

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

June 30, 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:** Reverend Francis 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 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*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Rau to approve invoices in the amount of - \$26,097.24 and \$877,013.75 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 June 16, 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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**SHERIFF'S DEPARTMENT – INMATE FOOD CONTRACT FOR SIGNATURE OF THE BOARD:**

Department of Corrections Supervisor Jim Carson presented the Inmate Food Contract between Montgomery County and CBM Food Services for the signature of the Board of County Commissioners. The food contract was previously approved at the regular meeting on April 14, 2014.

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**PUBLIC WORKS:**

Assistant Public Works Coordinator Jim Wright met with the Board to present the weekly written report.

1. Resolution for policy on signs placed in County Road Right-of-ways. The following action was taken:

**WHEREAS:** *A motion was made by Commissioner McManus to adopt the following policy for signs not allowed on Montgomery County roads right-of-way:*

*By K.S.A. 68-422 and K.S.A. 68-422A, all right-of-way on local county highways is to be used exclusively for Public highway purposes. Only uniform marking guides and warning signs for identifying routes are allowed on the local highway systems. Montgomery County has jurisdiction over all local routes within the county road system.*

*The public should be aware that any and all signs or billboards are prohibited on the local road right-of-way.*

*When Montgomery County maintenance crews find any advertising signs on a local-right-of-way, the signs will be removed immediately without notice. Signs will then be taken to the Montgomery County Shop at 800 E. Myrtle, Independence where they can be picked up by the owner with the agreement they will not be placed on the road right-of-way again. All signs not picked up will be disposed of after thirty days. Political campaign signs and other advertising is allowed on private property bordering local road rights-of way and are not to hinder a line of sight for traffic. People erecting signs on private property near the roadway must first obtain permission from the property owner.*

*This policy takes effect July 1, 2014.*

*Motion seconded by Commissioner Rau.*

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

*RES. NO. 14-95*

2. Kaminska Road Vacation –

**ACTION:** *A motion was made by Commissioner McManus in accordance with KSA 68-102a and 68-104, to vacate a County Road as follows:*

*Several tracts of land, previously used for road purposes and public alleyways as shown on the plat of Butler’s Addition to Tyro, Montgomery County, Kansas, copies of this plat can be found in the Montgomery County Register of Deeds:*

*Irwin Ave. All of Irwin Ave as shown on the plat of Butler’s Addition.*

*Heber Ave. All of Heber Ave as shown on the plat of Butler’s Addition.*

*First St. All of First St. as shown on the plat of Butler’s Addition running north of the south line of blocks 14 and 15.*

*Second St. All of Second St. as shown on the plat of Butler’s Addition running north of the north line of blocks 13 and 14.*

*Fourth St. All of Fourth St. as shown on the plat of Butler’s Addition running north of the south line of blocks 11 and 12.*

*Also all public alleyways within Butler’s Addition to Tyro that are north of the north line of Lester Ave.*

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.

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**PUBLIC WORKS (Continued):**

**Kaminska Road Vacation (Continued) –**

Motion was seconded by Commissioner Rau.

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

*Commissioner Rau – Yes*

*RES. NO. 14-96*

**3. Poor Farm Cemetery Viewing:**

The Chairman recessed the regular meeting at 10:00 AM to open the Public Hearing to consider a request for a special exception pursuant to Article 4-104 of the Montgomery County Subdivision Regulations to re-position the boundary lines in and around Poor Farm Cemetery. The public attending the meeting were: Mr. and Mrs. Art Schenk, Jeff Veith and sister (name not available).

The public hearing closed at 10:25 AM.

The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to approve a special exception pursuant to Article 4-104 of the Montgomery County Subdivision Regulations relating to the County's intent to re-position the boundary lines in and around Poor Farm Cemetery located generally at Mile 14 of County Road 4550 and affects portions of Section 10, Township 33 South, Range 16 East of the 6th P.M., Montgomery County, Kansas. Motion was seconded by Commissioner Rau.*

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

*RES. NO. 14-97*

**4. Amend Resolution 13-40 on “temporary “ and “Right-of-way” –**

**ACTION:** *A motion was made by Commissioner McManus to amend Montgomery County Resolution 13-40 to correct the right-of-way legal description to the legal description of the temporary easement and the temporary easement description to the right-of-way description. Motion was seconded by Commissioner Rau.*

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

*RES. NO. 14-94*

5. Requesting permission to make offers to acquire the right-of-way on five (5) separate pieces of property and four (4) different owners. This will be funded 90% grant funds for Road Safety Audit (RSA) conducted in 2010. Right-of-way appraisals include acreage, fence replacement and trees, are as follows:

David & Dee Ann Harris	\$18,400
Ricky & Tammy Freeman	\$ 215
Frank & Martha Herrera	\$ 1,584
Denzell & Mary Jones	\$17,005

**PUBLIC WORKS (Continued):**

**Acquiring right-of-way (Continued):**

The following action was taken:

**ACTION:** *A motion was made by Commissioner Rau to approve the request by the Public Works Department to make offers to acquire the right-of-way based on the numbers provided by Betts Land Company's appraisal for work to be completed on CR 3900 between CR 3000 & CR 3200 through the High Risk Rural Road (HRRR) Program. Appraisals are as follows:*

<i>David &amp; Dee Ann Harris</i>	<i>\$18,400</i>
<i>Ricky &amp; Tammy Freeman</i>	<i>\$ 215</i>
<i>Frank &amp; Martha Herrera</i>	<i>\$ 1,584</i>
<i>Denzell &amp; Mary Jones</i>	<i>\$17,005</i>

*Motion was seconded by Commissioner McManus.*

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

*RES. NO. 14-98*

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**OTHER COUNTY BUSINESS:**

1. Register of Deeds monthly report for May 2014 –
2. Executive Session – Non-Elected Personnel –
3. Clarification of the zoning regulations only being within the three-mile area of Independence presently zoned. A press release was provided to the media.
4. Historical Collection Percentages to be distributed – The following action was taken:

**ACTION:** *A motion was made by Commissioner Rau to authorize the County Clerk to change the formula for calculating the distribution of funds to the Historical Societies within Montgomery County. The new percentages are: Caney – 15%, Cherryvale – 15%, Coffeyville – 35% and Independence 35%. The change is effective with the next distribution of funds. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 14-99*

5. Montgomery County 2015 Budget and Montgomery County Rural Fire District No. 1 2015 Budget-

**ACTION:** *A motion was made by Commissioner Brown to approve the final 2015 budgets for Montgomery County and the Montgomery County Rural Fire District No. 1 and authorize the County Clerk to proceed with publication for the Public Hearing to be held August 11, 2014 at 9:30 AM in the Montgomery County Commission Meeting Room. Motion was seconded by Commissioner McManus.*

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

RES. NO. 14-100

6. Resolution appoint James F. Miller to the Advisory Board of CLASS LTD, representing Montgomery County - The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to appoint James F. Miller to the Advisory Board of CLASS LTD, representing Montgomery County. Motion was seconded by Commissioner Rau.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Yes*

*Commissioner Rau - Yes*

RES. 14-101

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**ADJOURNMENT: 10:32 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**