

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

February 23, 2009

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 8:30 AM.

CALL TO ORDER: Commissioner Fowler.

INVOCATION: Commissioner Fowler.

PLEDGE OF ALLEGIANCE: Commissioner Brown.

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 McManus to approve invoices in the amount of \$26,040.04 and \$171,114.91 as presented by the County Clerk's office. The motion was seconded by Commissioner Brown.*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Brown to approve the minutes of February 9, 2009 as presented by the County Clerk with no minutes for February 16, 2009 being a holiday. The motion was seconded by Commissioner Fowler.*

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

HUMAN RESOURCES – GRIEVANCE:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 9:11 AM to return at 9:16 AM with Kathy Sutton, Human Resources Department, present to discuss non-elected personnel. The motion was seconded by Commissioner McManus.*

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

HUMAN RESOURCES (Continued):

Returned to session at 9:16 AM with a motion to extend the Executive Session with the Board and Kathy Sutton present to discuss non-elected personnel from 9:17 AM to 9:22 AM. Motion was seconded by Commissioner McManus.

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

Returned to session at 9:22 AM with no action taken and no decisions made.

Discussion: A grievance has been filed by Mary Jane Middleton. The Board made the decision to serve as the Grievance Board and the following action was taken:

ACTION: *A motion was made by Commissioner Fowler to place Mary Jane Middleton on three (3) months probation at her present job title and salary and upon successfully completing the probation period, be reinstated to her job title and salary at the time of the demotion. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-33

COUNTY APPRAISER:

County Appraiser LeRoy Burk met with the Board and requested an Executive Session to discuss non-elected personnel. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 9:21 AM to return at 9:26 AM with LeRoy Burk present to discuss non-elected personnel. Motion was seconded by Commissioner McManus.*

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

Returned to session at 9:26 AM with no action taken and no decisions made.

Mr. Burk reported on the gas meeting conference call.

SHERIFF:

Sheriff Robert Dierks and Administrative Assistant Liz Schwatken met with the Board. The following was discussed:

1. Severe Weather report. Sheriff Dierks gave a written report on the severe weather on February 10, 2009. He stated he was “very impressed with the cooperation of #85 Wilbur Schwatken IPD, SO dispatch and officers, and the volunteers of Rural Fire District #1”.
2. Patrol Rifle Purchase request – A request was presented by the Sheriff to purchase ten (10) of the used military M16A2 rifles from Century Arms, Inc. at a cost of \$425.00 each. This would allow a rifle for each road Deputy with the number of rifles the department currently has. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the purchase of ten (10) M16A2 rifles from Century Arms, Inc. at a cost of \$425.00 each to be paid from the Sheriff's Department Budget. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-34

SHERIFF – (Continued):

3. Shared Leave Request – Ms. Schwatken presented a shared leave request for 40 hours within the Sheriff's Department and advised the Board the request meets all criteria required for an employee to share leave. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the shared leave request by the Sheriff's Department for 40 hours within the department. Motion was seconded by Commissioner Brown.*

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

SEE-KAN RC&D – UPDATE:

Mr. Tony Krenzel, RC&D Coordinator, met with the Board and presented copies of the annual report. He explained the function and goals of the organization. Mr. Krenzel answered questions presented by the Board.

Recessed at 10:05 AM

Returned at 10:10 AM

PUBLIC WORKS:

Public Works Coordinator Robert Bever presented the weekly written report. The following items were discussed: 2009 Work Program; Letters from Paul Benson; Memo regarding request from Don McFerrin's proposal to sell his private landfill; January rock report; replacement of a box-culvert at County Road 1425 mile 7; Lighting at the intersection of 2801 Highway 169 needs to be moved for the relocation of Highway 169; Major Bridge Replacement Status; Request to bid carpet for the Sheriff's Department office training room; memo regarding trees at the Judicial Center; 2009 Household Hazardous Waste Schedule; Sewer District #2 past due account report; and agreements for Community Development Block Grant for Sewer District No. 2 requiring the signature of the Chairman. As the result of this report, the following decisions were made and actions taken:

1. The Board approved the request to bid carpet for the Sheriff's Department.
2. Commissioner McManus and Commissioner Brown approved the removal of the trees hindering the security cameras at the Judicial Building. Commissioner Fowler did not approve the removal of the trees
3. Agreement and paperwork for Sewer District #2 CDBG:

ACTION: *A motion was made by Commissioner McManus to authorize the Chairman to sign on behalf of Montgomery County the agreements and necessary documents for the Community Development Block Grant for Sewer District #2. Motion was seconded by Commissioner Brown.*

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

JUDGE CULLINS –INDIGENT LEGAL SERVICES:

Judge Bill Cullins met with the Board to discuss the agreements for Indigent Legal Services for the year 2009. There had been previous discussion with Judge Canaday regarding these services and possibly changing from the Unified Court's responsibility to the County Commission's responsibility.

Judge Cullins told the Board he would recommend renewing the contracts for 2009 as they are at the present time and research before making any changes for the 2010 contracts. He said he has spoken with the three (3) presently providing the services and they will agree to the contracts for 2009 at the same rates as for 2008 with no changes. The following action was taken:

JUDGE CULLINS - INDIGENT LEGAL SERVICES – (Continued):

ACTION: *A motion was made by Commissioner Brown to approve the 2009 contracts for Indigent Legal Services to be provided by Tiana McElroy, Jeffrey Gettler and Jeffrey Gossard under the same terms as the 2008 contracts. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 09-35

WAYNE GUDMONSON – PROJECT AMERICA RECOVERY ACT:

Mr. Gudmonson presented information to the Board on Project America Recovery Act of 2009. Applications must be made for the funds for these projects by March 13th and selection will be on March 17th. The web-site is www.ksdot.org. Robert Bever was present for the presentation.

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 11:31 AM to return at 11:36 AM with the Board present to discuss non-elected personnel. Motion was seconded by Commissioner McManus.*

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

Returned at 11:36 AM with a motion by Commissioner Fowler to extend the session with the Board present until 11:45 AM.

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

Returned at 11: 45 AM with no action taken and no decisions made.

OTHER COUNTY BUSINESS:

1. Occupational License – Greg’s Place, Caney –

ACTION: *A motion was made by Commissioner Fowler to approve an occupational license for Greg’s Place, Caney, Kansas. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-36

2. Credit Card Usage and no receipts provided - The County Clerk was authorized to write a letter to the former employees of the Sheriff’s Office with copies to the County Counselor and will present them at the next meeting for the signatures of the Board.
3. Verbal approval was given for the bi-weekly payroll.
4. Crown Beds, West Plains, Missouri was added to the official County Bid List.
5. Blackjack Cemetery sale of a portion of land was discussed. Mr. Phalser, Cemetery Board Member has not responded to Mr. and Mrs. Blagg. The County Counselor will be consulted on the next step to close the sale by the county.

OTHER COUNTY BUSINESS (Continued):

6. Executive Session – County Clerk –

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 12:16 PM to return at 12:30 PM with the County Clerk present to discuss non-elected personnel. Motion was seconded by Commissioner Brown.*

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

Returned to session at 12:30 PM with no action taken and no decisions made.

A request was presented to the Board by the County Clerk for an employee status change for Dahrla Hinton. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve a merit increase for Dahrla Hinton effective January 26, 2009 as requested by the County Clerk. Motion was seconded by Commissioner McManus.*

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

RES. 09-37

7. Human Resources Position –

ACTION: *A motion was made by Commissioner Fowler to hire Gina Moya for the position of Montgomery County Human Resources Director effective March 2, 2009. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-38

Commissioner Fowler will contact Ms. Moya.

8. Letters acknowledged from Rodger Main (road complaint); Jerald Krause (on SD#2 charges); Kansas Juvenile Justice Authority (reduction in payment); Pinegar, Smith & Associates on Natural Gas Storage; and Department of Commerce on release of Grant Funds.

ADJOURNMENT: 12:45 PM

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

*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