

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

October 26, 2015

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

**CALL TO ORDER:** Commissioner Brown.

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

**PLEDGE OF ALLEGIANCE:** Commissioner York.

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**AGENDA APPROVAL:**

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

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

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner York to approve invoices in the amount of - \$1,500.00 and \$34,060.08 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 York- Yes*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner York to approve the minutes of October 19, 2015 as presented by the County Clerk. The motion was seconded by Commissioner Brown.*

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

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**EXECUTIVE SESSION – COUNTY CLERK AND HUMAN RESOURCES – NON-ELECTED PERSONNEL:**

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

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

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

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**EXECUTIVE SESSION – HUMAN RESOURCES AND EMERGENCY MANAGEMENT – NON-ELECTED PERSONNEL:**

**ACTION:** *A motion was made by Commissioner York to recess to Executive Session at 9:20 AM to return at 9:35 AM with the Board, Human Resources Director, Emergency Management Director, County Clerk and Assistant Public Works Coordinator Jim Wright present to discuss non-elected personnel. Motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Absent*

*Commissioner York- Yes*

Returned to session at 9:35 AM stating no decisions made and no action to be taken.

**PUBLIC WORKS:**

Public Works Coordinator Robert Bever presented the weekly written report. Also present were Assistant Public Works Coordinator Jim Wright and Engineering Technician Brady Millemon. The first item by the Public Works Department is a Public Hearing for a road viewing by petition submitted by Mr. Roger Janzen and a petition presented on behalf of Montgomery County by Mr. Brady Millemon. The Chairman recessed the meeting for road viewing at 10:00 AM.

Those present for the road hearing were the Board, County Clerk, Public Works Coordinator Robert Bever, Public Works Engineering Technician Brady Millemon, Mr. and Mrs. Roger Janzen and Brad Hand.

After discussion on the road and how it will affect the property owners, the Board decided to deny the vacating of the road and it will become a minimum maintenance road.

The petition by Mr. Millemon was discussed on a tract of land previously used for road purposes and known as Wagon Road 116 with a recorded width of 50'. His petition request vacation of all that portion that has not been previously vacated.

The Board returned to session at 10:30 AM. The following action was taken on the vacating of a portion of CR1900 mile 15:

**ACTION:** *A motion was made by Commissioner Brown to deny the request for vacation of a portion of CR1900 mile 15 and to declare it a Minimum Maintenance Road in accordance with KSA-68-5,102. Legal description as follows:*

*A portion of CR1900 mile 15 has been declared a Minimum Maintenance Road in accordance with KSA-68-5,102. Legal description as follows:*

*A tract of land, previously used for road purposes and known as Wagon Road 114 with the recorded width of 50', copies located in the Montgomery County Public Works Department, all that portion of County Road 1900 mile 15 that has not been previously vacated in petitions for Wagon Road 768, more particular described as follows: Beginning at the Southeast corner of the Northeast quarter of Section 5 and running North to a point 462' North of the Southeast corner of the Northeast quart of the Northeast quarter of said section; all being in the Northeast quarter of Section 5, and Northwest quarter of Section 4, Township 33 South, Range 14 East of the 6<sup>th</sup> Principal Meridian, Montgomery County, Kansas, approximately 1/3 of a mile in length.*

*This road shall remain as a mud road and all maintenance and repair will be the landowners responsibility.*

*Motion was seconded by Commissioner York.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Absent*

*Commissioner York- Yes*

*RES. NO. 15-141*

Mr. Bever brought to the Board attention an easement dated the 4<sup>th</sup> day of April, 1927 has ceased to be used for highway purposes and according to the deed, it will revert to the current landowners. Mr. Bever requests the action be taken to revert this to the landowners. The following action was taken:

**ACTION:** *A motion was made by Commissioner Brown authorizing the Public Works Coordinator to file the necessary documents to declare an easement dated the 4<sup>th</sup> day of April, 1927 and recorded in Book N Page 136 in the Register of Deeds office, Montgomery County, State of Kansas, to be no longer in effect due to Montgomery County no longer using for highway purposes and as stated in the deed, this property reverts back to the current landowner. Motion was seconded by Commissioner York.*

*ROLL CALL VOTE - Commissioner Brown - Yes*

*Commissioner McManus – Absent*

*Commissioner York- Yes*

*RES. NO. 15-142*

**PUBLIC HEARING – ROAD VIEWING (Continued):**

The following action was taken on vacating a tract described and platted as a county road previously used for road purposes and known as Wagon Road 116:

**ACTION:** *A motion was made by Commissioner York vacate a tract of land, previously used for road purposes and known as Wagon Road 116 described as follows:*

*A tract of land, previously used for road purposes and known as Wagon Road 116 with the recorded width of 50', copies located in the Montgomery County Public Works Department, all that portion of County Road 4200 mile 04 that has not been previously vacated in a petition for Wagon Road 768 and 958, more particularly described as follows: Beginning at the Northeast corner of the Northwest quarter of the Northeast quarter, thence East to the East line of an easement dated 4-4-1927 and recorded in Book N Page 136, all being in the Northeast quarter of Section 5, Township 33 South, and the Southeast quarter of Section 32, Township 32 South, all in Range 14 East of the 6<sup>th</sup> Principal Meridian, Montgomery County, Kansas; approximately 480' in length.*

*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 Brown.*

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

*RES. NO. 15-143*

**Weekly Written Report (Public Works):**

1. Temporary Speed Signs due to construction on CR 3900 Mile 10 –

**ACTION:** *A motion was made by Commissioner Brown to authorize the Public Works Department to post 20 MPH speed signs at County roads 3200 Mile 15, 3000 Mile 15, 4100 Mile 10 and 3700 Mile 11. Signs will be posted on October 26, 2015 and removed after 115 construction working days or when the construction project has been completed on County Road 3900 Mile 10. Motion was seconded by Commissioner York.*

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

*RES. NO. 15-144*

2. Requested permission to solicit bids for a new small floor scrubber from Building Maintenance – **Request approved.**
3. Requested permission to solicit bids for chemical – **Request approved.**

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**MONTGOMERY COUNTY ACTION COUNCIL – EXECUTIVE SESSION – FINANCIAL MATTERS/TRADE SECRETS:**

**ACTION:** *A motion was made by Commissioner Brown to recess to Executive Session at 10:45 AM to return at 11:05 AM with the Board and Montgomery County Action Council Director Aaron Heckman present to discuss Financial Matters/Trade Secrets. Motion was seconded by Commissioner York*

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – C  
Commissioner York- Yes*

*Returned to session at 11:05 AM with a motion by Commissioner Brown and seconded by Commissioner York to extend the session until 11:10 AM.*

Returned to session at 11:10 AM stating no decisions made and no action to be taken.

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**OTHER COUNTY BUSINESS:**

1. Purchase of Veterans Grave Markers at approximately \$8.00 each. The purchase of 50 markers was approved by the Board.
2. Montgomery County Health Fair – Human Resources Director Shawn Wallis present three (3) quotes on the cost of the Health Fair for employees and spouses. The quotes were as follows:

RML -	\$54.45 per employee	\$54.45 for spouse
Wilson Hospital -	\$40.00 per employee	\$40.00 for spouse
Coffeyville Regional- including breakfast	\$40.00 per employee	\$40.00 for spouse

Mr. Wallis recommended Coffeyville Regional Medical to conduct the 2015 Health Fair. The following action was taken:

**ACTION:** *A motion was made by Commissioner York to approve the Montgomery County Health Fair for employees and spouses to be conducted by Coffeyville Regional Medical Center at a cost of \$40.00 per employee and \$40.00 for their spouse and will include breakfast at the Health Fair. Cost will be paid from County General Operating Fund. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 15-145*

3. Havana Cemetery is in need of assistance with removing a large pile of dirt from the cemetery. Assistant Public Works Coordinator will visit with the Cemetery Board for county assistance.
4. September Report from the Register of Deeds –
5. LeHunt Cemetery – Discussion regarding a telephone call received by Commissioner York and an e-mail to Commissioner Brown, each from Mr. Keith Jabben concerning the lock being cut at the entrance on Midwest Maters and trespassers on property a mile from the LeHunt Cemetery after obtaining entrance. As a result of this discussion, the following action was taken:

**ACTION:** *A motion was made by Commissioner York to install one lock with matching key per gate on the LeHunt Cemetery road with a Military Lock with a total of three keys labeled "do not duplicate." One key will be signed for and give to Keith Jabben, Jerry at Midwest Minerals and Bobby Dierks. The Sheriff will determine how to open and close the gate for public access to and from the Cemetery. Any other lock or barrier found on either gate will be removed by Montgomery County. Regardless of how the Sheriff determines access control, they will at a minimum keep a access roster with the entrants Name, Address, Phone number, Purpose of visit, Date and Time of visit, Duration of visit. A sign will remain of the main gate stating " For access call Sheriff" and phone number. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 15-146*

**ADJOURNMENT: 11:55 AM**

**ACTION:** *Motion by Commissioner Brown, seconded by Commissioner York.*

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

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

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**FRED BROWN, Chairman**

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**LARRY McMANUS, Member**

**ATTEST:**

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**County Clerk**

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**RYAN YORK, Member**