

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

April 27, 2009

The Board of County Commissioners, two members and the County Clerk present, met in regular session at 9:00 AM. Commissioner Brown was absent.

CALL TO ORDER: Commissioner Fowler.

INVOCATION: Reverend Steve Butler, Community Christian Church, Independence, Kansas

PLEDGE OF ALLEGIANCE: Commissioner McManus.

AGENDA APPROVAL:

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

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

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner McManus to approve invoices in the amount of \$20,525.10 as presented by the County Clerk's office. The motion was seconded by Commissioner Fowler.*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner McManus to approve the minutes of April 20, 2009 as amended as presented by the County Clerk. The motion was seconded by Commissioner Fowler.*

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

COUNTY APPRAISER:

County Appraiser LeRoy Burk met with the Board and presented a letter on the County Natural Gas Storage Coalition and discussed the Senate Bills passed and how they will affect the counties.

Mr. Burk also advised the Board he will be presenting budget figures for 2010.

BRAD HALL – CONCERN ON VEHICLE CONTRACT WITH JOE WATTS AUTO:

Mr. Brad Hall was added to the agenda and addressed the Board on a concern on the lease/purchase agreement with Joe Watts Auto for sheriff's vehicles.

His question to the Board was "do you check the miles on an airplane in the cockpit before flying?" Mr. Hall told the Board "Joe Watts is not a reputable dealer and is crooked". He also stated the money should be spent in Kansas. He feels this is a very bad plan. Mr. Allen Wulf of Quality Motors was also in attendance.

Sheriff Dierks and Under Sheriff Troy Mackie were present at the meeting. Sheriff Dierks told Mr. Hall he "respected his opinion". Troy Mackie explained the state bid list was checked for vehicles and procedures were followed and the lease/purchase contract is with a local bank, keeping the financing in Montgomery County.

Sheriff Dierks said he will not put patrol officers in county cars that inmates have worked on. He feels this is unsafe and a very poor practice.

Commissioner McManus assured Mr. Hall the county makes every effort to make purchases within the county if at all possible.

SHERIFF – REPORT ON GRANT APPLICATIONS:

Sheriff Robert Dierks and Under Sheriff Troy Mackie reported to the Board \$103,000 has been applied for in grants for the Sheriff's Department and Department of Corrections. They presented copies of the applications for the Boards information.

RICHARD CATRON AND CONCERNED CITIZENS:

Mr. Richard Catron appeared before the Board with comments and concerns on not reappointing Wilbur Schwatken as Montgomery County Rural Fire Coordinator. He presented facts and figures on Mr. Schwatken's performance, grants obtained for the fire district, how Mr. Schwatken was chosen to replace Gene Tucker, experience and how the recommendation of the Montgomery County Rural Fire Board was disregarded after seven (7) stations recommended reappointing Mr. Schwatken. Several individuals were there in support of Mr. Schwatken. Those present and speaking in support of Mr. Schwatken were: Larry Felts, Randy Haymaker, Marty Smith, Darrell DeTar, Andy Bright, Bobby Shane, and Rollie Clark. Others present were Andy Richmond and Marcus Hamilton and Stan Veach.

Mr. Randy Haymaker addressed the Board and conveyed the fire boards thoughts on the action being taken without consulting the board and also addressed the manner in which Commissioner Fowler and Commissioner Brown handled the dismissal. Mr. Haymaker asked Commissioner Fowler what direction the "new direction" is and received no details. Commissioner McManus was asked if he knows the plan and he answered that he is "in the dark".

Larry Felts addressed the Board with specific questions regarding the decision. Commissioner Fowler did not comment on these questions.

Commissioner Fowler said an interim coordinator would be hired and Gene Tucker would be his choice having previously served as Fire Coordinator before Mr. Schwatken. He also mentioned Jim Miller, Emergency Preparedness Director as a choice for interim.

Commissioner McManus stated the decision should involve the fire board. The fire board will meet with the Commissioners on Thursday, April 29th.

Mr. Rollie Clark spoke to the Board and said he had 25 years of firefighting experience and is concerned with the Board's decision.

Mr. Stan Veach addressed Commissioner McManus and asked, "Didn't you have a meeting at your house with the fire board last Monday night?"

RICHARD CATRON (Continued):

Commissioner McManus replied that he did not have a meeting with the fire board at his home last Monday night but some fire fighters came there to talk to him, not a “meeting”.

Last to speak was Mr. Ray Fowler stating he felt the Board had made the right decision and was not impressed with getting money from grants from the government. Mr. Fowler did not identify himself before speaking but Commissioner Fowler later provided his name to the County Clerk.

A grievance has been presented to the Board signed by seven (7) fire station representatives against the Board of County Commissioners for the wrongful dismissal of Wilbur Schwatken as Montgomery County Rural Fire District No. 1 Coordinator.

PUBLIC WORKS:

Jim Wright, Assistant Public Works Coordinator, met with the Board and presented the weekly written report. The following items were discussed:

1. Asphalt Bid Opening – Bids were as follows:

Heckert Construction , Pittsburg, Kansas	\$ 995,686.05
Bellco Materials, Inc., Nowata, Oklahom	\$ 1,364,548.75
SE-Kan Asphalt Services, Inc., Gas, Kansas	\$ 1,076,734.34

Bids were referred to Public Works. No decision was made.
2. Bridge design bid for bridges on 5-year plan – Approved by Board to be placed for bid.
3. Major Bridge Replacement Status –
4. Building Maintenance – Request permission to seek bids for roof repair for Judicial Center – Request approved by Board.
5. Noxious Weed – Request to seek bids to purchase chemicals for Noxious Weed department. Request approved by Board.
6. Copy of past due accounts for April 2009 for Sewer District #2 was presented.

COUNTY HEALTH – NURSE PRACTITIONER POSITION:

Ruth Bardwell, County Health Coordinator met with the Board to discuss increasing the Nurse Practitioner hours worked from 16 hours to 20 hours. The present employee will be resigning and the replacement previously work the position but wants 20 hours to be able to participate in the county employee health insurance plan. County Health would assume the county’s share of the insurance and Department of Corrections will assume the extra four (4) hours wages.

After discussion, Ms. Bardwell will check with the new health care program with Department of Corrections for any services that may be offered through their program before any action is taken.

Ms. Bardwell reported on the Swine Flu and advised there would be a news release.

An Executive Session was request for non-elected personnel.

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 11:32 AM to return at 11:42 AM to discuss non-elected personnel with Ruth Bardwell present. Motion was seconded by Commissioner McManus.*

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

Returned to session at 11:37 AM with no action taken and no decisions made.

COUNTY HEALTH (Continued):

Ms. Bardwell requested approval to extend the probation for one (1) employee 60 days, April 9th to June 9th. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to authorize the County Health Coordinator to extend the probation period for 60 days as requested for one (1) employee in the County Health Department, period being from April 9 through June 9, 2009. Motion was seconded by Commissioner McManus.*

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

**Recessed at 10:55 AM
Returned at 10:59 AM**

COMMUNITY CORRECTIONS – KURTIS SIMMONS – 2010 PLAN:

ACTION: *A motion was made by Commissioner Fowler to adopt the Community Corrections current plan for 2010 and the Director’s Contract for 2009-2010. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-79

ENVIRONMENTAL HEALTH/ZONING – SUB-DIVISION PLAT APPROVAL:

Scott Barnhart, Environmental Health/Zoning Director presented a proposal for a subdivision plat, known as Goins Subdivision. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve and proceed with the plat for the proposed subdivision known as Goins Subdivision. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-80

A work session will be scheduled with Mr. Barnhart and Mr. Leonard Caflish for the ADA Survey next week at 12:00 Noon.

STAN VEACH:

Stan Veach addressed the Board and stated he wants to correct the County Chronicle and presented an article with highlighted areas he is disputing regarding Sheriff’s department vehicles as stated in the newspaper. He said he is, (quote) “tired of lies and false statements and if the commissioners don’t do something about it, I will”.

CORRESPONDENCE:

1. Letter from Larry Wright CPA/PFS on preparation of the 2010 budget.
2. Letter from Pinegar, Smith and Associates on County Natural Gas Storage Coalition.
3. Letter from KDHE on Swine Flu.
4. Thank you letter from Independence High School After Prom.

OTHER COUNTY BUSINESS:

1. County Clerk asked for clarification on the ending payroll date for Mr. Schwatken. She is using the date of April 20th. Commissioner Fowler said this is correct.
2. Report from Environmental Health on Opening Burning Incident on April 22nd.
3. Report from Environmental Health on Spill Incident on April 22nd.
4. Report from Environmental Health on Spill Incident on April 20th.
5. Notice of Public Hearing from City of Independence on SEKTAM Exemption.

ADJOURNMENT: 12:20 PM

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

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

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

TONY FOWLER, Chairman

FRED BROWN, Member

LARRY McMANUS, Member

ATTEST:

County Clerk