

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

February 2, 2009

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

CALL TO ORDER: Commissioner Fowler.

INVOCATION: Commissioner Fowler.

PLEDGE OF ALLEGIANCE: Commissioner Brown.

AGENDA APPROVAL:

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

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

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Brown to approve invoices in the amount of - \$225,181.59 and \$27,145.00 as presented by the County Clerk's office. The motion was seconded by Commissioner McManus.*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Fowler to approve the minutes of January 26, 2009 as presented by the County Clerk. The motion was seconded by Commissioner Brown.*

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

COUNTY APPRAISER:

County Appraiser LeRoy Burk met with the Board to recommend hiring Ben Day as a Hearing Officer for Montgomery County at a cost of \$50.00 per hour. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to authorize the County Appraiser to hire Ben Day as Montgomery County Hearing Officer at a contractual fee of \$50.00. Fee will be paid from County Appraiser budget. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-09-19

Mr. Burk presented update on office work being completed.

SHERIFF:

Liz Schwatken, Administrative Assistant to Sheriff Dierks, met with the Board in the absence of Sheriff Dierks. The following items were discussed:

1. Amending the resolution passed previously debiting 911 Funds for radio equipment needed to better communications throughout the county. Ms. Schwatken stated Sheriff Dierks has been told the payment of these expenses will take the funds lower than the 911 funds should be in the event of an emergency. Sheriff Dierks is requesting the payment be made from General Operating Capital Outlay Funds and any revenue derived from the equipment would be deposited in the General Operating Capital Outlay fund. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to amend Montgomery County Resolution 09-15 to read “expenses will be debited from Montgomery County Capital Outlay Fund”. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-20

2. Requested a 55 cent per hour increase for officers (deputies) not receiving the increase at the time it was approved for dispatchers only. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve a 55 cent per hour increase for deputies as requested by the Sheriff and to be retro-active to December 26, 2008. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-21

Ms. Schwatken requested approval to place a container in the Judicial Building for the collection of non-perishable food items for the food bank. Approval was given for containers to be placed in the Judicial Building and also in the Courthouse.

INDEPENDENCE CITY NEIGHBORHOOD REVITALIZATION:

Independence City Manager Paul Sasse and City Clerk Tony Royce presented a request for the renewal of five (5) existing Neighborhood Revitalization Plans for the city of Independence. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the continued participation of Montgomery County in five (5) Neighborhood Revitalization Plans being presented by the City of Independence for renewal. The description of the boundaries and the Plans are available in the County Clerk’s Office. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-22

PUBLIC WORKS:

Pubic Works Coordinator Robert Bever presented the weekly written report and Scott Barnhart, Environmental and Zoning Director was present. The following items were discussed:

1. Memo regarding the drilling at the county landfill south of Independence;
2. Memo regarding the Southeast Kansas Association of County Commissioners and Highway Officials; - **Commissioner Fowler is President of the Association and Robert Bever is Secretary. The Board approved cost for postage to be paid from the County Commissioner’s Fund.**

PUBLIC WORKS (Continued):

3. Memo regarding permits on road crossing; - **There was discussion on the right-of-ways and roads not being repaired by gas drilling companies and the damage being done in the ditches and road crossings. Mr. Barnhart was present to give information on the oil and gas companies extending their pipes into the right-of-way for easier hook-up and this causes a spill when the pipe is broken. He stated there is a “grey” area on who is responsible for the cleanup. It may take 6 months to a year to resolve. Mr. Bever recommended we continue issuing the permits to these companies but they must bore al county roads, gravel or asphalt, on any new permits for county road crossings. The Board agreed with his recommendation.**
4. Memo regarding Employee Training for February, 2009;
5. Major Bridge Replacement Status;
6. Noxious Weed Annual Noxious Weed Eradication Progress Report requiring signature by Chairman; - **Approved.**

7. Building Maintenance memo regarding sewer line in DOC; - **Outlined plans to remove the concrete floor in a described area of DOC to repair a joint of pipe and is scheduled with the Sheriff’s Department and DOC aware of this project.**

Mr. Bever advised the Board the Kansas Works employees are coming to an end.

Recessed at 10:38 AM

Returned at 10:45 AM

MONTGOMERY COUNTY RURAL FIRE:

Montgomery County Rural Fire Board was present represented by Randy Haymaker, President to discuss the recent purchase of a fire truck for Dearing and the requested purchase of a pickup truck which has not been approved by the Board of County Commissioners as of this date. Those present from the Fire Board were: Randy Haymaker, Marty Smith, Jeff Finney, Denise Finney, Jeff Russell, Richard Catron and Bobby Slane.

Mr. Haymaker addressed the issue with the recently purchased fire truck. He explained to the Board the problem their Fire Board has with not having the authority to make a purchase provided for within their budget, without the approval of the Board of County Commissioners. He also discussed the extra expense it costs when a “middle-man” is involved and purchases cannot be made by the Fire Board when their Board has made a decision and has been approved.

Marty Smith invited the Board of County Commissioners to visit the fire stations to get a better understanding of their services and equipment. Commissioner Fowler asked about “user fees” from the insurance companies. Mr. Smith explained the Fire District only received donations, not fees.

Mr. Haymaker told the Board he had brought the Fire Truck recently purchased for the Board to view. The Commissioners recessed at 11:02 AM to view the truck in the parking lot and returned at 11:11 AM to session.

After some discussion on the pickup truck purchase for the Coordinator with the truck he is presently driving to be put into service as a grass fire vehicle for Tyro, the following action was taken:

ACTION: *A motion was made by Commissioner McManus to approve the purchase of a 2005 Dodge Pickup Truck for Montgomery County Rural Fire from Five Star Motor Company, Coffeyville, Kansas in the amount of \$16,988.00 to be debited from Montgomery County Rural Fire Fund. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 09-23

JUDGE GOSSARD – CAPITAL OUTLAY PURCHASES:

Judge Gossard and Mary Kadel, Court Administrator, addressed the Board with a request for Capital Outlay purchases. Judge Gossard told the Board he had been recently appointed as Administrative Judge. The Administrative Judge approves all expenditures made by the Unified Court System.

The request for purchases to be paid from County General Capital Outlay is for ten (10) desktop computers at \$8,281.80, two (2) laptop computers at \$2,845.12 and three (3) chairs at \$900.00. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the purchase of (10) desktop computers at \$8,281.80, two (2) laptop computers at \$2,845.12 and three (3) chairs at \$900.00 for the Unified Court System to be debited from County General Capital Outlay Fund. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-24

Judge Gossard and Ms Kadel requested the line item in the court's budget for Witness Fees and Travel in the amount of \$3,000.00 be removed from their budget and added to the County Attorney's budget as these witness are called by his office and not the court system. The Board approved the transfer of this line item and authorized the County Clerk to make the change.

EMERGENCY PREPAREDNESS – SHARED USER AGREEMENT – MITIGATION AND EMERGENCY OPERATION:

Emergency Preparedness Director Jim Miller presented a Shared User Agreement and provided the Board a copy of a letter from the Adjutant General's Office on Kansas Division of Emergency Management Policy #0100108 – Mutual Aid Agreement and Direct State Assistance Reimbursement (including Local incident Management Teams) to receive radios for various departments of the County. The Agreement was approved and signed by the Board.

Mr. Miller advised the Board he will be returning next meeting with the Mitigation Plan for the County.

Recessed to the Department of Corrections at 12:00 Noon for a tour of the facilities.
Returned to session at 1:00 PM.

OTHER COUNTY BUSINESS:

1. Compensatory Time Policy Resolution tabled for further discussion.
2. Employee cell phone discount literature distribution approved by the Board.
3. Human Resource Interviews will be conducted beginning at 1:00 PM on February 9th.
4. Acknowledged "thank you" card from Terry Voth, JJA employee for the death of her brother.
5. Appointment of Jerry Gilbert as Law Enforcement Representative to Juvenile Corrections Advisory Board: The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the appointment of Jerry Gilbert to the Juvenile Corrections Advisory Board on the recommendation of the Sheriff. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-25

OTHER COUNTY BUSINESS (Continued):

6. After Prom –

ACTION: *A motion was made by Commissioner Fowler to approve the county's participation in the After Prom Program for the seven (7) school districts in Montgomery County based on the same funds being distributed as in 2008. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-26

7. Payment of \$1,094.00 from County General Capital Outlay fund for the County Attorney's Department for computer equipment.

ACTION: *A motion was made by Commissioner Fowler to approve the expenditure of \$1,094.00 from County General Capital Outlay fund for computer equipment for the County Attorney's Office. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-27

8. Discussed pictures to be made available for the new Commission Board members for KAC. The pictures can be taken at the Department of Corrections.

9. The regular meeting on February 9th will convene at 8:30 AM.

ADJOURNMENT: 1:30 PM

ACTION: *Motion by Commissioner Fowler seconded by Commissioner McManus.*

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

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

TONY FOWLER, Chairman

FRED BROWN, Member

LARRY McMANUS, Member

ATTEST:

County Clerk