

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

March 5, 2009

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 8:00 AM.

\*\*\*\*\*

**CALL TO ORDER:** Commissioner Fowler.

**INVOCATION:** Commissioner Brown.

**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 Brown to approve invoices in the amount of - \$385,841.10, \$8,700.61, \$65.65, \$40.03 and \$34,495.16 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 McManus to approve the minutes of February 23, 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:**

LeRoy Burk, County Appraiser, met with the Board with an update on the work being done in his department.

1. Advised the value notices have been sent out and hearings start next week.
2. A meeting will be held on underground natural gas storage next Wednesday at 9:00 AM in Topeka.
3. Working on the nitrogen plant and fertilizer plant. Recommended an "expert appraiser on petroleum engineering" be hired for this project.

\*\*\*\*\*

**COMPUTER DEPARTMENT – ORION SYSTEM:**

Ken Collins and Jason Clubine from the Computer Department met with the Board to discuss the following:

1. Renewal for the license for the Orion System is paid from the County General Operating Department at a cost of \$124.30. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to approve the expenditure of \$124.30 from the County General Operating Fund for the license for the Orion System. Motion was seconded by Commissioner McManus.*

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

2. Mr. Collins discussed the purchase of supplies for the GIS System. After checking the budget for 2009 the paper supplies will be debited from the GIS Department Budget.
3. Mr. Clubine explained the anti-virus software needed for the various departments and would like to set up a schedule so the renewal date will be the same for all departments. In order to accomplish this, the majority of the departments will need to be renewed soon. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to approve the renewals for the anti-virus to be paid from the County General Operating Fund and each department will reimburse the Operating Fund from their departmental budget. Motion was seconded by Commissioner McManus.*

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

\*\*\*\*\*

**COMMUNITY CORRECTIONS – UNSPENT GRANT FUNDS:**

Kurtis Simmons, Community Corrections Director, met with the Board to discuss the letter received by the Board on unspent grant funds for his department. Mr. Simmons explained how the monies are divided between individual agencies from the grant funds that have not been expended. He also answered questions by the Board on the functions of Community Corrections.

\*\*\*\*\*

**COUNTY ATTORNEY LARRY MARKLE:**

County Attorney Larry Markle met with the Board to discuss his present budget and advised the Board it is “on target”. He discussed the Juvenile office is “way behind” due to the workload and explained a diversion program if implemented could pay for a special prosecutors salary at \$30,000 and could handle traffic cases. The account at the present time has \$30,714 that has been collected on the diversion fees. This would free the Assistant District Attorney to go to the Juvenile Offender part of the department.

Mr. Markle requested \$30,000 be transferred from the Diversion Fund to the County Attorney’s salary line on the 2009 budget. The following action was taken:

**ACTION:** *A motion was made by Commissioner Brown to authorize the County Clerk to transfer \$30,000.00 from the Diversion Fund No. 93 to the County Attorney’s 2009 Salary line. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-39

\*\*\*\*\*

Recessed at 9:28 AM

Returned at 9:30 AM

**SHERIFF DIERKS:**

Sheriff Robert Dierks and Montgomery County Rural Fire Coordinator Wilbur Schwatken met with the Board to discuss the maintenance of fire and sheriff's vehicles. Present cost for maintenance was provided and they requested approval to try to find a facility and research the cost of a certified mechanic as they feel it would be a savings to the county. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to give the approval of the Board for the Sheriff and Rural Fire Coordinator to research the cost and facilities for a shop and mechanic to maintain the Sheriff's vehicles and emergency vehicles and return to the Board with a recommendation. Motion was seconded by Commissioner Brown.*

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

\*\*\*\*\*

**DEPARTMENT OF CORRECTIONS – EQUIPMENT REPLACEMENT:**

Mr. Jimmy Holt, Assistant Jail Administrator, advised the Board the steamer in the kitchen at the jail is not working and is "possibly not able to be fixed". He told the Board it is four (4) years old and was purchased as a rebuilt appliance. The cost of a new steamer from Central Restaurant Products will be \$15,000 with a three (3) year warranty. The Board asked for bids to be requested and set a bid date with the County Clerk.

\*\*\*\*\*

**EXECUTIVE SESSION:**

**ACTION:** *A motion was made by Commissioner Fowler to recess to Executive Session at 10:20 AM to return at 10:35 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 10:35 AM with a motion by Commissioner Fowler and seconded by Commissioner McManus to extend the Executive Session for non-elected personnel until 10:45 AM.

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

Returned to session at 10:45 AM with no action taken and no decisions made.

\*\*\*\*\*

**OTHER COUNTY BUSINESS:**

1. Motion to rescind motion on Human Resources Appointment –

**ACTION:** *A motion was made by Commissioner Fowler to rescind Montgomery County Resolution No. 09-38 on the Human Resources Appointment. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 09-40*

2. Discussed Commissioner parking spaces being available when needed by the Board. The County Clerk was instructed to send a memo to departments to advise the employees the spaces will temporarily not be available to the county employees.

**OTHER COUNTY BUSINESS (Continued):**

3. Compensatory time for county employees:

**ACTION:** *A motion was made by Commissioner Fowler to approve the following policy for Compensatory Time for Montgomery County employees:*

*An employee may be allowed to choose compensatory time in lieu of additional wages for extra hours worked. The calculation of compensatory time shall be at the applicable overtime rate. An employee may accumulate up to forty (40) hours of unused compensatory time. If this limit is reached, an employee must be paid in cash for additional accrued hours or else must use some compensatory time before any additional overtime hours may be compensated in the form of compensatory time.*

*Compensatory time off may not be taken in increments of less than four (4) hours unless a lesser increment is approved by the employee's Department Head. The Department Head must allow for the use of accumulated compensatory time within a reasonable period following the employee's request to take time off unless the operation of the department would be unduly disrupted by the employee's absence from work.*

*An employee is entitled to receive cash compensation for up to forty (40) hours accumulated but unused compensatory time when the employee's employment is terminated.*

*Motion was seconded by Commissioner McManus.*

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

*RES. NO. 09-41*

4. Bid Proposal Resolution:

**ACTION:** *A motion was made by Commissioner Fowler to approve the adoption of Procurement Procedures for Montgomery County, State of Kansas as approved by County Counselor. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 09-42*

5. Acknowledged letter from Duane A. Goossen, Director of the Budget on SB75.  
6. Memo from Jim Miller regarding Homeowner Rehabilitation Grant.

\*\*\*\*\*

**ADJOURNMENT: 11:35 AM**

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

*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**