

February 7, 2023

The Board of Ellis County Commissioners met in regular session at 8:30 am Tuesday, February 7, 2023, in the Commission Chambers, at the Administration Center, 718 Main Street, Hays, Kansas. Chair Neal Younger called the meeting to order. Commissioners present: Chair Neal Younger, Commissioner Nathan Leiker and Commissioner Michael Berges. 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

Appraiser Lisa Ree will be added to the Order of Business after the approval of the consent agenda.

APPROVAL OF PRIOR MINUTES

Chair Younger asked for any changes to the draft minutes of January 17. No changes were given; the draft minutes were approved as presented.

CONSENT AGENDA

Motion: Leiker Second Berges

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

Payment Voucher Claims

Payroll #2 January 8-January 23 paid January 27 in the amount of \$467,004.18

Vouchers dated February 7 in the amount of \$527,703.38

Purchase Order #7711 to CIC the amount of \$65,195.00

Enterprise lease payment dated January 18 in the amount of \$14,655.45

Commerce Bank purchase card dated January 19 in the amount of \$57,048.06

Commerce Bank purchase card dated January 25 in the amount of \$2315.014

FCMI dated January 18 in the amount of \$5425.87

FCMI dated February 1 in the amount of \$10,411.13

Payroll deductions dated January 25 in the amount of \$557,020.25

Tax Adjustments

Tax roll adjustment number 20230000006-12

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

Appraiser Lisa Ree was asked to explain the latest mailing that came from her office on golf carts. Golf carts are considered personal property and are considered taxable. She has reached out to Fort Hays Golf Course and Smoky Hill Country Club to get a listing of golf carts that are housed on their property. Ree said their office sent letters to the individuals that they did not have listed already. She has not heard back yet from Smoky Hill Country Club. They are doing this because there are people that do provide them with their golf cart information and are taxed; but not everybody does and she is not sure it is because they don't know they have to. This is their way to get the best information they can and being fair to everyone. They sent out letters last year on ATVs and trailers. Not all trailers are taxable so they are trying to get information on that as well. Leiker asked if she is sending a letter to people that sell golf carts. Ree said that is a good idea; and she can send them a form to pass out when they are purchased. Younger asked if she was going to follow up on Smoky Hill and get their list. Ree indicated she was going to. He asked if there was a deadline. She said she doesn't think there is a deadline but the statute does say they have to give them an annual listing of golf carts on their property. Younger said

this information will help him when he receives phone calls on this. Ree said he can direct the calls to her office as well.

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

There were no issues from persons not on the order of business.

INTRODUCTION OF NEW EMPLOYEES

Human Resources Coordinator Jennifer Taylor introduced two new employees: Medical Assistant Geri French and Appraiser 1 Field Megan Cole. Not present were EMT Erika Vassar and Justin Choitz.

MODERATE INCOME HOUSING GRANT RESOLUTION 23-03

Michael Graham with Michael D Graham Rentals LLC asked the Commission for their support to proceed with the MIH grant applications process through Ellis County. Graham is back before the commission seeking its support for submission of the project for consideration to the Kansas Housing Resources Corporation in the next round of Moderate-Income Housing Program grant funding for which applications are due February 17, 2023. This program requires the support of a local governing body through a resolution and would be administered through a local City or County. The Moderate-Income Housing program serves the needs of moderate-income households that typically don't qualify for federal housing assistance. MIH grants and/or loans are awarded to cities and counties for down payment assistance or to develop multi-family rental units, single-family for-purchase homes, and infrastructure in communities with populations fewer than 60,000 people. There are multiple rounds of grant considerations each year under the program, and competitive projects are submitted across the state. There will be a total of 33 apartments. Leiker asked if they will follow the ADA guidelines. Graham indicated they would have three apartments that would be ADA compatible in one single building. Berges said this is a great opportunity as housing is needed in the community so he is supportive of the project. Younger asked what the timeframe is. Graham said they would start in March and anticipates the entire project would be completed within 16 months. Leiker asked if this project would continue with the project if they do not get the grant. Graham indicated they would.

Motion: _____ **Leiker** **Second:** _____ **Berges**

I move to approve the Resolution.

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

RESOLUTION NO. 2 3-03
A RESOLUTION CERTIFYING LEGAL AUTHORITY TO APPLY FOR
MODERATE INCOME HOUSING ASSISTANCE FROM KANSAS
HOUSING RESOURCES CORPORATION AND AUTHORIZING THE
BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY,
KANSAS, TO SIGN AND SUBMIT SUCH AN APPLICATION
AND VOICING SUPPORT FOR AN APPLICATION FOR
KANSAS HOUSINGINVESTOR TAX CREDITS

WHEREAS, Ellis County, Kansas, is an incorporated governmental entity as provided by the laws of the State of Kansas; and

WHEREAS, Ellis County, Kansas has a population of fewer than 60,000 residents, and is located within a rural area; and

WHEREAS, it is in the best interest of Ellis County, Kansas, to facilitate affordable housing for its residents; and

WHEREAS, Kansas Housing Resources Corporation, a Kansas not-for-profit corporation, administers Federal and State housing programs, as well as the State Housing Trust Fund; and

WHEREAS, Ellis County, Kansas has the authority to apply to Kansas Housing Resources Corporation for assistance from the KANSAS MODERATE INCOME HOUSING GRANT PROGRAM; and

WHEREAS, the Ellis County, Kansas intends to submit an application for assistance from Kansas Housing Resources Corporation with respect to 4th and Fort Suites, a moderate-income residential housing project located within Ellis County, Kansas, and whose developer is Michael D. Graham Rentals, L.L.C., a Kansas domestic limited liability company; and

WHEREAS, in conjunction with the application for assistance through the KANSAS MODERATE INCOME HOUSING GRANT PROGRAM, Michael D. Graham Rentals, L.L.C. will also seek assistance for the project through the KANSAS HOUSING INVESTOR TAX CREDIT program and Ellis County is supportive of such assistance;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS, that the Board of County Commissioners of Ellis County, Kansas, is authorized to act as the official representative of Ellis County, Kansas, in signing and submitting to Kansas Housing Resources Corporation a grant application and all other documentation deemed necessary for KANSAS MODERATE INCOME HOUSING GRANT PROGRAM assistance with respect to 4th and Fort Suites, a moderate income residential housing project whose developer is Michael Graham Rentals, L.L.C.

AND BE IT FURTHER RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS, that the Board of County Commissioners of Ellis County, Kansas, hereby voices its support for and approval of the use of assistance from the KANSAS HOUSING INVESTOR TAX CREDIT program for Michael D. Graham Rentals, L.L.C. in the development of the 4th and Fort Suites project.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body of Ellis County, Kansas.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, ELLIS COUNTY, KANSAS, this 7th day of February 2023.

BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS
Neal Younger, Chairman
Michael Berges, Commissioner
Nathan Leiker, Commissioner

ATTEST:
Bobbi Dreiling, County Clerk

GROW HAYS UPDATE

Grow Hays Executive Director Doug Williams gave an update on the different projects they are currently working on within Grow Hays throughout Ellis County. Williams presented a power point presentation that included the highlights of 2022 and what is expected in 2023. He said big box stores are actively

looking at Hays, but it has been an ongoing process. There will be 36 homes completed in the Tallgrass Addition RHID by the end of the year. There are 18 lots in the next phase but they are still getting the streets ready and running utilities. Berges asked where the occupants are coming from on the 36 homes that are completed or almost completed. Williams said there were 13 first time home buyers, 10 down and/or up sizers, 11 new to Hays and 2 to investors. Williams then discussed the new development that will be called The Grove that will be north of Hays Medical Center. This will be a 100-plus unit complex along with a community center that will house a child daycare facility. The community center land was donated by Hays Medical Center. Leiker indicated to Williams that he is concerned that they are “putting the cart in front of the horse” with the advertising and promotion to move to the area and the housing is not yet available. Williams said they are making the moves to putting the infrastructure in place if we continue the pace in which they are currently building, he feels they can get where they need to be. Leiker asked if he was seeking to be doing remodels of homes since these are all new builds. Williams said they do loan money to rehab homes, but the problem is that no one wants to sell their homes for rehab because they make more money renting them. Younger asked what the feedback was from the community. He said the feedback was about 90 percent positive. The Commissioners all thanked him for the update.

DEVELOPMENTAL SERVICES OF NORTHWEST KANSAS AGREEMENT

Developmental Services of Northwest Kansas (DSNWK) President Jerry Michaud is asking the Commission to sign the agreement for services in Ellis County with DSNWK. Commissioner Berges recused himself as DSNWK is his employer. Over the years, Ellis County has provided financial assistance to Developmental Services of Northwest Kansas (DSNWK) at different levels. In September of 2022, the commission approved \$250,000 subsidy request for DSNWK in 2023 as well as an additional \$120,000 for their Tiny K Program. Every year Ellis County signs an Agreement for Services; and Michaud is asking the Commission to sign the agreement again this year.

Motion: _____ **Leiker** **Second:** _____ **Younger**

I move to approve the agreement with DSNWK and for the board to sign the Agreement for Services.

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

NORTHWEST KANSAS PLANNING AND DEVELOPMENT (NWKP&D)

NWKP&D President Randall Hrabe updated the Commission on the services provided through NWKP&D. He is asking the Commission to consider rejoining the organization. The last time Ellis County was a member was in 2019 at which time Ellis County paid \$38,877 in membership fees. (\$38,460 in 2018, \$36,323 in 2017, \$37,112 in 2016). Hrabe would like to have Ellis County rejoin the group at a rate of \$40,000 for 2023. The dues are figured on the County’s assessed valuation. He said this is not the full 1/10th of a mill that is assessed on other counties. He said the County lost out on rental assistance funds that were sent back to the State by not being a member. Leiker asked about the funds that were sent back to the State; he wondered why those funds were not given to Ellis City or Victoria City as they are members of the organization, and were they even contacted about the funds that were available. He said there were eligible for the assistance, and that evidently no one came to them about it and asked for the funds. Leiker asked if this was going to be a flat fee of \$40,000. Hrabe said the fee is usually a tenth of a mill which would result in the fee of being approximately \$43,000 since it is based on the County’s valuation. Hrabe said usually if a county rejoins, they have to pick up past years’ dues; but now he just wants to get Ellis County back on board and forget the past two years’ dues. Berges asked what their annual budget is. Hrabe said it is right around \$600,000. Berges said the mill is based on the valuation of the County and we expect the County’s appraisal to go up this year so that could make the

tenth of a mill be \$50,000 in dues and that is concerning on a tight budget. He is not interested at all in paying any past dues. He asked how they would evaluate the dues if they would join back; would Ellis and Victoria not pay any dues? Hrabec said that is correct that Ellis and Victoria would not have to pay any dues. He said there were three counties out of the 18 that share their dues with their cities. Berges said for 2023 the budget is already set and he doesn't want the Administrator try to figure it out where the funds would come from. He would like the Administrator to consider if for 2024 and get some feedback on joining. Berges indicated the people that he represents in his District of Ellis City and they have indicated to him that this is a very valuable service. He would like to try to figure it out going forward, but wants to make sure that we get our value out of joining. It was agreed that the Commissioners would continue to look at rejoining and thanked Hrabec for the update.

NOXIOUS WEED ANNUAL REPORT AND MANAGEMENT PLAN

Weed Control Supervisor Gary Haas asked the Commission to approve the Annual Noxious Weed Eradication Progress Report for 2022 and approve the 2023 Management Plan. The 2022 report includes a financial summary, weed survey of 10 randomly selected sections within Ellis County for noxious weeds, acres of herbicide treatments for each noxious weed, herbicide disbursement summary, and an enforcement summary. They sprayed 6400 acres of County rights-of-way, 16,040 acres for KDOT, 42 acres on city properties, 383 ticket sales for cost-share chemicals. This was about half of what is normally sold. They inspected and resolved 23 noxious weed complaints. The 2023 Management Plan is the noxious weed control plan for Ellis County and is also required by the Kansas Noxious Weed laws.

Motion: _____ **Berges** **Second:** _____ **Leiker**

I move that the Commission approve the Annual Noxious Weed Eradication Progress Report for 2022 and approve the 2023 Management Plan.

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

ANNUAL CIC PEOPLEWARE AGREEMENT

It Director Mike Leiker presented the annual CIC 2023 Peopleware Agreement. CIC is the core financial, tax and payroll accounting software, Register of Deeds Records Management software and Time Keeping software. The agreement ensures that CIC provides timely support for the software to the users of Ellis County. Leiker indicated that it is about \$4,884 higher this year because they took away the incentive of using the Instant Response. Leiker asked if CIC goes through an annual audit process to insure the integrity of their product. Leiker said he did not know the answer to that. He doesn't believe there is an audit process that happens. Leiker asked if they offer any insurance if there is a breach because of their software. Leiker said it is not included in their invoice. He said he would check into it and let Leiker know. Younger asked how the Instant Response worked. Leiker explained the process.

Motion: _____ **Leiker** **Second:** _____ **Berges**

I move that the Commission approve the payment of \$65,195 for the 2023 CIC Peopleware Agreement.

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

2023 WESTERN KANSAS CONGRESSIONAL DELEGATION

County Administrator Darin Myers asked the Commission if they would like to attend the 2023 Western Kansas Congressional Delegation in Washington DC. For the 2023 Western Kansas Congressional Delegation, Garden City is host and planning the trip in April. The tentative schedule for the trip is to have congressional and group meetings with several Senators and other groups on April 17th and 18th. In 2022, these meetings were attended to discuss trying to acquire additional funds for the NW Business Corridor and to receive additional reimbursement funds from the 4-County Fire. In 2022 Commission

Younger and the County Administrator attended. Since that time, Ellis County was awarded an additional \$2.8 million in funds for the road project. It is also starting to look promising to receive some reimbursement funds from the fire disaster in December of 2021. If the commissioners would like to attend this year, staff can make the travel arrangements and work with Garden City on information needed. Attendees have to be registered by the end of February. Expected expenses would include fees for flights, hotels, and meals per person who would attend. Leiker and Younger will not be able to attend, but Berges indicated that he is interested and would let Myers know. He did participate last year with the City and said that it is beneficial to attend.

FENCE OPTIONS

County Administrator Darin Myers is asking the Commission to approve the material type and design for the two fences of the Administrative Building and the Law Enforcement Center. At the January 17th Ellis County Commission meeting, the commission directed staff to bring additional options for fences at the Administrative and Law Enforcement buildings. The fences would be installed around the locations where new emergency generators and HVAC chillers are being placed at both buildings. These fences would help protect the equipment, as well and help prevent the public from entering the location and potentially damaging the equipment or becoming injured. These fences were also suggested to be installed from the County's insurance carrier KCAMP. The Commissioners discussed the different options and they agreed they need to go with the 8-foot fence for the Administrative Building since the equipment is at least 8 feet tall and to go with a beige color. Myers will go forward and get RFP's and report back to the Commission.

OUTSIDE AGENCY REPORTS

County Administrator Darin Myers is asking for direction from the Commission on whether to continue to contact and request outside agencies to provide updates to the Commissioners throughout the calendar year. In the past the Ellis County Commissioners have requested outside agencies who receive tax dollar from Ellis County to provide updates throughout the year. This was to help ensure the money given to the organizations are being used, and what kind of benefit they are making in the community. It was mentioned for an agency to be eligible for funding, they are to provide this update to the commission before their annual funding request. In the years past, the county administrator contacts the agencies and helps those agencies plan to attend commission meetings to provide an update at different meetings. Last year, seven of the agencies who were approved for funding did not give updates to the commission. Leiker said it is accountability of the taxpayer's dollars and thinks that those agencies should report at least once and if they don't, he feels there should be some ramifications. Berges said there should be accountability, but being required to come before the Commission he said the non-profits that are run by individuals it may not be their forte to present to the Commission. They should want to but he doesn't feel they should be required to. He said some sort of communication like an email would be appropriate. Younger said if they can come before the Commission to ask for taxpayer dollars, they should be able to come back and report how they are spending those dollars even if it is just once. Leiker clarified that he does not want to require them to but would like for them to come voluntarily. If the only time they come is when it is budget allocation time, it will weigh very heavily on what funding they will receive. Myers said he could send a letter to the agencies stating that the Commission requests an update throughout the year. Leiker said he does not want to see Myers babysitting the agencies and only one letter to them should suffice.

PLATTING PROCESS

County Counselor Bill Jeter gave the Commission information on the process if the County Commissioners would formally accept a new road in the Extra Territorial Jurisdiction (ETJ) surrounding Hays in Ellis County. When the platting process is completed with the developer and approved by the City of Hays, it goes through a signature process of several individuals. However, as part of the process, and since it is within the ETJ, the Ellis County Commission does not approve the plats and road developments within them. This means the current process does not hinder development, but it ensures the county is not responsible for taking over the road. The roads would stay private and would be maintained by the property owners. If the county were planning on taking over, or even asked to take over the responsibility of the road, the County Commission would then need to formally approve and sign the plat at a meeting. It would then be recorded in the Register of Deeds Office. He said going forward, when the County accepts a plat for a property or development that is out in the County the Commission should consider adopting a Resolution that sets out exactly what the County Commission's intention is in either building and/or maintaining the road in that plat. They also need to consider the roads that need to be built and maintained that connect to the platted property. He said in the developments in the ETJ jurisdiction historically the City's zoning regulations require that both the City and County approve those plats. The new development plan that the City has does not require the County to approve the plat. The County has made no commitment on doing anything with those roads. If the Commission, in the future, or currently have a commitment to maintain a road that is in the ETJ the County should adopt a resolution that spells out exactly what the County would do with that road. Leiker asked if we need to do a resolution if we are not going to do anything. Jeter said we do need to define by resolution what exactly what we are going to do. This would not bind anything to the future Commission. Once we start maintaining a road, we have to continue to do it into the future. Berges asked if the road was annexed back into the City if that would relieve the County of maintenance. Jeter said it would. Berges commented why would we build a road and get it ready for the City if they are going to annex into the City later.

COUNTY ADMINISTRATOR REPORT

County Administrator Darin Myers had no report.

COUNTY COMMISSION REPORT

Leiker said he met with Sheriff Braun and toured the Law Enforcement Center. Berges said he also met with Sheriff Braun and had a tour of the Law Enforcement Center, attended a couple of different City meetings, attended the Hays Chamber of Commerce event at the library on Saturday and he will be attending the County Day at the Capitol next week. Younger attended the Chamber event, met with Mrs. Hammond with Fort Hays State and attended a function at the Fairgrounds and commented there was no American flag there. He is asking the Commission about getting a flag at the Fairgrounds. Myers said he would talk with Tom Fross about getting a flag. He would suggest that we don't go with something that is permanently mounted because of weddings that are held there.

ADJOURNMENT

With no further business, Chair Younger adjourned the meeting at 10:45 am. The next regular meeting will be held on Tuesday, February 14, 2023 at the Administrative Center Commission Chambers, 718 Main Street, Hays, Kansas at 8:30 am.

BOARD OF ELLIS COUNTY COMMISSIONERS

NEAL YOUNGER, CHAIR

MICHAEL BERGES, COMMISSIONER

NATHAN LEIKER, COMMISSIONER

ATTEST:

BOBBI L DREILING
ELLIS COUNTY CLERK