

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

October 6, 2014

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

CALL TO ORDER: Commissioner McManus

INVOCATION: Commissioner Rau

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 - Absent
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 - \$623,477.51 as presented by the County Clerk's office. The motion was seconded by Commissioner McManus.*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Rau to approve the minutes of September 29, 2014 as presented by the County Clerk. The motion was seconded by Commissioner McManus.*

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

COUNTY APPRAISER – EMPLOYEE PARKING AND NEW POSITION:

County Appraiser Angela Wright met with the Board to request a designated parking place be given to Martha Wood. The Board approved the request.

She also requested approval for a new position in her office. No decision was made at this time and will possibly be considered at a later date.

SEK-CAP REGIONAL ASSESSMENT PRESENTATION BY BECK GRAY:

Ms. Becky Gray, representing SEK-CAP Transportation Services presented information on an assessment done on services and needs in areas serviced. No action was required.

ENVIRONMENTAL HEALTH/ZONING – CONDITIONAL USE PERMIT (PHIL LOVELESS):

Environmental Health/Zoning Administrator Scott Barnhart met with the Board to discuss the Conditional Use Permit Application by Mr. Phil Loveless. The discussion and any action to be taken is as follows:

ACTION: *A motion was made by Commissioner Rau to table the Conditional Use Permit Application by Mr. Phil Loveless until the regular scheduled meeting October 27, 2014. Motion was seconded by Commissioner McManus.*

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

PUBLIC WORKS:

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

1. Executive Session – Non-elected personnel -

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, Robert Bever and Cris Bilby present to discuss non-elected personnel. Motion was seconded by Commissioner McManus.*

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

Returned to session at 9:50 AM with a motion by Commissioner Rau to extend the session until 10:05 AM. Motion was seconded by Commissioner McManus.

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

Returned to session at 10:05 AM stating no decisions made and no action to be taken.

2. Executive Session – Acquisition of Property –

ACTION: *A motion was made by Commissioner Rau to recess to Executive Session at 10:07 AM to return at 10:17 AM with the Board, Robert Bever and Jim Wright present to discuss Land Acquisition. Motion was seconded by Commissioner McManus.*

Returned to session at 10:17 AM stating no decisions made and no action to be taken.

Mr. Wright advised the Board of the negotiations with Martha Herrera for .24 Acres and 3 Bradford Pear Trees, a letter has been received from Attorney Tim Emert and Ms. Herrera will settle for \$1,284 for right-of-way and the county will hire a contractor to replant the trees (3 threes with a minimum 4” in diameter trunk and one year guarantee). The following action was taken:

ACTION: *A motion was made by Commissioner Rau to approve the amended offer of \$1,284.00 for .24 acres of right-of-way and the county will hire a contractor to replant the trees (3 threes with a minimum 4” in diameter trunk and one year guarantee) to be presented to Ms. Martha Herrerra, County Road 3900. Motion was seconded by Commissioner McManus.*

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

RES. NO. 14-141

3. Report from GIS on work completed and still pending as of 10-3-2014 –

OTHER COUNTY BUSINESS:

1. Flood Buy-Out Lease Agreement for Marilyn Ruth Snyder Wooderson, 3198 CR 5200, Independence –

ACTION: *A motion was made by Commissioner Rau to approve the Flood Buy-Out Lease Agreement between the County and Ms. Marilyn Ruth Snyder Wooderson (3198 CR 5200, Independence) for a period of October 1, 2014 through September 30, 2017. Motion was seconded by Commissioner McManus.*

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

RES. NO. 14-142

2. County Clerk's monthly report for September 2014 –
3. Register of Deeds monthly report for September 2014 –
4. Letter from County Attorney Larry Markle regarding criminal witness fees and expenses line item budget - Tabled until a meeting is scheduled with Judge Gossard and Larry Markle present.
5. Fingerprint Software – Sheriff's Department –

ACTION: *A motion was made by Commissioner Rau to approve the software interface cost of \$3,000.00 and Support of \$750.00 for the fingerprint machine and Department of Corrections reporting software, be paid to Huber and Associates from the County General Capital Outlay Department. Motion was seconded by Commissioner McManus.*

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

RES. NO. 14-143

**Recess to Fence Viewing at CR 2300 at 10:20 AM.
Returned to session at fence viewing site at 11:15 AM.**

FENCE VIEWING – (Jim Nunneley and Robert McClintock):

The Board of County Commissioners serving as Fence Viewers according to KSA 29-304 met at the location at 11:15 AM. Those present for the viewing were: Commissioner Larry McManus, Commissioner Leon Rau, County Clerk Charlotte Schmidt, Mr. Jim Nunneley and Mr. Robert McClintock.

The legal description has been submitted to the Board as follows: "Beginning at the NW corner of the SW/4 of the NW/4 of Section 14, Township 35, Range 14 and fence line running approximately 2,640 feet east from beginning."

Mr. Nunneley has replaced one-half of the fence dividing the properties at a cost of \$3,600. This included the bulldozing for removal of trees five (5) strands of barbed wire and two (2) gates.

It was agreed by Mr. McClintock, he will replace the remaining one-half of the fence. The following action was taken:

ACTION: *A motion was made by Commissioner McManus, as a result of the fence viewing held October 6, 2014, description as follows: "Beginning at the NW corner of the SW/4 of the NW/4 of Section 14, Township 35, Range 14 and fence line running approximately 2,640 feet east from beginning", the east one-half of the fence dividing the Jim Nunneley and Robert McClintock property will be the responsibility of replacing and maintaining by Mr. Robert McClintock and the west one-half by Mr. Jim Nunneley as agreed at the time of viewing. According to KSA 29-304 each portion, as assigned, shall be kept up and maintained in good repair. This assignment shall be filed by the County Clerk with the Montgomery County Register of Deeds. Motion was seconded by Commissioner Rau.*

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

RES. NO. 14-144

ADJOURNMENT: 12:30 PM

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