

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

April 10, 2023

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

CALL TO ORDER: Commissioner Bever.

INVOCATION: Reverend Renita Butler, Friends Evangelical Church, Independence

PLEDGE OF ALLEGIANCE: Commissioner McManus.

AGENDA APPROVAL:

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

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray- Yes*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner McManus to approve invoices in the amount of \$264,878.65 (Prepays) \$8,649.21 (Employee Benefits) \$75,469.60 ARP \$4,985.00 ARP as presented by the County Clerk's Office. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray- Yes*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Cordray to approve the minutes of April 3, 2023 as presented by the County Clerk. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray- Yes*

PUBLIC WORKS:

Public Works Coordinator Jim Wright and Building Maintenance Supervisor met with the Board.

Mr. Phelps reported on the removal of an underground fuel tank used for the generator at the Judicial Building. The following action was taken regarding the disposal of the tank:

ACTION: *A motion was made by Commissioner to sell the storage tank being removed from the Judicial Building on Purple Wave. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray- Yes*

RES. NO. 23-063

Mr. Wright discussed the information on KDOT Bridge Program KLBIP and Off System and presented a press release from KDOT regarding the US 160 improvements.

CLASS LTD:

CLASS LTD Director Mike Fitzpatrick presented information on their history, locations, staff, number of clients and their services to the communities they serve. After the power point presentation was completed, Mr. Fitzpatrick asked if there were question from the Board. He also told the Board their goal is to build a new facility in Independence and wants to find a 10 acre plot.

The Board thanked Mr. Fitzpatrick for the presentation.

COUNTY APPRAISER:

County Appraiser Melody Kikkert met with the Board to discuss a question on if there are caps on assessed value of Homestead Properties. She provided information from Florida on the amendment and the assessed value not increasing more that 3% or the change in the Consumer Price index, whichever is less. Discussion was on how this would affect counties and homeowners both for the taxes and for the market values.

SHERIFF'S DEPARTMENT – EXECUTIVE SESSION – NON-ELECTED PERSONNEL:

ACTION: *A motion was made by Commissioner Bever to recess to Executive Session at 10:12 AM to return at 10:42 AM with the Board, Sheriff Wade, Administrative Assistant Liz Schwatken, Undersheriff Chris Williams and Dispatch Supervisor Jamie DeWitt present to discuss non-elected personnel(KSA(75-4913 (b1)). Motion was seconded by Commissioner McManus.*

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

Returned to session at 10:42 AM stating no decisions made and no action to be taken.

OTHER COUNTY BUSINESS:

- 1.
2. Register of Deeds March fee report –
3. County Clerk's March fee report –
4. A fence viewing was set for May 9, 2023 and Commissioner McManus will view the property and the County Clerk will notify the two landowners.
5. Introduced the new County Health Director Brandee Hanna-Kirk.
6. Cereal Malt Beverage License for Caney Valley Speedway –

ACTION: *A motion was made by Commissioner Cordray to authorize the Chairman, on behalf of Montgomery County, to sign the Cereal Malt Beverage License for Caney Valley Speedway. Motion was seconded by Commissioner McManus.*

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

RES. NO. 23-064

7. Annexation to the city limits of Caney –

ACTION: *A motion was made by Commissioner Bever to approve and accept Caney City Ordinance No., 2023-02 on the annexation of the legal description as described in the Ordinance. Motion was seconded by Commissioner McManus.*

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

RES. NO. 23-065

8. A request was made by the County Attorney for approval to s hred documents no longer required to be retained. Approval was given by the Board for the shredding of the documents as requested.

ADJOURNMENT: 10:45 AM

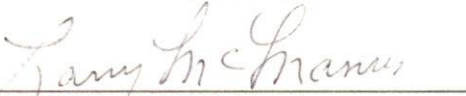
ACTION: *Motion by Commissioner Bever, seconded by Commissioner Cordray.*


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

The Chairman opened a work session at 10:46 to work on the 2024 budgets with Financial Officer Fred Gress. The work session closed at 11:36 AM.

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


ROBERT BEVER, Chairman


LARRY McMANUS, Member


MIKE CORDRAY, Member

ATTEST:




County Clerk

RESOLUTION NO. 23-063

DATED at Independence, Montgomery County, Kansas this 10th day of April, 2023

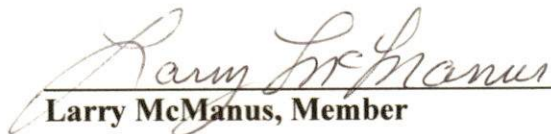
WHEREAS: *A motion was made by Commissioner to sell the storage tank being removed from the Judicial Building on Purple Wave.*

Motion was seconded by Commissioner McManus.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray- Yes*



Robert Bever, Chairman



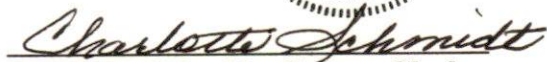
Larry McManus, Member



Mike Cordray, Member



ATTEST:


Charlotte Schmidt, County Clerk

RESOLUTION NO. 23-064

DATED at Independence, Montgomery County, Kansas this 10th day of April, 2023

WHEREAS: *A motion was made by Commissioner Cordray to authorize the Chairman, on behalf of Montgomery County to sign the Cereal Malt Beverage License for Caney Valley Speedway.*

Motion was seconded by Commissioner McManus.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray - Yes*

Robert E. Bever

Robert Bever, Chairman

Larry McManus

Larry McManus, Member



ATTEST:

Charlotte Schmidt

Charlotte Schmidt, County Clerk

Mike Cordray

Mike Cordray, Member

Caney Annexation – R22987

City limits in orange



April 10, 2023

ORDINANCE NO. 2023-02

AN ORDINANCE ANNEXING PROPERTY INTO THE CITY OF CANEY, KANSAS PURSUANT TO K.S.A. 12-520.

WHEREAS, on March 24, 2023, the owner of the real property described herein executed a PETITION FOR AND CONSENT TO ANNEXATION of said real property into the City of Caney, Kansas; and

WHEREAS, the real property already adjoins the existing city limits of the City of Caney; and

WHEREAS, the Governing Body of the City of Caney finds it advisable to annex said real property into the corporate limits of the City of Caney pursuant to K.S.A. 12-520(a)(2).

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CANEY, KANSAS:

Section 1. That the following described real property, situated in Montgomery County, Kansas, be and is hereby annexed and made a part of the City of Caney, Kansas, effective upon publication of a summary of this Ordinance, with zoning classifications as designated:

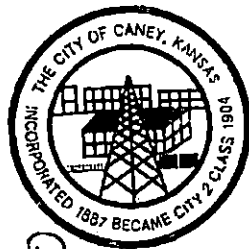
A portion of the SE/4 of the NW/4 of Section 13, Township 35 South, Range 13 East of the 6th P.M. and Lots 12, 13, 14 and 15, and a portion of Lot 11, Block 2; all of Blocks 3, 4, 5 and 11, Stones Addition to the City of Caney, Montgomery County, Kansas, being more particularly described as follows: Commencing at the Northwest corner of the SE/4 of the NW/4 of said Section 13; thence N 89°28'54" E along the North line of said SE/4 of the NW/4, which is the Basis of Bearings, a distance of 16 feet to a point on the East line of an alley, which is the Point of Beginning; thence continuing N 89°28'54" E along the North line of said SE/4 of the NW/4 a distance of 321.91 feet to the West line of a tract of land described in the Montgomery County Register of Deeds Office at Book 377, Page 233; thence S 00°43'59" E a distance of 85.85 feet to the Southwest corner of said tract of land; thence N 89°29'42" E a distance of 200 feet to the Southeast corner of said tract of land; thence N 00°43'59" W a distance of 85.90 feet to a point on the North line of the aforementioned NE/4 of the NW/4, which is the Northeast corner of said tract of land; thence N 89°28'54" E along the North line of said SE/4 of the NW/4 a distance of 76.88 feet to a point which is 614.79 feet East of the Northwest corner of said SE/4 of the NW/4; thence S 01°09'08" E a distance of 451.35 feet to a point on the South line of Lot 11, Block 2, Stone's Addition to Caney, Kansas which is 95.43 feet East of the Northerly projection of the West right of way line of South Fawn Street; thence S 89°05'59" W along the South line of said Block 2 a distance of 95.43 feet to said Northerly projection of the West right of way line of South Fawn Street; thence S 01°13'08" E along said West right of way line of South Fawn Street a distance of 454.99 feet to the centerline of vacated Eleventh Street; thence S 89°06'06" W along said centerline.

of vacated Eleventh Street a distance of 334.28 feet to the centerline of vacated South Foreman Avenue; thence S 01°17'16" E along said centerline of vacated South Foreman Avenue a distance of 381 feet to the Easterly projection of the South line of Block 11, Stone's Addition to Caney, Kansas; thence S 89°06'05" W along said South line of Block 11 and its projection a distance of 175.69 feet to the West line of the aforementioned SE/4 of the NW/4 of Section 13; thence N 01°37'61" W along said West line of the SE/4 of the NW/4 a distance of 994.02 feet to the Northwest corner of the vacated alley along the North side of Block 3, Stone's Addition to Caney, Kansas; thence N 89°06'56" E along the North line of said vacated alley a distance of 16 feet to the Southeast corner of an alley; thence N 01°37'51" W along the East line of said alley a distance of 297.37 feet to the point of beginning; LESS AND EXCEPT: Commencing at the Southeast corner of Lot 3, Block 14, St John's Addition to the City of Caney; thence S 89°17'24" W, along the South line of said Lot 3, a distance of 20.58 feet to the Point of Beginning; thence S 00°43'59" E, along a portion of a tract of land described in Deed Book 428 at Page 167, a distance of 80.81 feet to a fence line; thence S 89°25'18" W, along said fence line, a distance of 114.90 feet to the East right of way line of Foreman Street; thence N 03°31'24" W, along said East right of way line, a distance of 80.64 feet to the Southwest corner of aforementioned Lot 3, Block 14; thence N 89°17'24" E, along the South line of said Lot 3, a distance of 118.82 feet to the Point of Beginning.

Section 2. That all of the property shall be assigned a zoning classification of I-1 (Industrial District).

Section 3. This Ordinance shall be effective from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Caney, Kansas on this 3 day of April 2023.



ATTEST:

Amber Dean
Amber Dean, City Clerk

Joshua Elliott
Joshua Elliott, Mayor

RESOLUTION NO. 23-065

DATED at Independence, Montgomery County, Kansas this 10th day of April, 2023

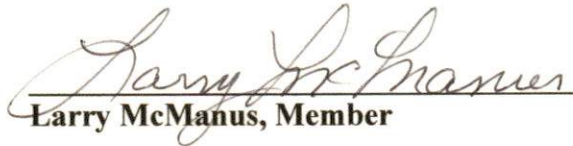
WHEREAS: *A motion was made by Commissioner Bever to approve and accept Caney City Ordinance No., 2023-02 on the annexation of the legal description as described in the Ordinance.*

Motion was seconded by Commissioner McManus.

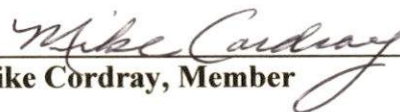
*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray- Yes*



Robert Bever, Chairman



Larry McManus, Member



Mike Cordray, Member



ATTEST:


Charlotte Schmidt, County Clerk