

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

March 18, 2019

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

**CALL TO ORDER:** Commissioner McManus.

**INVOCATION:** Reverend Daniel Knight, The Bible Baptist Church, Coffeyville

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**AGENDA APPROVAL:**

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

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

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Bever to approve invoices in the amounts of \$500,111.56 mid-month payables as presented by the County Clerk's office. The motion was seconded by Commissioner Brown.*

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

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Brown to approve the minutes of March 18, 2019 as presented by the County Clerk. The motion was seconded by Commissioner Bever.*

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

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**CANVASS OF VOTES FOR CANEY CITY AND CHERRYVALE CITY MARCH 12<sup>TH</sup> ELECTIONS:**

The canvass of votes for Caney City and Cherryvale City Sales Tax Question Elections was held at 9:05 AM with the Montgomery County Board of County Commissioners.

There being no changes to the results of the election, the canvass was concluded at 9:15 AM.

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**USD #446 – REZONING REQUEST DISCUSSION:**

USD 446 Superintendent Rusty Arnold and Board Member Marty Reichenberger met with the Board to discuss the March 14, 2019 Planning and Zoning Commission Meeting and the results of that meeting. The Planning and Zoning Commission voted to deny the application for rezoning at 1199 Peter Pan Road Independence from Agricultural to Commercial. The rezoning would be for the storing, maintaining and operating the District’s fleet of student transportation buses.

After a presentation by Supt. Arnold and discussion with the Board, Mr. Scott Barnhart, Environmental Health/Zoning Administrator was asked by the Board to present his minutes and report on the February 28, 2019 meeting of the Planning and Zoning Commission.

Mr. Barnhart presented and explained the findings of the Board and explained the vote to approve the application was 3 against and 2 in favor. He also explained the Board of County Commissioners had some options when considering the recommendation of the Planning and Zoning Board: Vote in favor of the request and overturn the recommendation of the Planning and Zoning Commission ; vote to uphold the decision of the Planning and Zoning Board and deny the request; or table the request and send it back to the Planning and Zoning Board to review the information and revote.

Mr. Barnhart apprised the Board that a Protest Petition had been filed within the County Clerk’s Office on March 5, 2019. Such protest is in accordance as so defined therein Article 9 Section 11 of the County Zoning Regulations. The following action was taken:

**ACTION:** *A motion was made by Commissioner Bever to accept and uphold the decision of the Montgomery County Planning and Zoning Commission to deny the rezoning application MGRZ#19-01 based on the findings of facts established within Article 9 Section 10 of the county’s zoning regulations. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 19-041*

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**PUBLIC WORKS:**

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

1. Signature required on KDOT Supplemental Agreement No. 2 for engineering services at CR 3400/CR3900 intersection –

**ACTION:** *A motion was made by Commissioner Bever to approve the engineering services at CR 3400/CR 3900 intersection as described in the KDOT Supplemental Agreement No. 2. Motion was seconded by Commissioner Brown.*

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

2. Road and Bridge cash receipt report for February –
3. Presented a copy of the 2019 Montgomery County Dust Inhibitor Program information and Application, which will be placed on the Montgomery County website and mailed out as soon as the cost is available from the vendor.
4. Discussed the petition for the proposed road vacation on County Road 5900 – Labette County does not want to close anymore roads and Mr. Rau will talk to Labette County Commission. No decisions can be made at this time.
5. Discussion regarding the speed limit on Rosser Road as requested by a resident – Mr. Wright was asked by the Board to obtain a traffic count and it to be put on the list.
6. Noxious Weed chemical receipt report for February –
7. Requested approval to obtain bids and purchase a new grader with a trade in, 2 new pickup trucks and 1 new boom mower/tractor. The request was approved by the Board
8. Requested to purchase a stainless steel salt spreader on Purple Wave at a cost not to exceed \$2,500.00. The request was approved by the Board.

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**OTHER COUNTY BUSINESS:**

1. The deed to the real estate (former County Health Building) in Coffeyville has been completed and is being sent to the County Counselor to complete the transaction with the buyers of the property.

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**ADJOURNMENT: 10:00 AM**

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

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

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**LARRY McMANUS, Chairman**

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**FRED BROWN, Member**

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**ROBERT BEVER, Member**

**ATTEST:**

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**County Clerk**