

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

September 8, 2014

The Board of County Commissioners, two members and the County Clerk present, met in regular session at 9:00 AM. Commissioner McManus was absent.

CALL TO ORDER: Commissioner Brown.

INVOCATION: Reverend Joe Davolt, The Bible Holiness Church, Independence

PLEDGE OF ALLEGIANCE: Commissioner Rau.

AGENDA APPROVAL:

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

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

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Rau to approve invoices in the amount of - \$506,933.66 and \$19,291.10 as presented by the County Clerk's office. The motion was seconded by Commissioner Brown..*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Rau to approve the minutes of August 25, 2014 as presented by the County Clerk. The motion was seconded by Commissioner Brown.*

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

COUNTY APPRAISER – EXECUTIVE SESSION – NON-ELECTED PERSONNEL:

County Appraiser Angela Wright met with the Board to request an Executive Session to discuss non-elected personnel. The following action was taken:

ACTION: *A motion was made by Commissioner Rau to recess to Executive Session at 9:10 AM to return at 9:20 AM with the Board and County Appraiser present to discuss non-elected personnel. Motion was seconded by Commissioner Brown.*

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

Returned to session at 9:20 AM stating no decisions made and no action to be taken.

Ms. Wright discussed uniforms for the field staff, recommending rental of the uniforms at \$12.00 per week from Universe Rental Company. The Board approved her recommendation. Uniforms will be made available to the office staff at their request.

Employee Status Changes were approved by the Board. Changes were due to promotions created with the new appointment of County Appraiser.

KANSAS DEPARTMENT OF TRANSPORTATION – LUKE MIDDLETON:

Mr. Luke Middleton representing Kansas Department of Transportation, met with the Board and presented upcoming projects for possible funding not covered by present funds. He also gave information on upcoming Consulting Meeting to be held.

MONTGOMERY COUNTY HEALTH DEPARTMENT – CAROLYN MULLER – EMPLOYEE REPLACEMENT:

Montgomery County Health Director Carolyn Muller presented a request to the Board for approval to replace a vacancy in her department. Approval was given by the Board.

HUMAN RESOURCES - SHAWN WALLIS – MONTGOMERY COUNTY HEALTH FAIR:

Human Resources Director Shawn Wallis requested approval to receive bids for the annual employee health fair. Approval was given by the Board.

PUBLIC WORKS:

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

1. Road and Bridge Balance Sheet for August 2014 –
2. Executive Session on Acquisition of Property –
ACTION: *A motion was made by Commissioner Rau to recess to Executive Session at 9:40 AM to return at 9:50 AM with the Board, Public Works Coordinator Robert Bever, Jim Wright and County Clerk present to discuss the acquisition of property. Motion was seconded by Commissioner Brown.*
ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Absent
Commissioner Rau - Yes
Returned to session at 9:50 AM stating no decisions made and no action required.
3. Discussed on Right-of-way Acquisition on CR 3900 for Mr. David Harris Property. Mr. Harris has requested an additional \$1,200 for paint and labor for the new replacement fence making the total offer to \$18,400.00. The following action was taken:
ACTION: *A motion was made by Commissioner Rau to approve the additional amount of \$1,200 to the right-of-way acquisition price for paint and labor which was omitted from the original offer to Mr. David Harris on CR 3900. This brings the total offer to \$18,400. Motion was seconded by Commissioner Brown.*
ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Absent
Commissioner Rau - Yes

RES. NO. 14-124

The right-of-way acquisition offer to Martha Herrera was discussed. Ms. Herrera is requesting the trees be replaced with a larger size tree and has appointed Mr. Bill Stair to negotiate on her behalf and the county's offer has been denied. The county's offer of \$2,169 will not be increased and Public Works will notify Ms. Herrera.

4. Public Hearing for the vacation of a County Road:
The Chairman recessed the meeting at 10:00 AM to the public hearing for the vacation of the following road described as follows:
“A tract of land, previously used for road purposes 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:

Second Street. All of Second Street as shown on the plat of Butler's Addition running in between the south and north lines of blocks 13 and 14.

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.”

There being no public input, the Chairman adjourned the Public Hearing and returned to regular session at 10:10 AM.

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PUBLIC WORKS (Continued):

Public Hearing - Following the Public Hearing, the following action was taken:

ACTION: *A motion was made by Commissioner Brown in accordance with KSA: 68-102a and 68-104, to approve the vacation of a County Road described as follows:*

“A tract of land, previously used for road purposes 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:

Second Street. All of Second Street as shown on the plat of Butler’s Addition running in between the south and north lines of blocks 13 and 14.

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 – Absent
Commissioner Rau - Yes*

RES. 14-125

5. Requested approval to replace salt spreaders (4 to 6 units) at a cost not over \$15,000. The Board gave approval for the purchase.
6. Memo regarding 10th Street (3900) Right-of-way Acquisition (David Harris) –
7. Memo regarding 10th Street (3900) Right-of-way Acquisition (Martha Herrera) –
8. Backhoe Replacement request permission to replace a 1995 JCB backhoe with a new unit. Request approved by the Board –
9. Report on paint stripping of asphalt overlay roads this week –
10. Coffeyville Tree Dump Road – requested the Board to transfer title of ownership of County Road 4900 mile 5 over to the City of Coffeyville and have County Counselor proceed with this transaction. The Board approved the transfer and it will be sent to the County Counselor –
11. Federal Surplus Property – Signature of the Chairman required for the 100 KW Skid MTD Generator acquired from Kansas Federal Surplus. The following action was taken:

ACTION: *A motion was made by Commissioner Rau to authorize the Chairman to sign on behalf of Montgomery County, the necessary documents for the Kansas Federal Surplus Property on the utilization of the 100KW Skid MTD Generator (Cat Eng) transferred to Montgomery County on October 26, 2012. Motion was seconded by Commissioner Brown.*

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

RES. 14-126
12. Employee Change of Status for Special Bridge approved –
13. Noxious Weed Balance Sheet for August 2014 –
14. GIS Department Report -
15. Requested acquiring bids on a new pickup truck for Building Maintenance . Request approved by the Board.

16. Sewer District #2 Balance Sheet for August 2014 and a list of proposed changes for the District. A letter or resolution is required to open a new account with Community National Bank for the Sewer District - The following action was taken:

ACTION: *A motion was made by Commissioner Rau to approve and authorize Montgomery County Sewer District #2 to open a new account with Community National Bank, Independence, KS.. Three signatures will be required on the account. Motion was seconded by Commissioner Brown.*

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Absent
Commissioner Rau - Yes

RES. NO. 14-127

17. Smoke testing has been completed for the Sewer District –

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OTHER COUNTY BUSINESS:

1. Waiver for JAG Grant Application for Four County Mental Health –
ACTION: A motion was made by Commissioner Brown to approve the waiver of the JAG Grant for the year 2014 with a letter to Four County Mental Health of this action. Motion was seconded by Commissioner Rau.

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

RES. NO. 14-128

2. Flood Buy-out Lease Agreements for 3-year renewals:
ACTION: A motion was made by Commissioner Rau to approve the Flood Buy-out Agreement 3-year renewals for the following: David M. Allison (1030 S. 10th St., Independence), Paul E. & Sandra K. Benning (1695 CR5300, Coffeyville), James C. & Debra A. Caldwell (1141 S. Penn and 1204 S. Penn, Independence), Kurtis & Theresa King (2371 Valley High Pl., Independence) and Leonard & Mary E. Kizzire (CR 1600, Coffeyville). Motion was seconded by Commissioner Brown.

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

RES. NO. 14-129

3. Register of Deeds Report for August 2014 –
4. County Clerk's Report for August 2014 –
5. Request for payment for COBRA payment for employee of County Attorney's Office in the amount of \$767.57 to be paid from the Diversion Fund denied by the Board of County Commissioners.
6. Executive Session – fConfidential Data -
ACTION: A motion was made by Commissioner Rau to recess to Executive Session at 10:30 AM to return at 10:35 AM to discuss Confidential data relating to financial affairs with the Board, Aaron Heckman and County Clerk present. Motion was seconded by Commissioner Brown.

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

Returned to session at 10:35 AM stating no decisions made and no action required.

7. Executive Session –County Clerk - Non – elected Personnel –
ACTION: A motion was made by Commissioner Brown to recess to Executive Session at 10:40 AM to return at 11:00 AM to discuss non-elected personnel with the Board and County Clerk present. Motion was seconded by Commissioner Rau.

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

Returned to session at 11:00 AM stating no decisions made and no action required.

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ADJOURNMENT: 11:30 AM

ACTION: *Motion by Commissioner Brown, seconded by Commissioner Rau.*
ROLL CALL VOTE - Commissioner Brown - Yes
Commissioner McManus – Absent
Commissioner Rau - Yes

BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, KANSAS

FRED BROWN, Chairman

LARRY McMANUS, Member

LEON RAU, Member

ATTEST:

County Clerk