

February 21, 2023

The Board of Ellis County Commissioners met in regular session at 8:30 am Tuesday, February 21, 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 Counselor Bill Jeter, County Administrator Darin Myers and County Clerk Bobbi L. Dreiling. The meeting opened with the Pledge of Allegiance.

ORDER OF BUSINESS

There were no changes to the order of business.

APPROVAL OF PRIOR MINUTES

Chair Younger asked for any changes to the draft minutes of February 14. No changes were given; the draft minutes were approved as presented.

CONSENT AGENDA

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

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

Payment Voucher Claims

Purchase Order #7713 to Runnion in the amount of \$81,268

Freedom Claims Management dated February 15 in the amount of \$7,041.81

Enterprise Lease agreement dated February 14 in the amount of \$15,845.19

Accounts payable dated February 21 in the amount of \$1,120,247.37

Open Edge for credit card use in Solid Waste dated February 14 in the amount of \$717.74

Tax Adjustments

Tax roll adjustment number 202300000021-24 were voided

Tax roll adjustments 2023000018,19,20,22,23,25,26 were approved

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

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

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

MONTHLY DEPARTMENT REPORTS

Commissioners said the reports looked good

WESTERN KANSAS CHILD ADVOCACY CENTER

Executive Director Layla Mumgaard and Developmental Director Don Rivera gave an update on the yearly stats for 2022 and the quarterly stats for October-December 2022. The Commissioners thanked them for the update.

ELLIS COUNTY HISTORICAL SOCIETY UPDATE

Director Amanda Rupp gave an update on the Ellis County Historical Society. They have completed Phase 1 of their project and getting ready to move into Phase 2 which includes a South entrance and a restroom that are both ADA compliant, brick restoration is scheduled for this spring and a new HVAC system that is estimated at \$650,000. The entire phase 2 project is estimated to be \$850,000. They do have seed money to start and they also received an award from the Kansas State Historical Society that

will pay for the brick restoration of \$85,000. They also received \$50,000 from Don Bickle to go towards the storage of artifacts. Rupp is asking the Commission to sign a letter of support for a grant they are applying for in the amount of \$500,000 that is non-matching. This would pay for their construction costs for the Victoria site. The Commissioners thanked Rupp for the update and all agreed to sign the letter of support.

EMERGENCY MANAGEMENT PERFORMANCE GRANT

Ellis County Assistant Fire Chief & Emergency Manager Lyle Pantle discussed the Emergency Management Performance Grant (EMPG). The County is receiving \$31,712. This is an annual fluctuating amount based on funding from the Federal government and if the County Emergency Manager meets the annual qualifications. To meet the qualifications to receive the EMPG grant, the Emergency Management Department must complete the following requirements: annual County Integrated Preparedness Planning Workshop (IPPW) to include a three-year training and exercise calendar, minimum of two qualified annual training exercises, maintain a certain level of training, and annual statement of work. Reimbursement for prior fiscal year funds of \$31,712.00 will be deposited as a revenue for FY 2023. This funding will help offset future property tax required to fund Emergency Management. This will be discussed more with the commission during the budget process for FY 2024.

230TH & FEEDLOT ROAD REZONING RESOLUTION

Environmental Services Assistant Director Brady Weigel and Joint Planning Commission Chair David McDaniel asked for the approval of the rezoning request 2275. At the public meeting on January 25th, 2023, the Planning and Zoning commission recommended the approval of Rezoning Request 2275 with condition that should the Conditional Use Permit be approved, if at any time should the warehouse and distribution operation cease to exist for a period of 6 months, the Joint Planning Commission/Environmental Office will apply for the parcel to be Rezoned back to a Residential District through the normal Rezoning process as laid out in Article 5 of the Ellis County Zoning Regulations and are submitting the application to the Ellis County Commission for their decision. At this time, no protests have been filed with the Ellis County Clerk’s Office. This is on behalf of Keith M. Werth and Coleen M. Werth dba KC Trucking. Weigel addressed the amendment that was added to the Resolution.

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

I move that we approve Resolution 23-04 to rezone the specified property located at the southeast corner of 230th Avenue and Feedlot Road from residential to a flex district in rural Ellis County.

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

RESOLUTION NO. R-23-04
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 adopted Ellis County Zoning Regulations effective September 1, 2006, and

WHEREAS, pursuant to said Zoning Regulations the Board of County Commissioners has the authority to approve applications for a change of zoning.

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

A request for a Rezoning Request Permit 2275 by Keith Werth, D.B.A. KC Trucking, to rezone the specified property located on the southeast corner of 230th Avenue and Feedlot Road from Residential to a Flex District is approved.

If at any time should the Warehouse and Distribution operation cease to exist for a period of 6 months, the Joint Planning Commission/Environmental Office will apply for the parcel to be rezoned back to a Residential District through the normal Rezoning process as laid out in Article 5 of the Ellis County Zoning Regulations.

This is on the below described property, to wit:

A 7.6+/- acre tract of land that will be located in the S08, T13, R18, ACRES 7.6, TR BEG NW COR NW4 TH E 423.03 TH S 875.77 TH W 390 TH N 872.18 TO POB. The site location is the southeast corner of 230th Avenue and Feedlot Road.

BE IT FURTHER RESOLVED that this resolution will become effective upon publication in the official County newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS, ELLIS COUNTY, KANSAS, this 21st day of February 2023.

BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS

Neal Younger, Chairman
Nathan Leiker, Commissioner
Michael Berges, Commissioner

ATTEST:
Bobbi Dreiling, County Clerk

230TH & FEEDLOT ROAD CUP RESOLUTION 23-05

Environmental Services Assistant Director Brady Weigel and Joint Planning Commission Chair David McDaniel asked for the approval of CUP 2275. At their public meeting on January 25th, 2023, the Planning and Zoning commission recommended the approval of CUP 2275 and are submitting the application to the Ellis County Commission for their decision. At this time, no protests have been filed with the Ellis County Clerk's Office. The committee is recommending this resolution be approved.

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

I move that we approve Resolution 23-05 for a Conditional Use Permit to allow Keith Werth, dba KC Trucking, to construct and operate a warehouse and distribution facility on a 7.6-acre parcel of the land located at the southeast corner of 230th Avenue and Feedlot Road.

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

RESOLUTION NO. R-23-05

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 adopted Ellis County Zoning Regulations effective September 1, 2006, and

WHEREAS, pursuant to said Zoning Regulations the Board of County Commissioners has the authority to approve applications for conditional use permits.

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

A request for a Conditional Use Permit 2275 by Keith Werth, D.B.A. KC Trucking, for a warehouse and distribution facility is approved.

This is on the below described property, to wit:

A 7.6+/- acre tract of land that will be located in the S08, T13, R18, ACRES 7.6, TR BEG NW COR NW4 TH E 423.03 TH S 875.77 TH W 390 TH N 872.18 TO POB. The site location is the southeast corner of 230th Avenue and Feedlot Road.

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EMS AMBULANCE PURCHASE REQUEST

EMS Director Danita Schroeder discussed with the Commissioners a vehicle replacement request. This was on the agenda for a motion to approve the purchase; but Schroeder has been unable to secure a quote on the 2022 ARV TraumaHawk X-series ambulance before the meeting. She told the Commissioners she will be back to discuss this with them when she receives the quote.

SIGN TRUCK PURCHASE REQUEST

Public Works Director Brendan Mackay is requesting to purchase a new sign technician truck to replace the current 2000 IHC 4700 sign maintenance truck with auger and hydraulic tools. In the Fall of 2021 staff met with Enterprise to discuss their fleet management system and came up with specifications to replace the current state surplus sign maintenance truck. The current truck has a reach of 12'- 15' which is not able to reach current signs we have in the county. In addition, the boom can only be controlled from the bed which necessitates two employees to set signs or one climbing on and off the truck

repeatedly to line up the post driver and run the hydraulic controls. The options that are brought here today all have a reach of at least 30' and can be controlled by the boom, remotely with battery powered remote, and remotely with the included 30' tether. These options improve the safety aspect of installing and maintaining the roadside guardrails as the reach allows the truck to stay on flat ground. The new unit will also improve safety by keeping the technicians off of the truck and allowing them to be able to stand on the ditch side of the truck putting the truck between the employee and the traveling public. The ability to control the auxiliary hydraulics and crane allow for the removal and installation of signs and guardrail to be done by one employee efficiently. \$81,268 from Fund 16 for upfitting costs budgeted. The chassis will go through the Enterprise Fleet Management System.

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

I move to approve PO 7713 in the amount of \$81,268 for the upfitting costs of the 2023 F600 sign truck through Runion Equipment.

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

COUNTY ADMINISTRATOR REPORT

County Administrator Darin Myers had no report but he did hear from staff that they enjoyed the retreat that was held in Salina, Kansas last week.

COUNTY COMMISSION REPORT

Leiker had no report, other than he enjoyed the retreat last week with all of the departments and is looking forward to working with everyone. Berges commented he still wants to explore the possibility of joining the Northwest Kansas Planning and Development with Randy Hrade. Berges would like to also consider exploring the possibility of getting a grant writer. He asked Myers to find out what our options are in spending \$40,000 to \$50,000. Myers said he would like to see that if we do go with a grant writer that we involve the cities of Hays, Ellis, Victoria and Schoenchen in the discussion on costs. Younger said he enjoyed the retreat and suggested the possibility of in the future getting the City and County together for a retreat.

EXECUTIVE SESSION

Motion: _____ **Younger** _____ **Second:** _____ **Berges**

To recess into Executive Session for 15 minutes under the following exception to the Kansas Open Meeting Act pursuant to the attorney-client privilege exception; the subject to be discussed during the executive session is potential litigation. Those persons to attend are Chair Neal Younger, Commissioner Nathan Leiker, Commissioner Michael Berges, County Counselor Bill Jeter, Public Works Director Brendan Mackay and County Administrator Darin Myers.

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

The Executive Session started at 9:30 am.

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

To continue the executive session for another 10 minutes.

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

The Open Session resumed at 10:00 am. There was no action taken.

ADJOURNMENT

With no further business, Chair Younger adjourned the meeting at 10:00 am. The next regular meeting will be held on Tuesday, March 7, 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