

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

December 19, 2016

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.

AGENDA APPROVAL:

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

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner McManus to approve invoices in the amount of \$645,921.55 as presented by the County Clerk's office. The motion was seconded by Commissioner York.*

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner McManus to approve the minutes of December 12, 2016 as presented by the County Clerk. The motion was seconded by Commissioner York.*

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

EXECUTIVE SESSION – DEPARTMENT OF CORRECTIONS – NON-ELECTED PERSONNEL:

ACTION: *A motion was made by Commissioner McManus to recess to Executive Session at 9:08 AM to return at 9:13 AM to discuss non-elected personnel with the Board, Ike Dye and Brian Leedy present. Motion was seconded by Commissioner York.*

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

Returned to session at 9:12 AM stating no decisions made and no action to be taken.

MONTGOMERY COUNTY RURAL FIRE DISTRICT NO. 1 – BIDS FOR BUILDING MAINTENANCE FOR DEARING AND LIBERTY STATIONS:

Mr. Darren Felts, President MCRF#1, met with the Board to discuss the bids for the building maintenance for the Dearing and Liberty Fire Stations. Bids were as follows:

Rudd Construction, Fredonia, KS	\$17,700
South Roofing, Independence	\$14,875

ACTION: A motion was made by Commissioner York to approve the low bid of \$14,875.00 from South Roofing, Independence, Kansas for the building maintenance for the Dearing and Liberty Fire Stations. Motion was seconded by Commissioner McManus.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

RES. NO. 16-168

Mr. Felts presented a request to purchase fire gear from Emergency Response Solutions, LLC, Bartlett, KS in the amount of \$67,601.00. The bid prices were received through the City of Topeka Contracts and procurement, Fire Department obtaining bids from national vendors. The following action was taken:

ACTION: A motion was made by Commissioner York to approve the purchase of Fire Gear from Emergency Response Solutions, LLC, Bartlett, KS in the amount of \$67,601.00 to be encumbered from the 2016 Montgomery County Rural Fire #1 General Fund. Motion was seconded by Commissioner McManus.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

RES. NO. 16-169

A request was made by MCRF#1 to transfer \$30,000 from the General Fire Fund to MCRF#1 Special Equipment Fund. The following action was taken:

ACTION: A motion was made by Commissioner York to approve the transfer of \$30,000.00 2016 funds from Montgomery County Rural Fire No. 1 General Fund to Montgomery County Rural Fire No. 1 Special Equipment Fund. Motion was seconded by Commissioner McManus.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

RES. NO. 16-170

COUNTY ATTORNEY – DISCUSSION ON THE OFFICE SPACE FOR FAMILY AND CHILDREN SERVICES AND THE COUNTY ATTORNEY 2016 BUDGET:

County Attorney Larry Markle met with the Board on two (2) items of business and a discussion on the Girard Juvenile Detention Center fees.

Mr. Markle had previously provided information to the Board on housing of juveniles and feels the fees should be renegotiated with Girard Juvenile Detention Center. He is basing this on the fees going up in 2017.

Commissioner McManus is the Montgomery County Board member for the Girard Facility and stated the fees are not going up for 2017.

1. 2016 County Attorney budget – Mr. Markle told the Board he is requesting the transfer of Diversion Funds to cover the overage on the budget for his department which would total an estimated \$47,699.00 depending on the end of December balance in the fund. He requested leaving a cash balance of \$5,000.00 in the fund and transfer the remainder against his budget. The following action was taken:

ACTION: A motion was made by Commissioner McManus to approve the transfer of the necessary funds for the County Attorney's 2016 Budget from the Diversion Fund leaving a cash balance in the fund of \$5,000.00. Motion was seconded by Commissioner York.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Yes

RES. NO. 16-171

COUNTY ATTORNEY (Continued):

2. The office space being rented in the Stratford-Smothers, LLC Building (formerly ARCO Building) has had several problems with air conditioning this summer and not having heat this winter. The Board and Mr. Markle discussed looking for alternative office space. Duane Powell, Family and Children Services Director, was present for the discussion and was instructed by the Board to research other available office spaces both Independence and Coffeyville and get a new mold inspection.

FENCE VIEWING – MR. JAKE RATZLAFF, JR.:

The Board of Commissioners met in special session on December 19, 2016, in their capacity as fence viewers pursuant to K.S.A. 29-201 *et seq.*, the aggrieved party being Jake Ratzlaff, Jr., Co-Trustee of the Jake Ratzlaff, Jr. and Carolyn Ratzlaff Revocable Living Trust dated January 24, 2008, and the other party being Eagle Oak Land Development. The fence viewers, being advised in the premises, find as follows: a legally-sufficient partition fence should be constructed, the cost of which should be shared equally by the parties. If Jake Ratzlaff, Jr. builds the whole of the division fence, as he may, the Ratzlaff Trust is limited to one of a reasonable selection and use of material and workmanship, and shall then be entitled to compel Eagle Oak Land Development, its representatives, heirs, successors or assigns, to contribute its share of the fence, in the amount of \$2,300.00, for a fence to be built out of materials and of the height, size, and character of the fence prescribed in the Kansas fence laws and which is reasonably adapted to the purpose of restraining or turning ordinary stock. *Griffith v. Carrothers*, 86 Kan. 93, 119 P. 548 (1911).

ACTION: *A motion was made by Commissioner York as a result of the fence viewing: Legal Description –*

Beginning at the SW Corner of the NW/4 of the SW/4 of Section 8, Township 31 South Range 14 East; thence East 1320' to the SE Corner of the NW/4 of the SW/4' thence North 660' to the NW Corner of the S/2 of the NE/4 of the SW/4; thence East 1320' to the NE Corner of the S/2 of the NE/4 of the SW/4.

The partition fence to divide the property owned by the parties and running a distance of 3,300', more or less. Each property owner will be responsible for 1,650' of fencing. The Ratzlaff Trust's responsibility will be as follows: Commencing at the SW Corner of the NW/4 of the SW/4 of Section 8, Township 31 South Range 14 East; thence East 1320' to the SE Corner of the NW/4 of the SW/4' thence North 330'. Eagle Oak Land Development's responsibility will be as follows: Commencing at the NE Corner of the S/2 of the NE/4 of the SW/4 of Section 8, Township 31 South Range 14 East; thence West 1320' to the NW Corner of the S/2 of the NE/4 of the SW/4; thence South 330'.

*If either party neglects or refuses to erect or maintain the part of the fence assigned to it, it may be erected and maintained by the aggrieved party in the manner before provided, and he shall be entitled to the relief provided for in K.S.A. 29-305. **This assignment shall be recorded by the register of deeds as provided by K.S.A. 29-304.***

Motion was seconded by Commissioner McManus. Motion passed.

RES. NO. 16-172

PUBLIC WORKS:

Public Works Assistant Coordinator Jim Wright met with the Board to present the weekly written report. The following items were discussed:

1. Bid results for Corrugated Metal Pipe –

Welborn Sales, Salina, KS	\$14,559.00
J&J Drainage, Hutchinson, KS	\$13,307.20
Metal Culverts, Inc., Jefferson City, MO	\$16,526.00

ACTION: *A motion was made by Commissioner York to approve and award the low bid for Corrugated Metal Pipe to J&J Drainage, Hutchinson, KS in the amount of \$13,307.00. Debit Special Bridge Fund. Motion was seconded by Commissioner McManus.*

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

RES. NO. 16-173

PUBLIC WORKS (Continued):

2. Employee Change of Status approved –
3. Road and Bridge Balance Sheet for November –
4. Noxious Weed Balance Sheet for November –
5. Transfer request from Road and Bridge to Special Equipment in the amount of \$200,000 –

ACTION: *A motion was made by Commissioner McManus to approve the transfer of funds from the Road and Bridge Fund to the Special Road, Bridge, or Street Building, Machinery, Equipment and Bridge Building Fund in the amount of \$200,000.00 from the 2016 Budget. Motion was seconded by Commissioner York.*

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

RES. NO. 16-174

ENVIRONMENTAL HEALTH/ZONING – REZONING APPLICATION:

Environmental Health/Zoning Director Scott Barnhart met with the Board to present the recommendation for the rezoning application MGRZ #16-01. Also present for the presentation was Montgomery County Planning and Zoning Board members Mr. Max Williams and Mr. Joe Tucker and Attorney Tim Emert representing the City of Independence. Mr. Sam Forrer was placed on the agenda at his request and will express his concerns.

The application requested that a parcel/tract legally described as, All in Township 33 South, Range 15 East, Montgomery County, Kansas; Section 20: E/2; Section 21: all; Section 28: N/2 but excluding all property previously annexed by the City of Independence be amended from its current zoning district P-1 (Public Use District) to that of I-2 (Industrial-Heavy District). This amendment is to accommodate opportunities for future manufacturing related developments on city owned lands surrounding the Independence Municipal Airport.

The Planning and Zoning Committee voted and by a majority vote, recommends this application be approved based upon “findings of facts” established with Article 9 of the local zoning regulations.

Mr. Sam Forrer spoke on his vote against the rezoning. He expressed concerns to the revising usage and limitations in the lands under their current classification in contrast to the proposed usage and limitations.

After hearing the representatives of the Planning and Zoning Committee, Mr. Barnhart’s presentation and Mr. Forrer’s concerns, the following action was taken:

ACTION: *A motion was made by Commissioner York to approve the application MGRZ #16-02 as presented and recommended by the Montgomery County Planning and Zoning Committee for rezoning from P-1 (Public Use District) to I-2 (Industrial – Heavy District. Motion was seconded by Commissioner McManus.*

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

RES. NO. 16-175

OTHER COUNTY BUSINESS:

1. Sheriff’s Department – Detective Nick Wood and Sheriff’s Administrative Assistant Liz Schwatken met with the Board to present their request for approval on a purchase of four (4) 100 Watt Cersend Amplifiers in the amount of \$5,800.00, (\$3,000.00 to be paid from Capital Outlay and \$2,800.00 to be paid from Sheriff’s 2016 Budget). The following action was taken:

ACTION: *A motion was made by Commissioner York to approve the request from the Sheriff’s Department to purchase of four (4) 100 Watt Cersend Amplifiers from Action Communications LLC, Bartlesville, OK in the amount of \$5,800.00. The cost will be paid by \$3,000.00 from Capital Outlay and \$2,800.00 from the Sheriff’s 2016 Budget. Motion was seconded by Commissioner McManus.*

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

RES. NO. 16-176

OTHER COUNTY BUSINESS (Continued):

2. Transfer of funds for IT Position from General Operating to Sheriff's Department –

ACTION: *A motion was made by Commissioner McManus to approve the transfer of \$33,030.00 as previously agreed upon by Resolution 14-71 for the agreement with Huber and Associates of Jefferson City, MO for IT services for the Montgomery County Sheriff's Department and County Department of Corrections for the year 2016. Motion was seconded by Commissioner York.*

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

RES. NO. 16-177

3. Mr. Max Williams addressed the Board expressing his concerns about the \$100,000 paid to Labette Medical for Economic Development. His concern is will the same be extended to Coffeyville if they have a project. He was assured that Coffeyville has been advised the same would be offered to them.
4. Computer Department Director requested approval to purchase firewall protection for the county system which will cover the Courthouse, County Barn and Health Department. This will protect our network in of these buildings. The vendor is TCM and the cost is \$5,700.00 and will be paid from General Operating Capital Outlay. The following action was taken:

ACTION: *A motion was made by Commissioner McManus to approve the purchase of firewall protection from TCM at a cost of \$5,700.00 as recommended by the Computer Department Director. Debit General Operating Capital Outlay Fund. Motion was seconded by Commissioner Brown.*

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

RES. NO. 16-178

Commissioner York - Yes

ADJOURNMENT: 11:00 AM

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

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

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

FRED BROWN, Chairman

LARRY McMANUS, Member

RYAN YORK, Member

ATTEST:

County Clerk