

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

June 22, 2009

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:00 AM in the basement of the Judicial Building.

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**CALL TO ORDER:** Commissioner Fowler.

**INVOCATION:** Reverend Richard Peckman, St. Paul's Lutheran Church, Coffeyville

**PLEDGE OF ALLEGIANCE:** Commissioner McManus

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**AGENDA APPROVAL:**

**ACTION:** *A motion was made by Commissioner McManus 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*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner McManus to approve invoices in the amount of \$204.00 and \$23,700.00 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*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Brown to approve the minutes of June 15, 2009 as presented by the County Clerk. The motion was seconded by Commissioner Fowler.*

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

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**ENVIRONMENTAL HEALTH – LEPP GRANT:**

Environmental Health Director Scott Barnhart presented the LEPP Grant for the signature of the Board.

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**COMPUTER DEPARTMENT – RECOMMENDATION ON BIDS FOR COMPUTERS:**

Computer Department Director Ken Collins and Jason Clubine met with the Board and presented a recommendation for the purchase of six (6) computers for various offices. The total bid from Computer Generation, Independence was \$126.00 higher than the bid submitted by Dell. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to accept the bid from Computer Generation, Independence, Kansas in the amount of \$6,394.00 for six (6) computers, monitors and keyboards. Debit County General Capital Outlay Fund. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 09-110*

**INDEPENDENCE POLICE DEPT AND AT&T – WIRELESS ENHANCED 911 GRANT:**

Roger Powell, Independence Police Department and Phillip Ryan of AT&T seeking approval to file for the Wireless Enhanced 911 Grant.

The age of the equipment was discussed. Mr. Ryan stated the software is no longer in production. The new system would support new technology within the 911 system. Grant funds may not be accessible in the future. Mr. Powel said the system is reaching the end of its life span.

The grant application is for \$164,110 and the matching funds are undetermined at this time. The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to approve the application to be submitted by the Independence Police Department for the Wireless Enhanced 911 Grant in the amount of \$164,110 with the matching funds undetermined at this time. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 09-111*

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**COUNTY APPRAISER – CONTRACT:**

County Appraiser LeRoy Burk met with the Board. He reported on the values being certified to the County Clerk, staff work in the field, editing job descriptions, setting goals on hearing complaints, training on Orian and reported there were 17 hearing this year.

Mr. Burk requested changing the summer hours for the field appraisers to 7:30 AM to 4:00 PM with one hour for lunch. This request was approved by the Board.

A contract for Mr. Burk was discussed. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to enter into a contract with Mr. LeRoy Burk for the period of July 1, 2009 to June 30, 2013 at an annual salary of \$55,000 per year for the position of Montgomery County Appraiser.*

*Discussion: Commissioner Fowler said he was not willing to give the same salary for the next four (4) years, as being paid at the present time. This salary was accepted by Mr. Burk.*

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

*RES. NO. 09-112*

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**PUBLIC WORKS – WATCO – ROAD CLOSING DISCUSS – CR 6000 MILE 24:**

Public Works Coordinator Robert Bever, Mr. Pat Cedeo Vice President of Sales & Marketing Watco Railroad and Mr. Dan Smith of Watco, met with the Board and presented a letter regarding the closing of CR 6000. The letter stated they have worked closely with both the city of Cherryvale and Montgomery County and requests the County Commissioners set the earliest date possible for a formal viewing and hearing in regards to the closure of CR 5800. The change is based on information received and input at the road viewing of CR 6000.

A group of 27 residents of Montgomery County and Labette County were in attendance at the meeting. A list of those attending is on file in the County Clerk's Office.

Letters from Everett King and Bill and Connie Journot opposing the closing of CR 6000 were received and acknowledged.

The following motion was made:

**PUBLIC WORKS – (Continued) – ROAD VIEWING:**

**ACTION:** A motion was made by Commissioner Fowler to table the decision on the closing of CR 6000 Mile 24 and set a road viewing date of July 13, 2009 at 9:00 AM for CR 5800. Motion was seconded by Commissioner Brown.

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

RES. NO. 09-113

Mr. Dan Smith assured everyone that every effort will be made to keep CR 6000 open and move the project south of CR 6000.

Public Works Report –

1. Requested purchasing rebar at an estimated cost of \$15,000 to \$19,000. Approval was given for the purchase.
2. Presented a letter from Mr. David Foraker regarding an entrance request with an answer to Mr. Foraker's letter attached.

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Recessed at 10:25 AM.

Returned at 10:30 AM.

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**EMERGENCY PREPAREDNESS – BUYOUT DOCUMENTS – WORK ORDER AMEC:**

Mr. Jim Miller, Emergency Preparedness Director, presented Work Order #2 on the AMEC contract for and extension of work being done for the county through grant funds. The following action was taken:

**ACTION:** A motion was made by Commissioner Brown to authorize the Chairman to sign AMEC Work Order #2 on behalf of Montgomery County for Emergency Preparedness. Motion was seconded by Commissioner McManus.

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

Mr. Miller also reported on the buyout process and presented “Offer to Sell Real Property” documents to be signed by the Chairman on four (4) parcels in the Mitigation Buyout as a result of the flood of 2007. The following action was taken:

**ACTION:** A motion was made by Commissioner McManus to authorize the Chairman to sign Mitigation Documents on four (4) parcels for the 2007 Flood buyout. Motion was seconded by Commissioner Brown.

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

**SHERIFF – BULLET PROOF VEST PROGRAM:**

Detective Chris Williams, Detective Kelly Stewart and Sheriff's Administrative Assistant Liz Schwatken met with the Board to present information regarding the purchase of bullet proof vests through a grant with matching funding from the county. The company providing the vests will be Mine Safety Appliance and the grant will provide 50% of the funding. The following action was taken:

**ACTION:** A motion was made by Commissioner McManus to approve the request by the Sheriff's Office for matching funds for the grant to purchase bullet proof vests for the department. The grant is in the amount of \$33,5000 and the matching funds from the county will be \$16,750. Debit County General Capital Outlay Fund. Motion was seconded by Commissioner Fowler.

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

RES. NO. 09-114

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**DISCUSSION ON ESTABLISHING A POSITION - SECRETARY TO THE BOARD OF COUNTY COMMISSIONERS:**

The Board discussed establishing a secretary position for the Board and office space for HR Department. Moving the Commission Meeting Room to the basement of the Judicial Center was discussed. No action was taken at this time.

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**CORRESPONDENCE:**

1. JJA Letter to Commissioner Fowler from the office of Inspector General regarding Fiscal Compliance and Control Audit.
2. Letter to Board from Kansas Department of Revenue on 2008 Real Estate Appraisal/Sales Ratio Study.
3. Letter to Board from The Secretary of the Interior regarding their payment to the county under the Payments in Lieu of Taxes Program on Federal lands to defray costs associated with maintaining services.
4. Letter from Cook, Flatt & Strobel regarding bridge plaque for Project 63C-4370-01.
5. Letters on the closing of CR 6000 and telephone calls to individual members of the Board.
6. Invitation to SEKRPC General Commission/Executive Committee Meeting, Thursday, July 2, 2009 at Chanute dinner requesting RSVP by June 25<sup>th</sup>. The Board will personally if attending

**OTHER COUNTY BUSINESS:**

1. Cereal Malt Beverage License for Keli Mart, Elk City -  
**ACTION:** *A motion was made by Commissioner Brown to approve a Cereal Malt Beverage License for Keli Mart, Elk City, Kansas. Motion was seconded by Commissioner McManus.*  
*ROLL CALL VOTE – Commissioner Fowler – Yes*  
*Commissioner Brown – Yes*  
*Commissioner McManus – Yes*

*RES. NO. 09-115*

2. Report of fuel spill on Oakhurst Drive by Environmental Health Department.

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**ADJOURNMENT: 1:26 PM**

**ACTION:** *Motion by Commissioner Fowler seconded by Commissioner McManus.*  
*ROLL CALL VOTE – Commissioner Fowler - Yes*  
*Commissioner Brown - Yes*  
*Commissioner McManus – Yes*

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

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**TONY FOWLER, Chairman**

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**FRED BROWN, Member**

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**LARRY MCMANUS, Member**

**ATTEST:**

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**County Clerk**