

May 18, 2020

The Board of Ellis County Commissioners met in regular session at 5:00 p.m., Monday, May 18, 2020, 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 Dustin G. Roths and Commissioner Dean F. Haselhorst.

Also present were Interim County Administrator Darin Myers, County Counselor Bill Jeter and County Clerk Donna J. Maskus.

The meeting opened with everyone standing and saying the Pledge of Allegiance.

ORDER OF BUSINESS

An Executive Session was added to the Order of Business.

APPROVAL OF PRIOR MINUTES

Chair Schlyer asked for any updates to the Draft Minutes of May 4 and 11, 2020. With no updates given to the draft minutes, Chair Schlyer stated that the May 4 and 11, 2020 minutes stand approved as submitted.

CONSENT AGENDA

Motion: Haselhorst Second: Roths

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

Payment Voucher Claims

Payment through wire transfer claim for the Solid Waste Department dated May 13, 2020, for \$20,663.80.

Payment voucher claims dated May 19, 2020, for \$482,408.13.

Tax Adjustments

Tax Adjustment numbers 2020000125 through 2020000128.

Disposition: The motion passes by a voice vote of three to zero.

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

No issues from persons not on the Order of Business.

MONTHLY DEPARTMENT REPORT

Commissioners reviewed the May monthly financial reports. They commented that the Landfill had a lot of activity with a larger revenue for the month.

Fire and Emergency Management Assistant Director Lyle Pantle discussed a new community

development block grant (CDBG-COV) which works with small businesses through the effects of COVID 19 through the Department of Revenue. This is for small businesses that qualifies. They will form a review board to this process. Pantle and Interim County Administrator Darin Myers will process these grant request. These grant funds can be a city or county request.

PUBLIC HEARING – CATHARINE VACATION – PUBLIC WORKS DIRECTOR BILL RING

Public Works Director Bill Ring presented a vacation of approximately 289 feet by 50 feet of road on St. Francis Street in Catharine, Kansas. This is a right-of-way that the County does not maintain. During the Road Tour of April 29, the Commissioners viewed this area. One lot of this area is owned by Scott Chrisler, and the other four lots are owned by Andy Brungardt.

The County Clerk published a Road Notice of this Public Hearing in the Hays Daily News. This matter is referenced in Kansas Statute Number 68-102: the laying out, altering or vacating roads. A certified return receipt 1st class letter notification of this hearing was mailed to Andy Brungardt and Scott Chrisler as property owners to this matter.

Motion: _____ Roths _____ Second: _____ Haselhorst

To approve the road vacation of a section of St. Francis Street in Catharine. This portion of St. Francis Street is between St. Martin Street and St. Mary Street. The vacated area is approximately 289 feet by 50 feet.

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

COVID 19 UPDATE – HEALTH SERVICES DIRECTOR JASON KENNEDY

Health Services Director Jason Kennedy updated on the COVID 19 in Ellis County with no new cases in 32 days, no hospital care or no deaths. Kennedy is still waiting on his request of 2800 test kits on the virus. They have been following all the orders from the Kansas Governor and the Kansas Department of Health ad Environment (KDHE). He applauded business owners as they have worked through the requirements. He asked that the Commission Chair sign a state of disaster on the COVID 19 so that the County could ask for emergency funding if needed. This would be effective for seven days. The document was signed by Commission Chair Schlyer. Commissioners thanked Kennedy for the work that he has done through the COVID 19.

ROAD IMPROVEMENT BONDS -RANSON FINANCIAL

Interim County Administrator Darin Myers discussed that during the recent Road Tour they viewed infrastructure improvements that needed completed. Public Works Director Bill Ring had been asked to present a list of these projects. They had discussed using bond options to help complete some of these projects. They have looked at a 5-year or 10- year bond period for general obligation

bonds. With the sales tax revenue they could consider a \$600,000 yearly bond payment.

Larry Kleeman with Ransom Financial discussed the bond process. Kleeman stated that interest rates are in that current one percent (1%). The road and bridge projects need to be decided with the cost of the project. Public Works Director Ring will work on this information.

Chair Schlyer signed Resolution number 2020-03 for the sales tax process through the Kansas Department of Revenue.

RESOLUTION NO. 2020-03

A RESOLUTION AUTHORIZING THE LEVY OF TWO SEPARATE ONE-QUARTER PERCENT (0.25%) COUNTYWIDE RETAILERS' SALES TAXES AND RELATED MATTERS.

WHEREAS, pursuant to the provisions of K.S.A. 12-187 *et seq.* (the "Act"), Ellis County, Kansas (the "County") is authorized to impose local retailers' sales taxes upon all retail sales within the boundaries of the County, except as specifically exempted by the Act; and

WHEREAS, pursuant to the Act, the County adopted Resolution No. 2019-11 on September 16, 2019, which authorized and provided for the calling of a special question election to authorize the imposition of separate one-quarter percent (0.25%) countywide retailers' sales taxes, and at the special question election on April 7, 2020 (the "Election"), a majority of the qualified electors of the County voting on those propositions approved the imposition of the following sales taxes:

(a) One-quarter percent (0.25%) countywide retailers' sales tax (the "Health Services Sales Tax") for the purpose of financing the provision of health care services, including but not limited to costs of the local health department, mental health services, health education and emergency medical services, and costs related thereto, collection of such Health Services Sales Tax to commence on October 1, 2020, or as soon thereafter as permitted by law, and to terminate 10 years after its commencement; and

(b) One-quarter percent (0.25%) countywide retailers' sales tax (the "General Sales Tax") for the purpose of financing the provision of general government services, including but not limited to repairs to roads and bridges, replacement of equipment and addition of staff, and costs related thereto, collection of such General Sales Tax to commence on October 1, 2020, or as soon thereafter as permitted by law, and to terminate 10 years after its commencement; and

WHEREAS, pursuant to the provisions of the Act and the Election, the County deems it necessary and advisable to authorize the imposition of the Health Services Sales Tax and the General Sales Tax (collectively the "2020 Sales Taxes") for the purposes described above.

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

SECTION 1. Implementation of 2020 Sales Taxes. The levy of the 2020 Sales Taxes and the application of the revenue received therefrom to finance the purposes approved at the Election are hereby authorized. In accordance with K.S.A. 12-191, collection of each of the 2020 Sales Taxes shall commence on October 1, 2020, or as soon thereafter as permitted by law, and each shall terminate 10 years after their respective commencement.

SECTION 2. Department of Revenue Submittal. The Clerk, upon adoption of this Resolution, shall provide a certified copy of the same to the State Director of Taxation pursuant to K.S.A. 12-189 and request the implementation of the 2020 Sales Taxes in accordance with the provisions hereof.

SECTION 3. Effective Date. This Resolution shall be effective from and after its adoption by the Board.

ADOPTED by the Board of County Commissioners of Ellis County, Kansas, on May 18, 2020.

(Seal)

BOARD OF ELLIS COUNTY COMMISSIONERS
/s/ ROBERT "BUTCH" SCHLYER, CHAIR
/s/ DUSTIN G. ROTHS, COMMISSIONER
/s/ DEAN F. HASELHORST, COMMISSIONER

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2020-03 of Ellis County, Kansas, adopted by the Board of County Commissioners on May 18, 2020, as the same appears of record in my office.

DATED: May 18, 2020

/s/ Donna J. Maskus
Ellis County Clerk

SALES TAX RESOLUTION – INTERIM COUNTY ADMINISTRATOR DARIN MYERS

Interim County Administrator Myers presented a Sales Tax Resolution number 2020-03 which is needed for the sales tax process through the Kansas Department of Revenue. In working with the financial consultant and Gilmore and Bell, P.C., to impose the sales tax is to adopt the resolution which the Kansas Department of Revenue will need to start collecting the countywide sales tax.

Motion: _____ Haselhorst _____ Second: _____ Roth

To approve the sales tax Resolution 2020-03 and authorize the County Clerk to sign the attached letter to send to the Kansas Department of Revenue.

Disposition: _____ The motion passes by a voice vote of three to zero.

COUNTY ADMINISTRATOR REPORT – INTERIM COUNTY ADMINISTRATOR DARIN MYERS

Interim County Administrator Darin Myers stated that they will have a special session on Tuesday, May 26, 2020, at 6:00 p.m. to discuss applications on the County Administrator position.

Myers presented a proclamation on a state of local disaster Emergency for Ellis County, Kansas. This would be effective for seven days. If emergency funding would be needed due to the COVID-19 this proclamation would allow for emergency funding to be requested. Chair Schlyer signed the proclamation.

COUNTY COMMISSION REPORTS

Haselhorst had no report.

Roths had no report

Chair Schlyer had no report.

EXECUTIVE SESSION

Motion: _____ Roths _____ Second: _____ Haselhorst

To go into Executive Session, under the exception to the Kansas Open Meeting Act, pursuant to the attorney-client privilege exception on legal consultation to be discussed during executive session and resume in Open Session in thirty minutes. Those in attendance will be the Commission, County Administrator Darin Myers and County Counselor Bill Jeter.

Disposition: _____ The motion carried by a voice vote of three to zero.

The Executive Session started at 5:48 p.m.

Commissioners Roths and Haselhorst came back to the meeting at 6:18 p.m.

Motion: Roths Second: Haselhorst

To extend the Executive Session with Commissioners, County Counselor Bill Jeter, and County Administrator Darin Myers, under the exception to the Kansas Open Meeting Act, pursuant to the attorney-client privilege exception on legal consultation to be discussed during executive session and resume in Open Session in ten minutes. Those in attendance other than Commission will be Interim County Administrator Darin Myers and County Counselor Bill Jeter.

Disposition: The motion carried by a voice vote of two to zero.

The Executive Session started at 6:19 p.m.

The Open Meeting resumed at 6:29 p.m.

Chair Schlyer stated that no action was taken.

ADJOURNMENT

With no further business, Chair Schlyer stated that the meeting will adjourn at 6:29 p.m.

A Special Meeting will be held at 6:00 p.m., Tuesday, May 26, 2020, on the County Administrator position, Administrative Center, Commission Chambers, 718 Main Street, Hays, Kansas.

The next regular meeting will be held Monday, June 1, 2020, at 5:00 p.m., Administrative Center, Commission Chambers, 718 Main Street, Hays, Kansas.

BOARD OF ELLIS COUNTY COMMISSIONERS:

ROBERT "BUTCH" SCHLYER, CHAIR

DUSTIN G. ROTHS, COMMISSIONER

ATTEST:

DONNA J. MASKUS, COUNTY CLERK

DEAN F. HASELHORST, COMMISSIONER