

Minutes of Proceeding  
Ottawa County Board of Commissioners  
May 5, 2014

Office of the Ottawa County Clerk  
8:00 a.m.  
Regular Session

The Board of Commissioners met in regular session with Commissioner James P Kay, Commissioner Kathy M Luthi, Commissioner Karen Brumbaugh, and County Clerk Mary Arganbright.

Commissioner Kay opened the meeting in the flag salute. Michelle McHenry gave prayer.

Abatement's were approved.

Mary Arganbright, County Clerk, presented her 2015 election and clerk budgets for consideration.

Phil Aumick, Economic Development Director, gave the commissioners an update. Phil reported that in the last month he has had two inquires on the Rural Opportunity Zone program, for a total of 19, that he is doing follow ups on. Phil reported on upcoming meetings.

Marilyn Heck, Register of Deeds, presented her 2015 budget for consideration. Marilyn reported on the mortgage registration fee bill that passed over the weekend.

John Copple, Highway Administrator, reported on what crews were doing. John gave the commissioners a report on the tire dump last week. John gave the board a quote on a crack sealing machine for \$33,010. Commissioner Brumbaugh moved to approve the purchase of the crack sealer for \$33,010, from the special machinery fund. Commissioner Luthi seconded. Motion carried. John said that he is still looking for a belly dump trailer on Purple Wave.

Jennifer Cleveland, and Tommy Barrett, Soil Conservation Office, presented the 2015 budget for consideration.

Marie Ballou, Emergency Management Coordinator, brought up the fire index which is in the low category, because we are only supposed to be 80 degrees, although surrounding counties are at high. Ottawa County will be at high and very high in the next few days. She gave the forecast. Commissioner Brumbaugh moved to extend the burn ban Resolution 14-08, not to exceed seven days. Commissioner Luthi seconded. Motion carried. Marie reported on Mitigation meetings, and Ottawa County will be hosting one, May 14, 2014, 1:00-4:00 p.m., in the Courthouse basement meeting room.

Keith Coleman, Sheriff, gave prisoner count of Saline County 7, and Ottawa County 4.

At 10:15 a.m., the commissioners held a proposed road vacation for the following described road: A strip of land located in the West Half of Section 4 and in the East Half of Section 5, all in Township 10 South, Range 2 West of the 6<sup>th</sup> P.M., Ottawa County, Kansas described as follows: Beginning at the Northwest corner of said

Section 4, thence on an assumed bearing N 89 degrees 38'53" E, along the North line of said Section 4, a distance of 24.75 feet; Thence S 00 degrees 00'46" W, parallel with and 24.75 feet perpendicular to the West line of the Northwest Quarter of said Section 4, a distance of 2703.85 feet; Thence S 00 degrees 00'32" W, parallel with and 24.75 feet perpendicular to the West line of the Southwest Quarter of said Section 4, a distance of 2644.11 feet to a point on the South line of said Section 4; Thence S 89 degrees 49'37" W, along the South line of said Section 4, a distance of 24.75 feet to the Southwest corner of said Section 4; Thence S 89 degrees 39'18" W, along the South line of said Section 5, a distance of 24.75 feet; Thence N 00 degrees 00'32" E, parallel with and 24.75 feet perpendicular to the East line of the Southeast Quarter of said Section 5, a distance of 2644.16 feet; Thence N 00 degrees 00'46" E, parallel with and 24.75 feet perpendicular to the East line of the Northeast Quarter of said Section 5, a distance of 2703.72 feet to a point on the North line of said Section 5; Thence N 89 degrees 38'53" E, along the North line of said Section 5, a distance of 24.75 feet to the point of beginning. Those present were Nathanael Berg, Hampton & Royce, L.C., Bruce Laffitte, petitioner, David Johnson, Helen Johnson, and Darrell Riekenberg, and Jason Parks, Ottawa County Attorney. Mr. Berg read statute 68-102(a), vacation statute, and stated 200<sup>th</sup> Road does not go all the way through. ITC is running a power line south of the property. The south part of the road has not been maintained. He stated the neighbors have fenced the road closed periodically, treating it like a private lane. Mr. Laffitte stated it would lessen the environmental impact on his property. Mrs. Johnson said she does not wish to have the road closed because it would make the SE ¼ of Section 5 with no accessible way in or out. She does not see that it's a cost to the county with the minimal maintenance. Mr. Riekenberg said that he feels the criteria stated in the statute has not been met. The road is being used during harvests. The road is still passable and there is minimal expense to the county to maintain it a couple times of year. He does not feel the ITC power line should be a concern of the commissioners, as ITC is putting the line through no matter what. The commissioners should be concerned about providing access to the land. Mr. Berg said that the road is impassable because of the fence Johnson's put up, and Johnson's indicated they could take care of that. Commissioner Luthi questioned why only ½ of the road is being petitioned. Mr. Laffitte said that it should have been the whole mile. The commissioners said that they would like to view the property again before making a decision.

Jason Parks, County Attorney, met with the board and went over the landfill contract with the board, for renewal. John Copple, Highway Administrator, joined the group. Jason will continue to work on it, and bring it back to the board.

Brent Johnson, stopped in and inquired about the burn ban, and the commissioners said they kept it on. He asked about the tire program, and the commissioners said it was last week.

Kevin Urban, Saline County Health Department, stopped in and asked the commissioners had any questions for him from previous meetings, and he brought pending work for Ottawa County that he is working on.

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Charlene Koster, stopped in and visited with the commissioners about a fence agreement between herself and Tom and Saryl Johnson. Jason Parks, County Attorney, joined the group. Charlene said that the issue pertains to land located in Bennington Township, 7-12-3, NW  $\frac{1}{4}$  and SW  $\frac{1}{4}$ . Charlene said that there is a dispute between current land owners on where the property line lies. She has had it surveyed. The present owners believe the fence line is the property line, but originally it was set up that the fence line was not the property line, and the steel posts that were put on the property line has been removed. Jason said with the fence agreement she has, he said it becomes a civil matter with adverse possession, and would not come before the board.

The minutes of May 5, 2014, were read and approved.

With no further business before the board, the meeting adjourned at 12:20 p.m.