

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

March 3, 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 Rau and Reverend Lee Passwater, The Trinity United Methodist Church, Coffeyville

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**AGENDA APPROVAL:**

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

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

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Rau to approve invoices in the amount of - \$398,815.28 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*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Rau to approve the minutes of February 24, 2014 as presented by the County Clerk. The motion was seconded by Commissioner McManus.*

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

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**CANVASS OF VOTES – CANEY CITY PRIMARY ELECTION:**

The Board of County Commissioners serving as the Board of Canvassers for the Caney City Primary Election held Tuesday, February 25, 2014 in Ward 4 of Caney City, conducted the official canvass at 9:05 AM. There were no changes in the balloting results.

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**GIS DEPARTMENT – CRIS BILBY – EXECUTIVE SESSION – NON-ELECTED PERSONNEL:**

**ACTION:** *A motion was made by Commissioner McManus to recess to Executive Session at 9:17 AM to return at 9:32 AM to discuss non-elected personnel with the Board and GIS Department Director Cris Bilby present. Motion was seconded by Commissioner Rau.*

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

Returned to session at 9:32 AM stating no decisions made and no action taken.

**GIS DEPARTMENT (Continued):**

The Board discussed a salary increase for the position of GIS Tech II to GIS Analyst. The following action was taken:

**ACTION:** *A motion was made by Commissioner Rau to increase the salary of the GIS Technician II (\$12.75 per hour) to GIS Analyst (\$15.25 per hour). Motion was seconded by Commissioner McManus.*

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

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**EXECUTIVE SESSION – BOARD OF COUNTY COMMISSIONERS:**

**ACTION:** *A motion was made by Commissioner McManus to recess to Executive Session at 9:33 AM to return at 9:43 AM with the Board present to discuss non-elected personnel. Motion was seconded by Commissioner Brown.*

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

Returned to session at 9:43 AM with a motion by Commissioner McManus and seconded by Commissioner Brown to extend the session to 10:00 AM with Commissioner Rau voting yes.

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

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

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**PUBLIC WORKS:**

Public Hearing for vacation of a County Road being a portion of County Road 1400-20:

The Chairman recessed from regular meeting AT 10:00 AM to the Public Hearing for the road vacation on a tract of land, previously used for road purposes (a portion of County Road 1400-20. Mr. Clint Perkins was present for the viewing. There being no opposition from the public, the Public Hearing was closed and the Board returned to regular session at 10:10 AM.

There being no opposition to the road closing petition, the following action was taken:

**ACTION:** *A motion was made by Commissioner Rau to approve the vacation of a County Road being a portion of County Road 1400-20, legal description as follows:*

*“A tract of land, previously used for road purposes, being a portion of County Road 1400-20 (formerly Wagon Road 559), as shown in the Road Record Books located in the Montgomery County Public Works Department, said tract being 50 feet in width, 25 feet from either side of the centerline of the existing road, as the road lays, and described as follows: Beginning at or near the intersection of the Sections 11,12,13,14 all in Township 35 South, Range 16 East (intersection of CR1400 and CR4900), Montgomery County; thence East along the centerline of the existing roadway, a distance of 975 feet, more or less; to the point where it intersects with the West Right of Way of Highway 169.*

Also:

*A tract of land, previously used for road purposes, being portions of County Road 4900-02 (formerly WPA #50), as shown in the Road Record Books located in the Montgomery County Public Works Department, said tract being 60 feet in width, 30 feet from either side of the centerline of the existing road, as the road lays, and described as follows: Beginning at or near the intersection of the Sections 11,12,13,14 all in Township 35 South, Range 16 East (intersection of CR4900 and CR1400), Montgomery County; thence Northerly along the centerline of the existing roadway, a distance of 2,120 feet, more or less; to the point where it intersects with the South Right of Way of Osage Street.”*

**PUBLIC WORKS (Continued):**

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. 14-29*

The Chairman recessed from regular meeting at 10:15 AM to the Public Hearing for the road vacation on a tract of land, previously used for road purposes, a portion of CR 5200 mile 23. There was no public participation at the hearing. There being no opposition from the public, the Public Hearing was closed and the Board returned to regular session at 10:25 AM.

There being no opposition to the road closing petition, the following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to approve the vacation of a County Road being a portion of County Road 5200 mile 23, legal description as follows:*

“A tract of land, previously used for road purposes, a portion of County Road 5200 mile 23, as described as a portion of Wagon Road 6 1/2 with the scaled width of 50’ from County Clerk’s Subdivision of the SW/4 4-32-17 and a portion of CR 5525 mile 21/Old Highway 169 with a recorded width of 120’ from Project #160-63 FAGH 79A, copies located in the Montgomery County Public Works Department, all being in the Southwest quarter of Section 4, Township 32 South, Range 17 East of the 6<sup>th</sup> Principal Meridian, Montgomery County, Kansas, more particularly described as follows: (from a deed in Condemnation of Land for State Highway Purposes case no. 33,981) “a tract of land beginning at the intersection of the South line of said Section and the Easterly right of way line of the first above described tract; thence Northeasterly along said Easterly right of way line 126’; thence in a Southeasterly direction to a point 40’ North and 100’ East of the place of beginning; thence South 40’; thence East 100’ to the place of beginning, leaving open a Right of Way of 50’ for CR5200 and a Right of Way of 120’ for CR5525/Old Highway 169. “

The above described tract of land is 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 Rau.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Yes*

*Commissioner Rau – Yes*

*RES. NO. 14-30*

Public Works Coordinator Robert Bever presented the weekly written report.

1. Signature on Project Agreement for RS 818, (farm to market roads) -
2. 2013 Year in Review for Public Works -
3. Employee Change of Status for termination by resignation on Special Bridge employee –
4. Approved Noxious Weed to receive bids for chemicals –

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**JUDGE ROGER GOSSARD – PURCHASE OF COMPUTER EQUIPMENT:**

Judge Gossard met with the Board to discuss the purchase of a computer server for the Coffeyville Office. The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to approve the purchase of a computer server for the Coffeyville District Court Office from Kontemporary Keyboards in the amount of \$13,174.00. Debit County General Capital Outlay Fund. Motion was seconded by Commissioner Rau.*

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

*RES. NO. 14-32*

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**OTHER COUNTY BUSINESS:**

1. County Appraiser’s Accounts Receivable Report for February, 2014 –
2. House Taxation Committee Report sent to Board by County Appraiser –
3. E-mail from Representative Jim Kelly advising the status at the present time on the Rural Opportunity Zone bill –
4. 2013 Outcomes Report from Montgomery County Action Council –
5. Resolution for checks to be voided for the year 2010 –

**ACTION:** *A motion was made by Commissioner McManus to approve the outstanding expenditure Warrants issued by the Office of the County Clerk for the year 2010 to be cancelled having been outstanding for three (3) years or more and never been presented for payment. The total of all outstanding 2010 check warrants are in the amount of \$4,317.06. Motion was seconded by Commissioner Rau.*

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

*RES. NO. 14-31*

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**ADJOURNMENT: 10:40 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**

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**FRED BROWN, Chairman**

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**LARRY McMANUS, Member**

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**LEON RAU, Member**

**ATTEST:**

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**County Clerk**