

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

February 9, 2009

The Board of County Commissioners, three members and the County Clerk present, met in a special executive session at 8:30 AM and the regular session started at 9:00 AM.

CALL TO ORDER: Commissioner Fowler.

INVOCATION: Commissioner Fowler.

PLEDGE OF ALLEGIANCE: Commissioner McManus.

AGENDA APPROVAL:

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

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

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Fowler 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 February 2, 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*

EXECUTIVE SESSION – COMMISSIONERS – NON-ELECTED PERSONNEL:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 8:50 AM to return at 9:11 AM with the Board present to discuss non-elected personnel.*

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

Returned at 9:11 AM to extend the session from 9:13 AM to return at 9:18 AM with a motion by Commissioner Fowler and seconded by Commissioner McManus.

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

Returned to session at 9:18 AM with no action taken and no decisions made.

COUNTY APPRAISER:

LeRoy Burk, County Appraiser, asked if the Board was planning on attending Government Day in Topeka. He gave information on the activities of the day. Commissioner Fowler is planning to attend.

Discussed Bills coming up on appraisals and exemptions on inventory.

SHERIFF:

Sheriff Bobby Dierks and Under Sheriff Troy Mackie were present for the meeting and presented a request with information for the purchase of two (2) patrol vehicles at a total cost of \$32,500.00, (1) 2008 Dodge Charger #4533 with 4K miles with a 3 year/36,000 mile warranty and (1) 2006 Ford Crown Victoria #5071 with 34K miles with a 3 year/36,000 mile warranty from Joe Watt Auto Sales, Vinita, Oklahoma. After discussion on the type of vehicles and the vendor, the following action was taken:

ACTION: *A motion was made by Commissioner Fowler to authorize the Sheriff to purchase the following two (2) vehicles from Joe Watt Auto Sales, Inc., Vinita, Oklahoma: (1) 2008 Dodge Charger #4533 with 4K miles with a 3 year/36,000 mile warranty and (1) 2006 Ford Crown Victoria #5071 with 34K miles with a 3 year/36,000 mile warranty. Debit County General Capital Outlay Fund. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-28

Sheriff Dierks presented two (2) employee status changes for his department promoting Kelly Stewart and Chris Williams to Detective positions. The following action was taken:

ACTION: *A motion was made by Commissioner Brown to approve the employee status changes for Kelly Stewart and Chris Williams to Detective positions as submitted by the Sheriff. Motion was seconded by Commissioner McManus.*

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

PUBLIC WORKS:

Public Works Coordinator Robert Bever presented the weekly written report. The following items were discussed:

1. On-Call engineering services for 2009. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to authorize the Public Works Coordinator to use TranSystems, Independence, Kansas for “on-call” services throughout the year not to exceed \$20,000.00 per call. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-29

2. Major Bridge Replacement Status: County Bridge No. 1211 and No. 608; pre-construction conferences will be held Friday, February 13, 2009 at 10:00 AM at Independence KDOT office.
3. Advised the Board Bill Racy has been hired as Noxious Weed/HHW Supervisor effective 2-17-09 and will begin with 40 hours training.
4. Will be posting job for Maintenance/Carpenter Painter position.
5. Provided latest cost analysis on the utilities and maintenance contracts for Coffeyville and Independence Judicial Center.
6. Provided balance sheet for Sewer District No. 2 for January, 2008.
7. Discussed 2009 Work Program. Program will be reviewed by the Board and further discussion next week.
8. Commissioner Brown presented a letter he had received from Paul Benson on complaints for Public Works and most had been previously discussed.

Recessed at 10:30 AM

Returned at 10:35 AM

SOUTHEAST KANSAS REGIONAL PLANNING – KANSAS HOUSING RESOURCE CORP:

Linda Weldon, SEKRPC Director and Becky Voorhees representing SEKRPC met with the Board to discuss the SB 417 signed into law in 2008 regarding a \$4 million Housing Development Grant Program available to communities recently suffering disasters but will later expand into eligibility in 2010 to include all rural cities.

Kansas Housing Resources also awarded \$1.9 million to rehabilitate unsafe homes. Jim Miller, Emergency Management Director was given the information and will further research it on behalf of Montgomery County. If grants are awarded, SEKRPC will write and administer the grants for the county.

A revised list for CEDs members was requested by Ms. Weldon and it will be necessary to bring the list from 12 to 6 members for the county.

EMERGENCY MANAGEMENT – MITIGATION PLAN:

Jim Miller, Emergency Management Director, presented the county Mitigation Plan for the approval of the Board. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to adopt the Montgomery County Mitigation Plan as presented by the Emergency Preparedness Director and the Plan will be posted on the Montgomery County web-site. Motion was seconded by Commissioner Brown.*

ROLL CALL VOTE – Commissioner Fowler - Yes

Commissioner Brown – Yes

Commissioner McManus - Yes

RES. NO. 09-30

Mr. Miller also requested approval to post the Local Emergency Plan on the web-site and the Board approved the request.

A report was given on the work on the flood “buy-out” for the County. The procedure was started on February 6th with 19 participants. The program started with 28 participants but some have chosen not to participate.

DEPARTMENT OF CORRECTIONS:

Jerry Gilbert, Department of Corrections Administrator and Jimmy Holt, Assistant Department of Corrections Administrator, presented a prioritized, detailed report of items needing done in the jail facility. The Board would like for bids to be taken on work when possible. Mr. Gilbert requested the item listed for a small remodeling job be done first at an estimated cost of \$1,000.00.

No action was taken at this time. Mr. Gilbert will return to the Board in the next two or three weeks to further discuss the problems and solutions.

A written report was given to the Board on some of the new procedures in the facility as outlined before election by Sheriff Dierks on not removing inmates from the facility except in emergency.

MONTGOMERY COUNTY HEALTH – 10TH STREET DUMPSTER BEAUTIFICATION PROJECT:

Ruth Bardwell, Montgomery County Health Coordinator, advised the Board both she and the County Clerk has spoken with Harley Schlotterbeck, Auditor, and since the Chamber of Commerce cannot follow the criteria necessary, (providing an invoice and providing information stating what each business is paying to ensure the County is paying the same amount and no more than businesses participating), she recommends we not participate in the project at this time. The Board agreed.

CANVASS OF VOTES – USD#446 AND CITY OF INDEPENDENCE SPECIAL ELECTION – FEBRUARY 3, 2009:

The canvass of votes was conducted by the Board sitting as a Board of Canvassers for the Unified School District #446 election held February 3, 2009. There being no change in the outcome of the election. The canvass was closed and the County Election Officer will certify the results of the election to Unified School District #446 Board of Education and to the City of Independence.

**Recessed for lunch at 12:15 PM -
Returned at 1:10 PM –**

INTERVIEWS:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session for interviews for a non-elected personnel position at 1:15 PM to return to session at 3:30 PM or before if interviews are concluded prior to 3:30 PM.*

Motion was seconded by Commissioner McManus.

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

Returned to session at 3:15 PM with no action taken and no decisions made.

OTHER COUNTY BUSINESS:

1. Juvenile Corrections Advisory Board Appointment –

ACTION: *A motion was made by Commissioner Fowler to approve the recommendation of the Juvenile Justice Advisory Board and appoint Brandee McArthur as the General County Appointment to the Juvenile Corrections Advisory Board. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-31

2. Greater Western Kansas Juvenile Detention Facility Agreement – Approved by Board and to be signed by Chairman.
3. Discussed letter from Kansas Department of Corrections regarding unspent grant funds at end of FY2008. Kurtis Simmons and Ruth Bardwell will be contacted by the County Clerk and requested to be on the agenda to explain, if they have information on why the total amount is not being refunded to the Community Corrections agencies.
4. Thank you card from Deanna Sanders.
5. The Board further discussed the request for the remodeling of the waiting area at DOC and the following action was taken:

ACTION: *A motion was made by Commissioner McManus to approve the remodeling of the waiting area at the Department of Corrections at an estimated cost of \$1,000.00 and work will be done through Public Works Department. Funds will be expended from County Building Fund. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-32

ADJOURNMENT: 3:30 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