

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

April 20, 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: Reverend Jack Gregory, First United Methodist Church, Independence

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 - \$201,990.55, \$1,510.00 and \$160,003.05 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 April 13, 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*

CORRESPONDENCE:

No correspondence to record.

TIE TO BE BROKEN FOR UNIFIED SCHOOL DISTRICT NO. 447 AND LIBERTY CITY COUNCILMAN:

The Board of Canvassers broke the tie votes with the toss of a coin, first for Unified School District No. 447 with Jasmine Foreman being the winner and Liberty City with Allen Bolejack being the winner.

COUNTY APPRAISER:

County Appraiser LeRoy Burk met with the Board and reported on work being done and advised the Board he will have a budget report soon.

Commissioner Brown asked for past comparison on the budget figures for both revenue and expenditures.

Discussed a memo on the Natural Gas Storage Coalition amending KSA 79-5a01.

Mediation on the fertilizer plant at Coffeyville will be May 27, 28 and 29th.

SHERIFF:

Sheriff Robert Dierks, Administrative Assistant Liz Schwatken, Under Sheriff Troy Mackie and Jail Administrator Jimmy Holt met with the Board. Mr. Holt had previously requested an Executive Session and was placed on the agenda but cancelled his request. Sheriff Dierks requested an Executive Session with Liz Schwatken present.

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 9:31 AM to return at 9:36 AM with Sheriff Robert Dierks, Administrative Assistant to the Sheriff Liz Schwatken and the Board 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*

The Board returned to session at 9:36 AM with no action taken and no decision made.

Ms. Schwatken advised the Board an employee has been terminated at the Sheriff's Office and requested the Board's approval to post a dispatcher position for hiring at a beginning rate of \$9.00 per hour. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the posting of a dispatcher position for the Sheriff's Department at a starting wage of \$9.00 per hour. Motion was seconded by Commissioner McManus.*

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

Sheriff Robert Dierks and Under Sheriff Troy Mackie met with the Board to discuss the vehicle proposal which was presented to the Board on April 13th. This is a lease/purchase agreement for 10 vehicles which will be rotated out at 135,000 Plus Miles under this program with a three (3) year/36,000 mile bumper to bumper warranty. Commissioner Brown asked if there were other agencies offering this program. Mr. Mackie replied there were most were far away with perhaps the closest being in Kansas City. He also explained that Joe Watt Auto would pick-up the vehicles covered under the warranty for repair.

After discussing the sheriff's present fleet, mileage and how the program works, the contract and bank quotes on financing were discussed. Following the discussion, the following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve a Lease Purchase Agreement between Montgomery County and Community National Bank at the lowest quote of 4.21% interest rate received for a program with Joe Watt Auto, Vinita, Oklahoma for a period of four (4) years for 10 vehicles. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-66

PUBLIC WORKS:

Public Works Coordinator Robert Bever and Assistant Public Works Coordinator Jim Wright met with the Board. The following items were discussed:

1. Bridge Inspection Bids - Mr. Bever recommended the low bid from Cook, Flatt & Strobel, Topeka, Kansas in the amount \$13,083.00

ACTION: *A motion was made by Commissioner Brown to accept the low bid for bridge inspections from Cook, Flatt & Strobel, Topeka, Kansas in the amount of \$13,083.00 Debit Road and Bridge. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-67

2. Intersection lighting at Highway 75 and County Road 2600 (Havana). – Will review the intersections originally requested to be lighted and those that presently have the lighting and have a report for the Board.
3. Coffeyville Electric Company wanting guardrails on East 8th Street – Mr. Bever recommends no guard rail. Plans for widening the road were submitted to Coffeyville City before the poles were placed by the city on the county right-of-way. The cost would be approximately \$6,000 for the guard rail. It was the decision the guardrails will not be placed on East 8th Street.
4. Montgomery County Action e-mail regarding 5-year plan for Montgomery County Comprehensive Economic Development Strategy. Information on CEDS will be provided to Mr. Bever from 2005.
5. Discussed the Kansas Energy Efficiency and Conservation Block Grant (EECBG) recipients – Part of the Stimulus package on American Recovery and Reinvestment Act (ARRA).
6. Major Bridge Replacement Status –
7. Copy of the bid going out for Collection Agency for delinquent Sewer District #2.

EMERGENCY PREPAREDNESS:

Emergency Preparedness Director Jim Miller discussed CERT grant; Resource Typing Grant and a County Animal Response Team. The Board said they think the Animal Response should be directed to Mr. Scott Barnhart, when needed, as Exotic Animal Control Officer for the County.

Recessed at 11:37 AM
Returned at 11:40 AM

DEPARTMENT HEAD APPOINTMENTS:

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 11:41 AM to return at 11:50 AM with the Board 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 11:50 AM with a motion by Commissioner Fowler to extend the session until 12:00 Noon. The motion was seconded by Commissioner Brown.

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

Returned to session at 12:00 Noon with a motion by Commissioner Fowler to extend the session until 12:10 PM. The motion was seconded by Commissioner Brown.

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

APPOINTMENTS (Continued):

ACTION: *A motion was made by Commissioner Fowler to reappoint Robert Bever as Public Works Coordinator. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-68

ACTION: *A motion was made by Commissioner Fowler to reappoint Ruth Bardwell as County Health Coordinator.. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-69

ACTION: *A motion was made by Commissioner Fowler to reappoint Scott Barnhart as Environmental Health/Zoning Administrator. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-70

ACTION: *A motion was made by Commissioner Fowler to reappoint Ken Collins as Computer Department Director. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-71

ACTION: *A motion was made by Commissioner Fowler to reappoint Jim Miller as Emergency Preparedness Director Motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus – No*

RES. NO. 09-72

ACTION: *A motion was made by Commissioner McManus to reappoint Wilbur Schwatken as Rural Fire Coordinator. Motion died for lack of a second*

ACTION: *A motion was made by Commissioner Fowler that Wilbur Schwatken be relieved of his duties as Montgomery County Rural Fire Coordinator as of April 20, 2009 at 1:00 PM. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-73

ACTION: *A motion was made by Commissioner Fowler to omit “Liaison” from Mr .Jim Miller’s job description and title. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-74

OTHER COUNTY BUSINESS:

1. Report of a spill by Scott Barnhart, Environmental Health/Zoning Director.
2. Cereal Malt Beverage License for Caney Valley Speedway.
ACTION: *A motion was made by Commissioner Fowler to approve a Cereal Malt Beverage License for Caney Valley Speedway. Motion was seconded by Commissioner Brown.*
*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*
RES. NO. 09-75
3. Approved a letter of support for Class Ltd to receive a grant.
4. Approved the offices of the County Clerk, County Treasurer and Register of Deeds to be closed Thursday, April 23rd from 11:30 AM to 1:00 PM to observe Secretaries Day.
5. Certificate honoring Billy Mills 1964 U.S. Olympics winner in 10k.
ACTION: *A motion was made by Commissioner Fowler to approve a certificate to be presented at the Coffeyville College on April 24th honoring Billy Mills, 1964 U.S. Olympics winner in 10k race. Motion was seconded by Commissioner Brown.*
*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*
RES. NO. 09-76
6. Approved bonds for the employees to be reduced according to KSA 19-4201-
ACTION: *A motion was made by Commissioner Fowler to set the bond amount for the County Clerk's employees according to KSA 19-4201 in the amount of \$10,000.00 each. Motion was seconded by Commissioner McManus.*
*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*
RES. NO. 09-77
7. Appointment to Juvenile Corrections Advisory Board.
ACTION: *A motion was made by Commissioner Brown to approve the recommendation of the Juvenile Corrections Advisory Board and appoint Marlene Sheets to the JCAB for a three-year term. Motion was seconded by Commissioner Fowler.*
*ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown – Yes
Commissioner McManus - Yes*
RES. NO. 09-78

ADJOURNMENT: 12:22 PM

ACTION: *Motion by Commissioner Brown 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