

October 11, 2022

The Board of Ellis County Commissioners met in regular session at 8:32 am Tuesday, October 11, 2022, 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 and Commissioner Neal Younger. Commissioner Joe Leroux was absent. 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 one executive session.

APPROVAL OF PRIOR MINUTES

Chair Schlyer asked for any changes to the draft minutes of October 4. No changes were given; the draft minutes were approved as presented.

CONSENT AGENDA

Motion: **Schlyer** **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 \$3,951.74

Payroll #20 dated September 18 October 1 dated October 10 in the amount of \$498,641.73

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

ISSUES FROM PERSONS NOT ON THE ORDER OF BUSINESS

None.

MONTHLY FINANCIAL REPORTS

Commissioners said the reports looked good.

SOUTH ELLIS AVENUE

Public Works Director Brendan Mackay presented to the Commissioners the repair options for Ellis Avenue from Grants Villa Road to the South County Line Road. Hotmix repair: \$5,647,480.00; Patchwork repair: \$132,514.50; Prime/Seal repair \$467,921.00; Coldmix repair: \$2,380,406.00. He said there were fourteen spots that needed immediate repair. He said there was only one more week to order the oil here in Kansas, otherwise it would have to be ordered from Oklahoma. Schlyer asked if this was just essentially kicking the can down the road. Mackay replied yes. He said this is just throwing away money as it will not last. He said there are no materials that he can get at this time. Younger asked if Hess could help with the chip seal supply. Mackay said what Hess has is not useful for surfacing. Schlyer asked if this would be a loose gravel road. Mackay said it would not. Schlyer said that is what was recommended for this repair. He said we can eliminate the Hotmix as it is not affordable. He asked Mackay what his next recommendation would be. Mackay said it would be the prime/seal but where would you start and stop. Schlyer said the prime/seal would cost twice as much as what was intended to be done. Younger said there is one spot that is really bad and needs to be fixed. Kaylynn Petz of Rush County spoke with

the Commission. She said it would be nice if the road could just be maintained. She said there has been no maintenance in the last 15 years on this road. She asked what the rotation was to maintain this road since it has been 15 years since anything was done to it. She asked that another survey be done on the road since the last one was done in 2018 and there are more people that drive it now. Schlyer said he understood her concerns and that all roads need to be maintained. Mackay said the last time those five miles were sealed was in 2016, and patching has been occurring every year except last year, so it has not been 15 years since it has been maintained. Dean Gottschalk of Ellis County thanked the Commissioners for listening to the concerns. He said he has visited with Commissioner Younger. He said he feels that turning this into an asphalt rock road will make it worse. He thinks the public will work with them with just doing patching. Randy Augustine of Ellis County spoke and said the issue is always the funding. He said there is always no money available from River Road south. Schlyer said it is not a matter of having money available, the repairs are budgeted for and paid for the next upcoming year. He said that Mackay did bring this before the commissioners and they budgeted to have the work done. Augustine said we don't have the manpower to fix the dirt roads we have now. Younger said the County is working on getting more manpower hours for overtime. There has been more overtime pay put into the budget. Lance Brenner said he farms and ranches in Trego County but has land in Ellis County. He said the bad patches need to be repaired and the road can be saved with proper maintenance. He said there are no off-roads on this road. Schlyer stated that it appears that all that is wanted is patchwork to be done. Mackay said from the South end has not failed like the North end has. It is holding up now but doesn't know how long it will last. He said the base has got to be fixed. He would not recommend to just patching. He said if anything needs to be done it would be a total mill and prime/seal. He just doesn't want to see money being thrown away. Schlyer asked if they would do the prime/seal when would it be started. Mackay said end of next year. Schlyer asked if there would be a detour. Mackay said there would be a detour to keep his employees safe, as well as the public. Younger said if we have to wait on the material until next year, he thinks the one area needs to be repaired. He asked if everyone would be satisfied with that. James Unrein from Ellis County said he travels this road every day. He said there is one really bad spot that needs repaired and to save the South part of the road. Schlyer said if we just patched it would just further the problem down the road and it would be up to future commissioners to figure it out. Younger said he was fine with that and suggested that rough road ahead signs need to be put up. He would be supportive of band aiding it together and when the new commission comes in decisions can be made then. Schlyer said he was in favor of the prime/seal to be put down but would defer to Commissioner Younger. He said if the consensus of the audience is doing the patchwork, he was fine with that. Mackay asked if that means milling the rock in and putting down a cold mix match. He said he has 16 tons of Coldmix and it will not be enough. Younger asked if we could get bigger material to put in. Mackay said the milled rock would incorporate into the base. He said big stones could help but could also hurt. He wants to know if he is supposed to try to find Coldmix this fall. He said he has to find the material and it will be at a premium at this time. Younger asked what kind of funding was put in. Mackay said \$50,000 per mile. Younger said we could dip into some of the funding for road and bridge to at least get this spot safe. Mackay said he just doesn't know if he can get the material. He said they are getting ready to start up another road project and finishing up on Emmeram Road. They already got the rock, talked to the landowners, have gotten the permit with the State, built a spray attachment for the machine that cost \$30,000. If we are going to patch, he would suggest that they mill and rock. Gottschalk came up and talked about putting in tile. He said if you advertised the ground up rock you could get it sold at a good price. Petz spoke again on taking it back to rock and asked what the plan was if the rock would fail. Mackay said the road has already failed and would have to go back down to the base. He said you can not keep throwing things on top. You need to fix the underlying issue or otherwise you are just throwing away money. Younger said the road in Russell County is similar to the one south of Ellis and he watched them take a quarter mile out at a time and it was not bad. Schlyer asked if Younger

was in favor of patchwork. Younger said he was. Ava North of Rush County spoke to the Commission and read an article from the Kansas Department of Transportation on grants. Mackay spoke of going to the infrastructure conference in June and learned about getting grants and costs-share. He said there is money out there but with Federal grants KDOT is not ready to administer them. He said the County writes a check and it is KDOT's show after that. If we would do get a federal grant in the future would have to hire it out to administer it as it is very in-depth. There is money there and it is free money but it takes a lot of work to obtain it and to administer it. Schlyer said Mackay should go ahead to work on getting the patchwork started. Younger asked that the audience come back when this is done and give the County an update. Mackay said there will be signs rough road ahead put in place.

HIGH RISK RURAL ROAD GRANT ACCEPTANCE

Public Works Director Brendan Mackay is asking the Commission to accept the authority to award the Federal Fiscal Year 2022 KDOT HRRR grant in the amount of \$101,224 for safety improvements to the Ellis County Road system. Ellis County was awarded this grant as part of the 2021 submission for the HRRR grant application. The project will utilize no local funds and will be paid solely from the grant. These projects have allowed the County to update all types of road signage and pavement marking at no cost to the county. This award is for updating the road signs and pavement markings at two intersections on Old US-40. The two intersections awarded are Pfeifer Avenue and Cathedral Avenue at Old US-40, and Walker Avenue and Old US-40. Costs for the grant activities will be fully offset by the grant award, with no requirement for a local match.

Motion: _____ **Younger** _____ **Second:** _____ **Schlyer**

I move to accept and sign the Authority to Award HRRR Grant in the amount of \$101,224.

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

EXTRA-TERRITORIAL JURISDICTION CHANGE

Environmental Services Director Justin Craig is asking the Commission to approve Resolution 22-14. At the October 4th Ellis County Commission meeting, the commission reviewed a proposal to change boundaries of the Extra-Territorial Jurisdiction surrounding the City of Hays. The change was to accommodate the purchase of land just north of Hays for a new public works facility. As staff had stated, they have met and worked with city officials on the agreement with no issues. However, at the October 4th meeting, a motion was overlooked to approve the attached resolution.

Motion: _____ **Schlyer** _____ **Second:** _____ **Younger**

I move to approve Resolution 22-14 for the boundary changes in the ETJ.

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

ELLIS COUNTY RESOLUTION NO. 2022-14 CITY OF HAYS ORDINANCE NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS, AND AN ORDINANCE OF THE CITY OF HAYS, KANSAS, PROVIDING FOR THE AMENDMENT OF ORDINANCE NO. 2479, PASSED AS A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ELLIS COUNTY, KANSAS AND AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS ON APRIL 25, 1974, AND AMENDMENT OF ELLIS COUNTY RESOLUTION NO. 20078 AND CITY OF HAYS ORDINANCE NO. 3721, PUBLISHED ON THE 7TH AND 10TH DAY OF MAY, 2007, RESPECTIVELY, AND PROVIDING FOR THE HAYS AREA PLANNING COMMISSION AND HAYS AREA BOARD OF ZONING APPEALS, PRESCRIBING

THE METHODS AND MEANS OF ESTABLISHMENT OF SAID BODIES, THEIR POWERS AND DUTIES AND CONTINUING THE EFFECTIVENESS OF CERTAIN ZONING ORDINANCES, SUBDIVISION REGULATIONS AND LAND USE RESTRICTIONS AND REGULATIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF HAYS, KANSAS IN SPECIFICALLY DESIGNATED TRACTS OF REAL PROPERTY WITHIN 3 MILES OF THE CORPORATE LIMITS OF HAYS, KANSAS.

WHEREAS, Ellis County, Kansas, and the City of Hays, Kansas, by virtue of Joint Resolution/Ordinance Number 2479, on April 25, 1974, established a Planning Commission, as authorized by law, known as the Hays-Ellis County Planning Commission; established the area of jurisdiction of the Planning Commission within the corporate limits of Hays, Kansas and outside of but within three miles of the corporate limits of the City of Hays; established a Planning Commission, defining its makeup and the method of selection and duties; established a Board of Zoning Appeals, its makeup, method of selection and duties; ratified then-existing zoning and subdivision regulations and rules; established methods of budgeting and administering the entities established by said Joint Resolution/Ordinance; and

WHEREAS, the Board of County Commissioners of Ellis County, Kansas has, by virtue of Resolution No. 2006-17 and 2006-18 and enabling legislation of the State of Kansas, adopted subdivision and zoning regulations for the unincorporated areas of Ellis County and excepting certain portions surrounding the Cities of Ellis and Hays, Kansas; and

WHEREAS, the Ellis County Board of Commissioners, by virtue of Resolution No. 20078 and the City of Hays, Kansas, by virtue of Ordinance No. 3721, ratified and established the Hays Area Planning Commission and the Hays Area Board of Zoning Appeals; and

WHEREAS, the Ellis County Board of Commissioners, and the City of Hays, Kansas have mutually agreed to make the existing land use and zoning classification system of the Hays area, consisting of all real property within the corporate limits of the City of Hays, Kansas and the following described real property, which is outside the corporate limits, and within three miles of said corporate limits, applicable to said real property and the City of Hays, Kansas has determined that it is most efficient to amend the number of members of the Hays Area Planning Commission to seven, of which two shall reside outside the corporate limits of the City of Hays, Kansas and within three miles of the aforesaid limits, as that area is described and delineated herein. That the Hays Area Board of Zoning Appeals shall consist of five members, with one member to reside outside the corporate limits of the City of Hays, Kansas and within three miles of the corporate limits, in the territory described and delineated herein; and

WHEREAS, any zoning ordinance or subdivision regulations, rules and maps adopted under the provisions of prior law or the aforesaid Joint Resolution/Ordinance No. 2479 and Resolution No. 2007-8 and Ordinance No. 3721 shall continue to be in full force and effect unless modified or amended as herein provided; and WHEREAS, it is the intent of the Board of County Commissioners of Ellis County, Kansas, and the Governing Body of the City of Hays, Kansas, pursuant to K.S.A. 12-715b and other enabling legislation, for the City of Hays, Kansas, to continue to govern, establish, fund and administer the Hays Area Planning Commission and Hays Board of Zoning Appeals for the area within its corporate limits and outside and not more than three miles from the corporate limits of the City of Hays, Kansas, if located in the following described areas:

In Township 13 South, Range 18 West, the following:

All of Sections 21, 26, 27, 28, 29, 33, 34, & 35; The West Half (W/2) of Section 15; The South Half (S/2) of Section 16; the West Half (W/2) of Section 17; the East Half (E/2) of Section 18; that portion of the West Half (W/2) of Section 18 lying northerly of Interstate Highway 70 Right-of-way; the East Half (E/2) of Section 19; all of Section 20 EXCEPT that tract of land described in Book 188 at Page 619 of the Ellis County Register of Deeds Office, more particularly described as follows: Beginning at a point 1327.36 feet West and 50 feet South of the Northeast Corner of Section 20, this is the initial point of beginning; thence South with an internal angle of 90 degrees 29 minutes 55 seconds, a distance of 400.00 feet; thence West parallel to the North line of Section 20, a distance of 1253.42 feet; thence North parallel to the West line of the Northeast Quarter, a distance of 400.00 feet to the South Right-of-way line of County Road; thence East along the South Right-of-way line of County Road, a distance of 1243.24 feet to the point of beginning; the South Half (S/2) of Section 22; the West Half of the Northwest Quarter (W/2 NW/4) of Section 22; the South Half (S/2) of Section 23; the South Half (S/2) of Section 25; the East Half of Section 30 lying northerly of Old Highway 40 Centerline; tract of land in the Southwest Quarter (SW/4) of Section 30 more particularly described as follows: Beginning at the Northeast Corner of said Southwest Quarter (SW/4); thence South 1665 feet along the East line of said Southwest Quarter (SW/4) to the North Right-of-way line of former U.S. Highway 40, thence Northwesterly 629 feet along the North Right-of-way line of former U.S. Highway 40, thence North 1321 feet parallel to the East Line of said Section 30 to intersect the North line of said Southwest Quarter (SW/4); thence East 530 feet along the North Line of said Southwest Quarter (SW/4) to the place of beginning. Said tract being inclusive of Lots 1, 2, 3, 4, & 5, Block 10, Prairie Acres Addition; a tract of land in the North Half (N/2) of Section 31 more particularly described as follows: Beginning at the Northeast Corner of the Northeast Quarter (NE/4) of Section 31; thence on an assumed bearing of $S0^{\circ}36'33''W$ a distance of 1756.79 feet; thence $N89^{\circ}23'27''W$ a distance of 1441.04 feet; thence $S0^{\circ}36'33''W$ a distance of 600.00 feet; thence $N89^{\circ}23'27''W$ a distance of 1720.82 feet; thence $N0^{\circ}17'18''E$ a distance of 2317.01 feet to the North line of the Northwest Quarter of said Section 31; thence $N89^{\circ}53'44''E$ along the northerly line of said Section 31 a distance of 540.86 feet to the Northwest Corner of said Northeast Quarter (NE/4); thence $N89^{\circ}53'23''E$ a distance of 2634.23 feet to the point of beginning; that portion of Section 32 lying northeasterly of US Highway 183 Alternate Centerline; the West Half (W/2) of Section 36; that portion of the Northeast Quarter (NE/4) of Section 36 lying northerly of Interstate Highway 70 Right-of-way.

In Township 14 South, Range 18 West, the following:

The West Half (W/2) of Section 1; that portion of Section 2 lying northerly of Old Highway 40 Centerline; a tract of land in the Southeast Quarter (SE/4) of Section 2, Township 14 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, more particularly described as follows: Commencing at the Southeast Corner of said Section 2; thence on an assumed bearing of West, along the South line of said Section 2, a distance of 1800.00 feet; thence on a bearing of North a distance of 125.00 feet to the point of beginning of the land to be described; thence on a bearing of West a distance of 306.0 feet; North 09 degrees 20 minutes 48 seconds East, along a line perpendicular to the centerline of the Union Pacific Railroad, a distance of 247.01 feet to a point on the south right of way line of Old Highway 40; thence South 80 degrees 39

minutes 12 seconds East, along the south right of way line of Old Highway 40, a distance of 301.94 feet; thence South 09 degrees 20 minutes 48 seconds West, along a line perpendicular to the centerline of the Union Pacific Railroad, a distance of 197.31 feet to the point of beginning; that portion of Section 3 lying northerly of Old Highway 40 Centerline and Old Highway 40 Alternate; that portion of Section 3 situated within the City Limits of the City of Hays as defined by Resolution Number 2020-018, recorded in Book 982 at Page 125-148 of the Ellis County Register of Deeds Office and lying southerly of U.S. Highway 40 Alternate Centerline; that portion of Section 4 situated within the City Limits of the City of Hays as defined by Resolution Number 2020-018, recorded in Book 982 at Page 125-148 of the Ellis County Register of Deeds Office; the North Half (N/2) of Section 5; the Southeast Quarter (SE/4) of Section 5 EXCEPT the South 850 feet thereof; that portion of Section 10 situated within the City Limits of the City of Hays as defined by Resolution Number 2020-018, recorded in Book 982 at Page 125-148 of the Ellis County Register of Deeds Office; the East Half (E/2) of Section 11 lying northerly of the Fort Hays Military Reservation; all of Section 12 EXCEPT that part of the Northeast Quarter (NE/4) lying northerly of the centerline of Old US Highway 40 Centerline; all of Section 13.

WHEREAS, any zoning ordinance or subdivision regulations, rules and maps adopted under the provisions of prior law or the aforesaid Joint Resolutions/Ordinances, shall continue in full force and effect until and unless modified or amended as provided by law;

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Ellis County, Kansas, and NOW, THEREFORE, be it ordained by the Governing Body of the City of Hays, Kansas:

ARTICLE I PLANNING COMMISSION

1. That there is hereby continued in existence a Planning Commission as authorized by K.S.A. 12715b *et seq.*, to be known as the Hays Area Planning Commission.

2. That the area of jurisdiction of the Hays Area Planning Commission, shall include that area within the corporate limits of the City of Hays and that area outside said limits and not more than three miles from the corporate limits of the City of Hays, Kansas, if located in the following described areas:

In Township 13 South, Range 18 West, the following: all of Sections 21, 26, 27, 28, 29, 33, 34, & 35; the West Half (W/2) of Section 15; the South Half (S/2) of Section 16; the West Half (W/2) of Section 17; the East Half (E/2) of Section 18; that portion of the West Half (W/2) of Section 18 lying northerly of Interstate Highway 70 Right-of-way; the East Half (E/2) of Section 19; all of Section 20 EXCEPT that tract of land described in Book 188 at Page 619 of the Ellis County Register of Deeds Office, more particularly described as follows: Beginning at a point 1327.36 feet West and 50 feet South of the Northeast Corner of Section 20, this is the initial point of beginning; thence South with an internal angle of 90 degrees 29 minutes 55 seconds, a distance of 400.00 feet; thence West parallel to the North line of Section 20, a distance of 1253.42 feet; thence North parallel to the West line of the Northeast Quarter, a distance of 400.00 feet to the South Right-of-way line of County Road; thence East along the South Right-of-way line

of County Road, a distance of 1243.24 feet to the point of beginning; the South Half (S/2) of Section 22; the West Half of the Northwest Quarter (W/2 NW/4) of Section 22; the South Half (S/2) of Section 23; the South Half (S/2) of Section 25; the East Half of Section 30 lying northerly of Old Highway 40 Centerline; a tract of land in the Southwest Quarter (SW/4) of Section 30 more particularly described as follows: Beginning at the Northeast Corner of said Southwest Quarter (SW/4); thence South 1665 feet along the East line of said Southwest Quarter (SW/4) to the North Right-of-way line of former U.S. Highway 40, thence Northwesterly 629 feet along the North Right-of-way line of former U.S. Highway 40, thence North 1321 feet parallel to the East Line of said Section 30 to intersect the North line of said Southwest Quarter (SW/4); thence East 530 feet along the North Line of said Southwest Quarter (SW/4) to the place of beginning. Said tract being inclusive of Lots 1, 2, 3, 4, &5, Block 10, Prairie Acres Addition; a tract of land in the North Half (N/2) of Section 31 more particularly described as follows: Beginning at the Northeast Corner of the Northeast Quarter (NE/4) of Section 31; thence on an assumed bearing of $S0^{\circ}36'33''W$ a distance of 1756.79 feet; thence $N89^{\circ}23'27''W$ a distance of 1441.04 feet; thence $S0^{\circ}36'33''W$ a distance of 600.00 feet; thence $N89^{\circ}23'27''W$ a distance of 1720.82 feet; thence $N0^{\circ}17'18''E$ a distance of 2317.01 feet to the North line of the Northwest Quarter of said Section 31; thence $N89^{\circ}53'44''E$ along the northerly line of said Section 31 a distance of 540.86 feet to the Northwest Corner of said Northeast Quarter (NE/4); thence $N89^{\circ}53'23''E$ a distance of 2634.23 feet to the point of beginning; that portion of Section 32 lying northeasterly of US Highway 183 Alternate Centerline; the West Half (W/2) of Section 36; that portion of the Northeast Quarter (NE/4) of Section 36 lying northerly of Interstate Highway 70 Right-of-way.

In Township 14 South, Range 18 West, the following:

The West Half (W/2) of Section 1; that portion of Section 2 lying northerly of Old Highway 40 Centerline; a tract of land in the Southeast Quarter (SE/4) of Section 2, Township 14 South, Range 18 West, of the 6th Principal Meridian, Ellis County, Kansas, more particularly described as follows: Commencing at the Southeast Corner of said Section 2; thence on an assumed bearing of West, along the South line of said Section 2, a distance of 1800.00 feet; thence on a bearing of North a distance of 125.00 feet to the point of beginning of the land to be described; thence on a bearing of West a distance of 306.0 feet; North 09 degrees 20 minutes 48 seconds East, along a line perpendicular to the centerline of the Union Pacific Railroad, a distance of 247.01 feet to a point on the south right of way line of Old Highway 40; thence South 80 degrees 39 minutes 12 seconds East, along the south right of way line of Old Highway 40, a distance of 301.94 feet; thence South 09 degrees 20 minutes 48 seconds West, along a line perpendicular to the centerline of the Union Pacific Railroad, a distance of 197.31 feet to the point of beginning; that portion of Section 3 lying northerly of Old Highway 40 Centerline and Old Highway 40 Alternate; that portion of Section 3 situated within the City Limits of the City of Hays as defined by Resolution Number 2020-018, recorded in Book 982 at Page 125-148 of the Ellis County Register of Deeds Office and lying southerly of U.S. Highway 40 Alternate Centerline; that portion of Section 4 situated within the City Limits of the City of Hays as defined by Resolution

Number 2020-018, recorded in Book 982 at Page 125-148 of the Ellis County Register of Deeds Office; the North Half (N/2) of Section 5; the Southeast Quarter (SE/4) of Section 5 EXCEPT the South 850 feet thereof; that portion of Section 10 situated within the City Limits of the City of Hays as defined by Resolution Number 2020-018, recorded in Book 982 at Page 125-148 of the Ellis County Register of Deeds Office; the East Half (E/2) of Section 11 lying northerly of the Fort Hays Military Reservation; all of Section 12 EXCEPT that part of the Northeast Quarter (NE/4) lying northerly of the centerline of Old US Highway 40 Centerline; all of Section 13.

3. The Hays Area Planning Commission shall consist of seven (7) members appointed by the Mayor with the consent of the City Commission of the City of Hays. In making said appointments, the City shall obtain from the County Commission its requests for appointments of individuals who reside outside the corporate limits and in the three-mile zone as described and delineated hereinabove, and subject to the final statutory power of the Mayor to make said appointments, those recommendations shall be considered by the Mayor for said appointment. The County shall submit its requests for appointment in whatever numbers it desires, to give the Mayor a wide choice of candidates and the City shall publicize the appointment process to allow input from all interested parties in advance of the appointments. All Hays Area Planning Commission members shall reside within the territory over which the City of Hays has jurisdiction, and two (2) members shall reside outside of but within three miles of the corporate limits of the City of Hays, Kansas, in the above-designated area.

4. That all existing members, heretofore appointed shall continue in office until and unless replaced as provided herein.

5. That all appointments for new terms shall be for three-year terms from the first day of May of the year in which they are appointed.

6. That vacancies on the Hays Area Planning Commission caused by death, resignation, or other disability of any member shall be filled for the unexpired term only.

7. The members of the Hays Area Planning Commission shall serve without compensation but may be reimbursed for expenses actually incurred in the performance of their duties.

8. That the members of the Hays Area Planning Commission shall elect one of their number as Chairman, and one as Vice-Chairman, who shall serve one year or until their successors have been selected. A Secretary, who need not be a member of the Hays Area Planning Commission, shall be designated to perform all necessary clerical tasks.

9. That the members of the Hays Area Planning Commission shall meet at least once each month, at such time and place as they shall fix by resolution, and if a member has three or more unexcused absences, this may be cause for removal from the Hays Area Planning Commission.

10. That special meetings of the Hays Area Planning Commission may be called at any time by the Chairman, or in his absence by the Vice-Chairman.

11. That a majority, four members, of the Hays Area Planning Commission shall constitute a quorum for the transaction of business and all actions taken shall be by a vote of a majority of those voting.

12. That the Hays Area Planning Commission shall cause a proper record to be kept of its proceedings, said record to be kept in the office of the Secretary.

13. That the Hays Area Planning Commission is hereby authorized to make or cause to be made and amended from time to time a comprehensive plan for the Planning Area which may include, but is not limited to, recommendations for principal highways, bridges, airports, parks, and recreational areas, schools, public institutions, public utilities, public financial plan, land use plan, and zoning, and subdivision regulations. The existing comprehensive plan, as established and amended shall continue in full force and effect.

14. That the Hays Area Planning Commission shall have those powers and duties as prescribed by law for City Planning Commissions and shall hold public hearings as required by statutes for City Planning Commissions and shall make recommendations to the City on planning, zoning, and subdivision matters which affect land located within the corporate limits of the City of Hays and within three miles of the corporate limits of the City of Hays, if located in the aforesaid designated areas.

ARTICLE II BOARD OF ZONING APPEALS

1. That the City continues in existence the Hays Area Board of Zoning Appeals, as authorized by K.S.A. 12-722 through K.S.A. 12-724, hereinafter called the "Board."

2. That the Board shall have the same area of jurisdiction as the Hays Area Planning Commission.

3. The Board shall consist of five (5) members, which shall be appointed by the Mayor with the consent of the City Commission. In making said appointments, the City shall obtain from the County Commission its requests for appointments of individuals who reside outside the corporate limits and within three miles of said corporate limits if located in the aforesaid designated areas and, subject to the final statutory power of the Mayor to make said appointments, those recommendations shall be considered by the Mayor for said appointment. The County shall submit its requests for appointment in whatever numbers it desires, to give the Mayor a wide choice of candidates and the City shall publicize the appointment process to allow input from all interested parties in advance of the appointments. None of the members shall hold any other public offices in the City or County except that one member shall be a member of the Hays Area Planning Commission. All Board members shall reside within the City of Hays' planning jurisdiction, with one member to reside outside the corporate limits of the City of Hays and within three miles of the corporate limits of the City of Hays, if in the aforesaid designated areas.

4. That all existing members, heretofore appointed under the provisions of Ordinance No. 2479, shall continue in office until and unless replaced as provided herein.

5. That all appointments for new terms shall be for three-year terms from the first day of May of the year in which they are appointed.

6. That vacancies shall be filled by appointment for the unexpired term only.

7. That the members of such Board shall serve without compensation but may be reimbursed for expenses actually incurred in the performance of their duties.

8. That the Board shall elect one of its members as Chairman, and one as Vice-Chairman, who shall serve one year or until their successors have been selected. A Secretary, who need not be a member of the Board, shall be designated to perform all necessary clerical tasks.

9. That meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine.

10. That a majority, three members, of the Board shall constitute a quorum for the transaction of business and all actions taken shall be by a majority of those voting.

11. That the Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decision of the Board and the vote upon each question.

12. That the Board shall have those powers and duties as established by ordinance and resolution and state law.

13. That records of all official actions of the Board shall be filed in the office of the City Clerk and shall be a public record.

ARTICLE III EXISTING REGULATIONS

That any zoning ordinance or subdivision regulations, rules, and maps adopted by the City or County under the provisions of the act of which this act is amendatory, shall continue in force and effect as though adopted under the provisions of this act, until and unless the same is modified or new regulations are adopted as provided in this act.

ARTICLE IV BUDGET

On or before the first Monday in June of each year, the Hays Area Planning Commission shall submit to the City a proposed budget for the forthcoming year. The City of Hays shall provide for an annual budget, and pursuant to said agreement shall appropriate funds for the expenses and costs of staff services, office space and equipment, contractual services, and other relevant expenses required to carry out the purposes and functions of the Hays Area Planning Commission. That the City of Hays shall administer the funds of the Hays Area Planning Commission.

ARTICLE V ADMINISTRATION

That the City shall appoint a Zoning Administrator who will be the enforcing agent for the zoning and subdivision regulations in the entire area of jurisdiction.

ARTICLE VI

This Joint Resolution and Ordinance shall constitute an agreement between the City of Hays, Kansas, and Ellis County, Kansas, as required in K.S.A. 12-715b *et seq.* and shall also constitute a resolution of the Board of County Commissioners of Ellis County, Kansas, and an Ordinance of the City of Hays, Kansas, and shall be effective upon its passage and adoption by the Board of County Commissioners of Ellis County and the Governing Body of the City of Hays, acting separately, after publication as provided by law. A fully executed and attested copy shall be filed with the County Clerk of Ellis County, Kansas, and the City Clerk of Hays, Kansas.

ARTICLE VII

If this joint resolution and ordinance, or any part thereof, shall be held or determined to be invalid or unconstitutional, such determination shall not be held or construed to change or annul any provisions hereof or application of the act which can be given effect without the invalid provision or applications.

ARTICLE VIII

To the extent that this Resolution/Ordinance varies from or amends the provisions of Ordinance No. 2479 of the Code of Ordinances of the City of Hays, Kansas, as passed on April 25, 1974, and as published on May 2, 1974, or Resolution No. 2007-8 or Ordinance No. 3721, as published on May 7, 2007 and May 10, 2007, this Resolution/Ordinance shall supersede, amend and repeal said Ordinances and Resolutions and this Resolution/Ordinance shall take effect and be in force from and after its passage and publication in the Hays Daily News, the official city newspaper.

ARTICLE IX

PASSED AND APPROVED by the Board of County Commissioners of Ellis County, Kansas, this 11th day of October, 2022. BOARD OF COUNTY COMMISSIONERS ELLIS COUNTY, KANSAS.

Robert "Butch" Schlyer, Chairman

ATTEST:

Bobbi Dreiling
County Clerk (SEAL)

PASSED AND APPROVED by the Governing Body of the City of Hays, Kansas, this ____ day of _____, 2022. CITY OF HAYS, KANSAS.

Mayor

ATTEST:

Brenda Kitchen
City Clerk

PURPEWAVE AUCTION RESULTS.

County Administrator Darin Myers updated the Commission on the results of the last Purplewave auction. The equipment was listed and the action closed on September 27, 2022. All but one piece of equipment has been paid to date, and many of the items have been picked up already. The total from the sales of the vehicles and equipment generated \$113,515 in revenue. \$28,725 will be deposited in the Fire Districts Fund, and \$84,790 will be deposited into the general fund to offset the fleet management program.

ABSENT
JOE LEROUX, COMMISSIONER

ATTEST:

BOBBI L DREILING
ELLIS COUNTY CLERK