He said in bid specs you have to include a done by date. He was told to move forward with getting bids and to write the bids for the bridge to be done sooner, and another bid for it to be done later and see what the prices are.

UNITED WAY FUNDING ALLOCATION

County Administrator Darin Myers said each year the Ellis County Commission approves a request from United Way to disperse the alcohol taxes collected. These funds are separate from the general fund and are in Fund 29. Each year, an estimate is gathered for tax collected so it can be disbursed according to United Way CARE Council's request. For 2021, \$9,000 was budgeted to be transferred out. This year United Way CARE Council requested is to distribute the funds split equally to DREAM, Inc. and to Smoky Hill Foundation for Chemical Dependency, Inc.

Motion: Haselhorst Second Younger

I move to allow the two \$4,500 Alcohol Tax payments to Dream Inc., and the Smoky Hill Foundation per the United Way Care Council's request.

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

TREASURY CHANGE OF OFFICE AUDIT

County Administrator Darin Myers asked the Commission to allow Adams Brown to complete an audit of the Treasury when the new County Treasurer Vern Ruder takes office on October 12, 2021. With the upcoming change of office, it may be in the best interest of the Commission to have Adams Brown complete a financial audit of the accounts which the treasury maintains for Ellis County. Adams Brown would work with the Treasury during the week of October 11th. This is a common practice of the County during the change of a new county treasurer. The Commission told Myers to proceed.

KPERS 401(a) DEFERRED COMPENSATION AGREEMENT

County Administrator Darin Myers presented to the Commission Resolution 2021-19 and Agreement for the new retirement contribution match program with KPERS 457 for 2022. In reviewing the current plan Ellis County has with KPERS 457, it was noticed that the employee’s contributions are being made on 24 out of 26 pay periods. It is unknown why this was set up incorrectly years ago but it must be changed to comply with the new KPERS agreement for both the 457 and 401 plans. This would increase the total employer contribution max per year from \$720 to \$780. The 2022 budget includes a total of \$137,520 split between all departments based on the number of employees. With the increased \$60 per employee contribution, it is not expected to increase the overall \$137,520 budget as this number was based on 100% employee participation which most likely will not occur.

Motion: Younger Second Haselhorst

I move to approve Resolution 21-19 and KPERS Defined Contribution Plan Agreement allowing the Commission chair to sign both documents.

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

RESOLUTION 2019-19

WHEREAS, the **County of Ellis** of Hays Kansas, (hereinafter referred to as the "Participating Employer") has determined that in, the interest of attracting and retaining qualified employees, it wishes to offer a primary or a supplemental defined contribution plan in accordance with Section 401 (a) of the Internal Revenue Code ("Code");

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees' saving for retirement by offering its employees the State of Kansas ("State") Public Employees Deferred Compensation Plan as authorized by K.S.A. 74-49b01, *et seq.*, of the Kansas Statutes Annotated;

WHEREAS, the State's Public Employees Deferred Compensation Plan is intended to be an eligible deferred compensation plan in accordance with Code section 457(b) (the "457 Plan");

WHEREAS, the 457 Plan is administered by Kansas Public Employees Retirement System ("KPERS") Board of Trustees;

WHEREAS, on July 1, 2016, the State authorized KPERS to establish a qualified defined contribution plan under Code section 401 (a) for local governmental units of the State to make defined contributions on behalf of their employees;

WHEREAS, accordingly, KPERS has established the KPERS' Supplemental Defined Contribution Plan (the "Plan") in which the local governmental units of the State may participate;

WHEREAS, the Plan is intended to be a qualified, governmental defined contribution plan in accordance with Code sections 401(a) and 414(d);

WHEREAS, the Plan is administered by KPERS;

WHEREAS, the Plan is only available to participating employers who also are participating in the State's 457 Plan;

WHEREAS, the Participating Employer has reviewed the Plan;

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs of offering a retirement plan to its employees, afford attractive investment opportunities to its employees, and encourage additional retirement savings by its employees;

WHEREAS, the Participating Employer is an Employer as defined in the Plan; WHEREAS, the Participating Employer has executed an Adoption Agreement for the Plan; and

WHEREAS, the **County of Ellis** ("Participating Employer") is authorized by law to adopt this Resolution approving the Adoption Agreement on behalf of the Participating Employer;

Therefore, the Participating Employer hereby resolves:

Section 1. The Participating Employer adopts the Plan and Trust Agreement for its Employees.

- (d) The Participating Employer shall indemnify and hold harmless KPERS from and against any claims and/or damages arising from or related to any actions taken by or information reported by the Participating Employer to either KPERS or the Administrative Services Provider, including, but not limited to, actions or information regarding the employment status and/or termination of an Employee.
- (e) The Participating Employer shall allow KPERS and/or the Administrative Services Provider reasonable access to Employees to assist with enrollment and/or retirement planning counseling.

Section 5.

- (a) The Participating Employer may terminate its participation in the Plan, if it takes the following actions:
 - (i) A resolution must be adopted terminating its participation in the Plan.
 - (ii) The resolution must specify when the participation will end.

KPERS shall determine whether the resolution complies with the Plan, and all applicable federal and state laws, shall determine an appropriate effective date, and shall provide appropriate forms to terminate ongoing participation. However, distributions under the Plan of existing accounts to Members will be made in accordance with the Plan.

- (b) The Participating Employer acknowledges that the Board may involuntarily terminate the Plan.
- (c) The Participating Employer acknowledges and agrees that it shall be responsible to fund any accrued liabilities under the Plan in the event of either: i) its voluntary termination of participation in the Plan, or ii) the involuntary termination of the Plan by KPERS.

Section 6. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Members and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Members and their Beneficiaries and for defraying reasonable expenses of the Plan. All contributions made pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the

Plan, shall be transferred pursuant to the Trust Agreement to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the Participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

Section 7. This Resolution and the Adoption Agreement shall be submitted to KPERS for its approval. KPERS shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. KPERS may refuse to approve an Adoption Agreement by an Employer that does not have state statutory authority to participate in the Plan. The Participating Employer hereby acknowledges that it is responsible to assure that this Resolution and the Adoption Agreement are adopted and executed in accordance with the requirements of applicable law.

Adopted by the participating employer on **October 4th, 2021.**

In accordance with applicable law.

Butch “Robert” Schlyer
Ellis County Chair

Attest: **Bobbi L. Dreiling, Co. Clerk**

Date: October 4th, 2021

Participating Employer should assure that all applicable law is followed in the adoption and execution of this resolution.]

ARPA FUNDING CONSULTANT RFP RESULTS

County Administrator Darin Myers presented to the Commission Purchase Order #7602 for \$50,000 to iParametrics Disaster Recovery Services to maintain the ARPA funds the County will be receiving to ensure compliance, documentation trains, and approval of proper expenditures. Ellis County used a request for Proposal (RFP) that was developed and used by multiple other counties across the state for disaster consulting services. It was posted on the Ellis County website and sent to six other vendors. Three proposals were received back and reviewed by staff, and iParametrics was identified as the leading firm to assist Ellis County. Their proposal has fees not to exceed \$201,055 which if needed, could be spread out over the four-year period. Their proposal was based on the County needing assistance with public assistance grants, CDBG grants, sub-recipient grants, housing projects and programs, small business loans, and other projects. Ellis County has received the first 50% of the ARPA funds.

Motion: Haselhorst Second Younger

I move to approve Purchase Order #7602 for iParametrics Disaster Recovery Consulting Services.

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

PROPERTY SEARCH FOR PUBLIC WORKS BUILDING

County Administrator Darin Myers would like Commission’s approval to release a request for proposal for architectural and engineering services to assist in the design of a new facility. Myers indicated that the net capital needs for Ellis County is a new facility for the public works department. Public Works

staff has tried to negotiate with Union Pacific to lease additional land between the current Public Works yard and the railroad tracks. The proposal received by Union Pacific was a year \$7500 lease that would increase approximately 7% each year. Staff has looked at property in the area of the current shop location, other areas around Hays, the area along 55th Street, and along the new northwest business corridor. The ideal size of the lot needed to house Public Works, Road & Bridge and Noxious Weed would need to be about 50-60 acres of land. Staff has engaged conversations with different property owners in these locations and have initially identified two potential properties to purchase. Staff felt it best to announce in open session that Ellis County is looking for approximately 50-60 acres in the immediate vicinity of Hays. This may help identify any unknown land which could be feasible to purchase. Ellis County would encourage any realtor or property owner who may be interested in selling a parcel of land of this size to contact the Ellis County Administrator at 785-628-1061 or email at dmyers@ellisco.net. Following the commission meeting a public announcement will be sent to local media outlets to also assist in identifying potential land for sale. The Commission told Myers to move forward.

COUNTY ADMINISTRATOR REPORT

County Administrator Darin Myers told the Commissioners since there would be no commission meeting held on Monday, October 18th, there would be a need to have a five-minute special meeting on Friday, October 15th to approve the payment of vouchers on October 19th. It was agreed that the meeting will be held Friday, October 15, 2021 at 7:30 am.

COUNTY COMMISSION REPORT

Younger said he attended a Grow Hays meeting, City of Ellis meeting and City of Hays meeting on the Exit 157 half-way round-about bypass. He also attended the Octoberfest. He was amazed by the amount of volunteer firefighters that we have in our community and who have a lot of good talent. Haselhorst said he attended the City of Hays meeting, attended the Octoberfest and working on the KAC meeting that is in a few weeks. Schlyer had no report.

ADJOURNMENT

With no further business, Chair Schlyer adjourned the meeting at 5:55 pm. The next regular meeting will be held on Monday, October 11, 2021, 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

DEAN F HASELHORST, COMMISSIONER

ATTEST:

BOBBI L DREILING
ELLIS COUNTY CLERK