

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

June 15, 2009

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:30 AM. The meeting was opened at the road viewing site located at CR 6000 Mile 24. Those also present were Robert Bever, Public Works Coordinator, representatives of Watco Railroad, and 64 interested parties from Labette and Montgomery counties. A list of those individuals is included in the minutes on the attached list. Labette County Commissioners began a meeting at 9:00 AM at the site and remained for the road viewing at 9:30 AM.

Commissioner Fowler opened the meeting with the reading of the Road Viewing Posting and acknowledged letters from Montgomery County Action Council, Brenda Eastep and Terry Smith in opposition to the closing of CR 6000. Labette County Commissioner Lonnie Addis advised the Board a petition had been presented with 600 signatures opposing the closing. The signatures were from the following: Montgomery County – 600, Labette County – 274, Neosho County – 15 and “Other” – 9. The petition is on file in the Montgomery County Clerk’s Office.

Commissioner Lonnie Addis stated Labette County has a stake in this closing. If Anderson and Brown roads are blacktopped it will be at a cost to both counties. Anderson Road is a shared road with Labette County. He asked when will the Board take action and close the road. Both he and Commissioner Fowler agreed the county counselors of both counties should confer and meet with the railroad on any agreements proposed.

Commissioner Brian Kimzey said in the preliminary discussion there was discussion on hard surfacing Anderson Road exiting at the overpass on 400 Highway. He feels the airport (Brown Road) would be a safe intersection and would suggest surfacing both roads. He recommended moving the project south and keep CR 6000 open. He also asked if further development is in the future.

Commissioner Jack Martin stated safety is the major concern but is also concerned that Labette County would be responsible for maintaining Brown Road if it is blacktopped and with more traffic. He does not feel their county is financially able for more road maintenance, especially with excessive traffic.

Cherryvale City Administrator Trey Cocking and Cherryvale Mayor John Wright spoke with the concerns and problems with the switching in the city. Mr. Cocking stated the town is divided by the railroad and the crossing are tied up 30 to 45 minutes each time. They have tried to work with the railroad on the problem but with no solution. The issues of EMS, Fire and the children was brought out by Mr. Cocking.

Mayor Wright stated that he doesn’t know all the details on the possible relocating and development, but perhaps it could be moved a mile south and close CR 5800. The railroad said they have looked at that possibility but there is more of a problem at the south location due to the terrain.

Residents speaking out against the closing of CR 6000 were: Doug Fogleman, Doug Keel, Wanda Leuman, Diane Smith, Kerry Bright, Dale Newmar, Bill Jounot,, Norman Linn, Mike Smith, Jess Smith, J. D. Hicks, Kenny March, Ron McPherson, Tom Roberts, Janet Phillips, Bill Blair. Mr. Joe Long, Cherryvale merchant, said he didn’t care where the new location will be but it has to be moved out of the city. When Mr. Jounot spoke he said he feels the county needs a guarantee with the railroad on the financial responsibility.

A main concern for the closing of CR 6000 is the moving of farming equipment and the safety problems by diverting the traffic to 400 Highway and especially so close to the intersection with Highway 169.

The representatives of the railroad explained the purpose of the locating north of Cherryvale. The switching by the railroad is being done in Cherryvale and many problems occur with it being located inside the city. The crossings are closed for lengthy periods of time creating problems for EMS, Fire and residents. Children have been sited crossing between cars and sliding bicycles beneath the cars to get to school.

After hearing the concerns of the citizens and the Labette County officials, the Chairman told the group they would not be making at decision at this time but will place this item on the agenda for Monday, June 22nd at 10:00 AM. In the meantime, they will be gathering more information on the project with a possible work session. The Labette County Commission will be kept apprise of the findings and decisions of the Montgomery County Commissioner.

A motion was made by Commissioner Fowler to recess the road viewing at 11:00 AM to return to the Courthouse for the remainder of the regular meeting. Motion was seconded by Commissioner Brown.

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

CALL TO ORDER: Commissioner Fowler at the Courthouse at 11:15 AM

INVOCATION: Reverend Wayne Norton, First Baptist Church

PLEDGE OF ALLEGIANCE: Commissioner Fowler

CORRESPONDENCE:

1. Letter from County Attorney Kansas Insurance Department – Firefighters Relief Act.

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 - \$221,745.90 and \$201,742.31 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 Brown to approve the minutes of March 5 and March 9, 2009 as presented by the County Clerk. The motion was seconded by Commissioner McManus.*

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

PUBLIC WORKS:

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

1. Memo on request from the City Recreation of Caney requesting grader work at the ball field. They asked if a grader and operator could be furnished as “good will” or if not at a reduced rate. The Board approved the request as follows:

ACTION: *A motion was made by Commissioner Brown to approve the request to Public Works by the City Recreation of Caney for a grader and operator to smooth dirt being brought in on the field. This would be at no cost to the entity. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 09-108

2. KDOT Unofficial Detour Agreements to be signed by Board.
3. Design contracts for signature for Bridge 932 and Bridge 1002.
4. Chemical Bid Opening as follows:

Beachner Grain, Independence	\$14,054.40
SEK Grain, Inc., Independence	\$12,528.00

PUBLIC WORKS (Continued):

ACTION: *A motion was made by Commissioner Fowler to award the Chemical Bid for the Noxious Weed Department to the low bidder SEK Grain, Inc, Independence, Kansas in the amount of \$12,528.00. Debit Noxious Weed Fund. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-109

5. Discussed a Performance Contracting Process to determine if there is a need for an Energy Services Company to be involved and if it would benefit the county.

COUNTY APPRAISER:

County Appraiser LeRoy Burk met with the Board to discuss the following:

1. Countryman Sub-Division request to divide a lot. This cannot be done by his office due to unpaid city special taxes.
2. Reported on the conference at Wichita.
3. Reported on work being done in his office and time schedules.

EMERGENCY PREPAREDNESS DIRECTOR AND ENVIRONMENTAL HEALTH/ZONING DIRECTOR – THANK YOU LETTER TO REFINERY:

Emergency Preparedness Director Jim Miller and Environmental Health/Zoning Administrator Scott Barnhart presented a letter for the approval of the Board to the Coffeyville Resources Refining & Marketing thanking their Emergency Responder Team for their assistance in oil spill containment on June 9th. A report of the spill and response was presented by Mr. Barnhart. The Board approved the letter.

Mr. Miller reported the county buy-out of the flood properties will begin Thursday, June 18th.

COMPUTER DEPARTMENT BIDS – 6 COMPUTERS:

Computer Department Director Ken Collins and Jason Clubine were present for the bid opening:

Bids were as follows:

Kontemporary Keyboards, Coffeyville	No Bid
Computer Generation, Independence	\$5,934.00 – Units
	102.00 – Keyboards
	1,074.00 – Monitors
Dell (From State Bid List)	\$5,909.76

Bids were referred to the Computer Department.

COUNTY HEALTH – PERSONNEL CHANGE:

County Health Coordinator Ruth Bardwell presented a request to advertise for a replacement of a Healthy Start Visitor position in her department. Approval was given and Ms. Bardwell will contact Human Resources.

Ms. Bardwell gave an update on the flu stating there are no confirmed cases in the county. Labette County had two (2) confirmed cases. She stated there is an expected “calm down” in the summer months and then returning in the fall. There is no vaccine at this point.

SHERIFF:

Sheriff Robert Dierks reported to the Board the transport vehicle is read to be picked up at Quality Motors.

WORK SESSION – ROAD CLOSING CR 6000:

The Board went into a short work session on the road closing for CR 6000.

Public Works Coordinator Robert Bever was present for the meeting and feels the easiest would be leaving CR 6000 open and move further south to CR 5800. Further discussion is needed with the railroad.

No action was taken at this time.

Commissioner Brown left the meeting at 12:40 PM.

There was some discussion on the Human Resources Office space and the County Attorney's request for office space and changes. No decisions were made at this time.

OTHER COUNTY BUSINESS:

1. Approval was given for the Human Resources Director to purchase office furniture at a cost between \$500.00 and \$800.00 to be paid from Capital Outlay Fund.

ADJOURNMENT: 12:58 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