

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

March 17, 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.

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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 - \$301,653.13 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 March 10, 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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**MR. BOB HARRIMAN – BRIDGE PROBLEM ON CR 5400 EAST OF CR 5150:**

Mr. Bob Harriman met with the Board to discuss a problem with a bridge on CR 5400 East of CR 5150. Mr. Harriman said he has spoken with Public Works and was asked to talk to the Board. According to Mr. Harriman, previous commissioners had promised to fix the bridge for the residents and also for farm equipment needing to reach farming areas.

The Board told Mr. Harriman they will research it the minutes on the previous commitment made by a previous Board.

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**Recessed at 9:50 AM  
Returned at 9:55 AM**

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**PUBLIC WORKS:**

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

1. February 2014 rock report –
2. Special Bridge salary increase for Duane Wadsworth from \$17.61 to \$18.89. The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to approve a salary increase for Duane Wadsworth, Special Bridge Department from \$17.61 to \$18.89 effective. Motion was seconded by Commissioner Rau.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Yes*

*Commissioner Rau - Yes*

*RES. NO. 14-40*

3. Road Viewing for the vacation of CR 2000-23 (Grady Young) – Following discussion based on information provided by the Public Works Department, Mr. Brady Millemon and Mr. Robert Bever, the following action was taken:

**ACTION:** *A motion was made by Commissioner McManus, in accordance with KSA: 68-104, to vacate County Road 2000 mile 23 described as follows:*

*A tract of land, previously used for road purposes, a portion of County Road 2000 mile 23 as described as Wagon Road 20 with no width given and/or a portion of County Road 5700 mile 05 as described as Wagon Road 328 with no width given, copies located in the Montgomery County Public Works Department, all being in the Southeast quarter of Section 28, Township 34 South, Range 17 East of the 6<sup>th</sup> Principal Meridian, Montgomery County, Kansas, more particularly described as follows: All that portion of County Road laying South and East of the right of way for the intersection curve of County Road 2000 and County Road 5700 (plans for Project 63-S-239(2) 1964 page 4 of 29 show this portion as an “Approach” and a width of 60’).*

*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 Rau.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Yes*

*Commissioner Rau - Yes*

*RES. NO. 14-41*

4. Sewer District No. 2 rate increase open hearing. The advisory Committee recommends using the rate of \$11.30 per month as a minimum charge plus a unit charge per 1,000 gallons of \$8.73. The previous rate was flat charge of \$30.00 plus \$5.51 per 1,000 gallons of water used.

The Chairman recessed the regular meeting to the Public Hearing at 10:30 AM. The Public Hearing for Sewer District No. 2 was opened at 10:30 AM. Those present for the hearing were: Board of County Commissioner, County Clerk, Assistant Public Works Coordinator Jim Wright, Public Works Coordinator Robert Bever, Sewer District No. 2 Advisory Board (Vincent Thompson, Kenneth Weaver, Mina Watts, Greg Eycheson, Albert Shafer Pat Tucker and Norman Chambers.

There being no public opposition to the proposed Sewer District No. 2 rate increase, the Board closed the meeting and returned to regular session at 10:45 AM.

As a result of the Public Hearing and no opposition to the proposed rate change, the following action was taken:

**ACTION:** *A motion was made by Commissioner McManus that there being no opposition presented at the Public Hearing held this day, March 17, 2014, at 10:30 AM, the Montgomery County Resolution No. 14-28 passed by this governing body will remain effective as of this date. Motion was seconded by Commissioner Rau.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Yes*

*Commissioner Rau - Yes*

*RES. NO. 14-42*

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**EXECUTIVE SESSION – NON-ELECTED PERSONNEL:**

**ACTION:** *A motion was made by Commissioner McManus to recess to Executive Session at 10:50 AM to return at 11:10 AM with the Board 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 11:10 AM stating no decisions made and no action taken:

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**SHERIFF’S DEPARTMENT – BIDS FOR REPAIR OF VEHICLE:**

Montgomery County Sheriff’s Administrative Assistant presented a request to the Board for the approval for the repair of a vehicle damaged by an accident hitting a deer. Two bids were submitted:

Dave’s Repair, Independence	\$1,455
Phil’s, Independence	\$1,513

The recommendation was to accept the low bid from Dave’s Repair, Independence, KS. The Board approved the request and will be debited from the Sheriff’s Department 2014 Budget.

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**ENVIRONMENTAL HEALTH/ZONING DEPARTMENT – PLANNING COMMISSION TERMS EXPIRING:- - INTER-LOCAL AGREEMENT WITH ELK CITY:**

Environmental Health/Zoning Director Scott Barnhart met with the Board to advise there will be two (2) Planning Commission member terms expiring immediately. Only one of the members has agreed to serve another term. Mr. Max Williams has agreed to serve another term if appointed. The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to reappoint Mr. Max Williams to the Montgomery County Planning Commission Board. Motion was seconded by Commissioner Rau.*

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

*RES. NO. 14-36*

Mr. Barnhart presented an Inter-local-Cooperation Agreement for renewal between Montgomery County and Elk City permitting the County to undertake certain code enforcement activities within the city limits of Elk City, Kansas. The County agrees to designate one or more County employees to coordinate the Activities. The County employees so designated shall have authority to perform the Activities so long as they are consistent with the purpose of the Agreement. The following action was taken:

**ACTION:** *A motion was made by Commissioner Rau to renew the Inter-local Cooperation Agreement between Montgomery County and Elk City, Kansas for the purpose of permitting the County to undertake certain code enforcement activities within the city limits of Elk City, Kansas. The County agrees to designate one or more County employees to coordinate the Activities. The County employees so designated shall have authority to perform the Activities so long as they are consistent with the purpose of the Agreement, effective for the period, March 24, 2014 through March 30, 2015. Motion was seconded by Commissioner Rau.*

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

*RES. NO. 14-37*

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**OTHER COUNTY BUSINESS:**

1. Executive Session – Non-elected Personnel –  
**ACTION:** *A motion was made by Commissioner McManus to recess to Executive Session at 9:10 AM to return at 9:25 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 9:10 AM with a motion by Commissioner Rau and seconded by Commissioner McManus to request the County Clerk attend the session and extend the session until 9:45 AM.

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

Returned to session at 9:45 AM stating no decisions made and no action taken.

2. Report on 911 by Commissioner Rau. A County PSAP must be established for the County to receive funds collected for the rural areas . **A motion was made by Commissioner Rau to set up a County PSAP and the resolution will be prepared by County Counselor. Motion was seconded by Commissioner McManus with all voting yes. (Will be Resolution No. 14-38)**
3. Child Abuse Prevention Month 2014 Proclamation –

**ACTION:** *A motion was made by Commissioner Rau to proclaim April 2014 as Child Abuse Prevention Month in Montgomery, State of Kansas. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 14-39*

**ADJOURNMENT: 11:20 AM**

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

*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**