

**BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, KANSAS
OFFICIAL MINUTES**

January 6, 2014

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:00 AM.

CALL TO ORDER: Commissioner Brown.

INVOCATION: Commissioner Brown.

PLEDGE OF ALLEGIANCE: Commissioner McManus.

AGENDA APPROVAL:

ACTION: *A motion was made by Commissioner Rau to approve the agenda as amended.. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Yes
Commissioner Rau - Yes*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Rau to approve invoices in the amount of - \$334,443.10 as presented by the County Clerk's office. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Yes
Commissioner Rau - Yes*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner McManus to approve the minutes of December 23 and December 30, 2013 as presented by the County Clerk. The motion was seconded by Commissioner Rau.*

*ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Yes
Commissioner Rau - Yes*

CORRESPONDENCE:

1. Letter from David Cowan, City of Independence, on update of Cellular 911 GIS Mapping and asking for cooperation from the county on the update.

PUBLIC WORKS:

Public Works Coordinator Robert Bever, presented the weekly written report. The following items were discussed:

1. Road viewing for the vacation of County Road 5600 mile 15 & 16 – Buckles Request – The Chairman recessed to Public Hearing at 9:25 AM for the public hearing for the vacation of CR 5600 Mile 15 & 16. The only public input was from Mr. Doug Buckles. All surrounding landowners previously signed the petition asking for the vacation.

The Public Hearing closed at 9:35 AM

PUBLIC WORKS (Continued):

Vacation of Road request (Continued):

The Chairman returned to session at 9:35 AM and the following action was taken:

ACTION: *A motion was made by Commissioner Rau to approve the vacation of a County Road as follows:*

“A tract of land, previously used for road purposes, all that portion of County Road 5600 miles 15 and 16 laying between the intersections of CR 5600/CR 3950 and CR 5600/CR4300, as described as portions of Wagon Road 214 with the recorded width of 50’ and Wagon Road 327 with the recorded width of 40’, copies located in the Montgomery County Public Works Department, all being I the Southeast quarter of Section 30, Northeast quarter of Section 31, South half of section 29, and North half of Section 32, Township 31 South, Range 16 East of the 6th Principal Meridian, Montgomery County, Kansas; approximately 1 and ½ mile in length.

The above described tracts of land are subject to easements for the right of ingress and egress, reconstruction and maintenance of all existing utilities and appurtenances thereto.

Motion was seconded by Commissioner McManus.

*ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Yes
Commissioner Rau - Yes*

RES. NO. 14-01

2. Approved one (1) Employee Status Change for Special Bridge and one (1) for Building Maintenance -

OTHER COUNTY BUSINESS:

1. Signed letter to Kansas Department of Commerce in support of designation of Montgomery County as a Rural Opportunity Zone.
2. Register of Deeds Monthly Report for December, 2013 –
3. County Clerk’s Monthly Report for December, 2013 -
4. Kansas County Commissioners Association requesting resolutions urging Kansas Legislature and Governor Sam Brownback to retain the mortgage registration fee as provided in K.S.A. 79-3102 and to reject any or all legislative proposals abolishing such fee. The following action was taken:

ACTION: *A motion was made by Commissioner Rau to adopt the resolution as follows:*

A resolution of the Board of Montgomery County Commissioners urging the Kansas Legislature and Governor Sam Brownback to retain the mortgage registration fee, as provided in K.S.A. 79-3102, and reject any or all legislature proposals abolishing such fee.

Whereas, in 1924, the Kansas Legislature enacted a law (K.S.A. 79-3102) providing that, before any mortgage of real property is filed with the County Register of Deeds, the individual or entity filing the mortgage pay a mortgage registration fee; and

Whereas, the Legislature has revisited the policy of the mortgage registration fee and enacted changes thereto on various occasions since 1925;

Whereas, the current fee is a one-time payment of 0.26% of the principal debt securing the mortgage; and

Whereas, the process of recording mortgages with the Register of Deeds is an important county function to ensure free and clear transactions involving land deals, giving potential landowners assurance that a property is unencumbered by liens; and

Whereas, a mortgage is enforceable only upon payment of the mortgage registration fee; and

Whereas, the 25/26th of the mortgage registration fee is deposited in a county’s general fund, where it is used to finance basic operations of county government, and 1/26th of the fee is remitted to the State Treasurer to finance the Heritage Trust Fund which helps preserve historic structures.

OTHER COUNTY BUSINESS (Continued):

Now, therefore, be it resolved, by the Board of County Commissioners of Montgomery County, Kansas, that the mortgage registration fee is an important revenue source for counties, and is one of a very few revenue streams counties have to finance essential county services; and

Be it further resolved that, in the budget years 2010, 2011 and 2012, Montgomery County received and deposited \$710,377 (2010); \$1,375,988 (2011); and \$179,960 (2012) from the mortgage registration fee in the general fund, respectively; and that absent such fees and no change in county services, county property taxpayers would have experienced increased mill levies of 1.932 mills; 3.792 mills; and 0.968mills, in 2010, 2011 and 2012, respectively; and

Be it further resolved that it would be profoundly unfair to counties and most of all, county property taxpayers in general, for counties to lose the revenue generated by the mortgage registration fee without the legislature identifying and authorizing a revenue measure of equal or greater significance; and

Be it further resolved that in the absence of an identified, authorized substitute revenue source, that we urge the Kansas Legislature and Governor Sam Brownback to retain the current mortgage registration fee, as provided in K.S.A. 79-3102, and reject any or all legislative proposals abolishing such fee; and

Be it further resolved that a copy of this resolution be sent to members of the Kansas Senate and House of Representatives representing this county; to Governor Sam Brownback; to all newspapers, radio and television stations serving this county; and to the Kansas Association of Counties.

Motion was seconded by Commissioner McManus.

Adopted this 6th day of January, 2014 in an open meeting of the Board of Montgomery County Commissioners , on a vote of 3 ayes and 0 nays.

*ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Yes
Commissioner Rau - Yes*

RES. NO. 14-02

5. Addition to Employee Handbook – Smoking & Tobacco Use –

ACTION: *A motion was made by Commissioner McManus to amend the Montgomery County Employee Handbook Smoking and Tobacco Use Policy as follows:*

In keeping with The County’s intent to provide a safe and healthful work environment, all forms of smoking and tobacco use in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. This includes but is not limited to the use of tobacco products such as cigarettes, cigars, and pipes, and the use of electronic smoking devices and products such as e-cigarettes, vapor cigarettes, cartomizers, and similar devices and products, regardless of whether they contain tobacco. If a smoke or tobacco break is needed during working hours, employees should use the two 15 minute rest periods provided each day. Use of tobacco products is prohibited within County vehicles or machinery with confined cabs that are assigned for general use. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment.

Smoking shall not be permitted in any enclosed county facility. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities. This policy applies to all employees, clients, contractors, and visitors. Smoking shall be permitted only at a reasonable distance of 10 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.

Motion was seconded by Commissioner Rau.

*ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Yes
Commissioner Rau - Yes*

RES. NO. 14-03

OTHER COUNTY BUSINESS (Continued):

6. Shared leave request approved for Sheriff's Department –
7. Indigent Attorney Contracts tabled until meeting of January 13, 2014 –
8. Executive Session – Non-elected Personnel –

ACTION: *A motion was made by Commissioner McManus to recess to Executive Session at 9:30 AM to return at 9:50 AM with the Board and County Clerk present to discuss non-elected personnel. Motion was seconded by Commissioner Rau*

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner Rau - Yes

Returned to session at 9:50 AM with a motion by Commissioner Rau and seconded by Commissioner McManus to extend the session until 10:00 AM with the Board present to discuss non-elected personnel.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner Rau

Returned to session at 10:00 AM stating no decisions made and no action taken.

ADJOURNMENT: 11:25 AM

ACTION: *Motion by Commissioner McManus, seconded by Commissioner Rau.*

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner Rau - Yes

**BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, KANSAS**

FRED BROWN, Chairman

LARRY McMANUS, Member

LEON RAU, Member

ATTEST:

County Clerk