

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

August 31, 2009

The Board of County Commissioners, two members and the County Clerk present, met in regular session at 8:30 AM. Commissioner McManus was absent.

CALL TO ORDER: Commissioner Fowler.

INVOCATION: Reverend Joe Davolt, Bible Holiness Church, Independence

PLEDGE OF ALLEGIANCE: Commissioner Fowler.

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 - Absent*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Fowler to approve invoices in the amount of \$1,156,271.91 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 - Absent*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Brown to approve the minutes of August 24, 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 - Absent*

CORRESPONDENCE:

1. letter to Board from Steppin' Out on low cost symbolic employee recognition awards.

CR 1700 ROAD CONCERN – MR. KEN DURST:

Mr. Ken Durst discussed a road problem with the Board on the "old Havana Lake Road" and the fact the blacktop has been turned back to gravel by destroying the blacktop. Mr. Durst referred to the blacktop at Amazon and does not understand why CR 1700 was not replaced with blacktop when the road at Amazon had not been an existing blacktop.

ENVIRONMENTAL HEALTH/ZONING – SUBDIVISION PLAT FOR USD#446:

Environmental Health/Zoning Director Scott Barnhart and Assistant Independence City Manager Kellie Passeuar met with the Board to present the subdivision plat for Unified School District #446 new facilities to be located at 13th and Mulberry. The following action was taken:

ACTION: *A motion was made by Commissioner Brown to approve the subdivision plat as presented for Unified School District No. 446 within the city limits of Independence. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 09-159

Commissioner Brown presented questions to Mr. Barnhart on the recycling of water for use for lawn, etc. Mr. Barnhart stated these systems are approved and used in Texas, Oklahoma and Missouri but Kansas has very constringent laws governing the use of these recycling systems. He will visit with Commissioner Brown with further information on the permits and possibly the number issued in Kansas.

JEFF PHELPS – TAXES:

Mr. Jeff Phelps met with the Board and stated he wanted to defend the refinery as the cause of the increase in the county levy for the 2010 budgets. He addressed the fact the refinery is probably the highest paying industry or business in salaries and is very important to the county. He presented questions to the Board on why the money was spent if it was going to be repaid and how did the Board propose to keep residents in the county if taxes are so high. The Board explained how the refinery's reduced valuation affected the levy with the loss of the valuation and the refund combined. They also discussed the pending appeal with the nitrogen fertilizer plant and the effect it had on the levy.

Mr. Phelps addressed his taxes and the increase each year and stated his taxes are "over \$800.00 per month".

Recessed at 9:30 AM
Returned at 9:35 AM

SURVEY FOR BUYOUT – COUNTY TREASURER AND EMERGENCY PREPAREDNESS:

County Treasurer Nancy Clubine and Emergency Preparedness Director Jim Miller met with the Board to report on the county buyout in progress for the 2007 flood victims. Ms. Clubine reported there are 18 properties in the buyout and 2 closures have been completed. The County has received 75% of the funds from the State of Kansas as reimbursement and will receive grant funds for 20% of the buyout in a CDBG Grant from the State of Kansas.

There are three (3) properties that require surveys due to the total amount of property not being included in the buyout. The signature of the Chairman was required to complete the surveying projects. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to authorize the Chairman to sign on behalf of Montgomery County, the documents required for the surveying of parcels to complete the 2007 Flood Buyout process. Motion was seconded by Commissioner Brown.*

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

Mr. Miller reported to the Board on the Resource Typing Project. He reported the grant is for \$30,000 with 75% FEMA funds and 25% in-kind by the county. The in-kind requirement for the 25% has been met. The project was to type all equipment and resources in the county and the locations in the event of an emergency. The project is now complete.

Mr. Miller reported on the following:

- During the month of September there will be a full-scale exercise –
- Pictometry will be completed by the flyover this fall –
- H1N1 Virus with County Health Director giving a complete report and update -

PUBLIC WORKS:

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

1. Breakdown on Heckert Construction for the asphalt work done for 2009 – Also discussed the asphaltting problem on CR1700 as addressed by Mr. Ken Durst earlier in this meeting.
2. Requested permission to seek bids for various sizes of corrugated metal pipe and bands – **Request was approved.**
3. Memo regarding Asphalt Zipper demonstration in Eureka and invited Commissioners to attend –
4. Federal Surplus Property Center Authorized Representatives list required signature to update –
5. Spreadsheet for the 2007 Flood –
6. The Board questioned why Midwest Materials is getting the rock business for the county. Mr. Bever explained to the Board the nearest quarry to the project is used due to fuel costs.
7. Special Bridge Memo regarding right-of-way purchase on County Road 6000 mile 12. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the payment of \$500.00 to Mrs. Lucille Newkirk for the purchase of right-of-way on County Road 6000 mile 12. Debit County General Operating Fund.*

Motion was seconded by Commissioner Brown.

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

RES. NO. 09-160

8. Building Maintenance – paperwork for Energy Efficiency Conservation Block Grant – Signature required:
ACTION: *A motion was made by Commissioner Brown to authorize the Chairman to sign on behalf of Montgomery County, necessary documents for the Energy Efficiency Conservation Block Grant. Motion was seconded by Commissioner Fowler.*

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

9. Sewer District #2 – Past Due Account Report for August 2009 –
William Kelly has been contacted to begin collection procedures on one of the past due accounts in the amount of \$4,813.03.

COUNTY HEALTH:

County Health Director Ruth Bardwell presented a contract between Montgomery County Health and Kansas Department of Health and Environment for Public Health Emergency Preparedness in the amount of \$33,023.00 requiring the signature of the Chairman. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to authorize the Chairman to sign on behalf of Montgomery County, necessary documents for the Public Health Emergency Preparedness Grant in the amount of \$33,023.00. Motion was seconded by Commissioner Brown.*

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

Ms. Bardwell requested permission to purchase a vaccine pharmaceutical refrigerator and freezer to store vaccines and would have an alarm system that would indicate a power outage. The estimated cost is \$6,000 to \$8,000 and will be purchased from grant funds. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve quotes to be received for the purchase of a pharmaceutical refrigerator and freezer for the County Health Department. Quotes will be accepted due to the time available for the expenditure. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-161

MONTGOMERY COUNTY RURAL FIRE – PURCHASE OF PUMPER TRUCK:

Interim MCRF Coordinator Andrew Shaper presented a request approved by the MCRF Board to purchase 1988 Custom Pumper Truck in the amount of \$48,200.00 from Jon's Mid America Fire Apparatus, Rogersville, Missouri. The following action was taken:

ACTION: *A motion was made by Commissioner Brown to approve the purchase of a 1988 Custom Pumper Truck from Jon's Mid America Fire Apparatus, Rogersville, Missouri in the amount of \$48,200.00 as recommended by the Montgomery County Rural Fire Board. Debit MCRF#1 Fund. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 09-162

COUNTY ATTORNEY – REQUEST TO RECEIVE BIDS FOR COPIER:

County Attorney Larry Markle requested permission to obtain bids for a copier for the juvenile office. The Board approved the request to obtain bids.

OTHER COUNTY BUSINESS:

1. Historical Letter from Alf Landon – The County Clerk presented a letter from Alf M. Landon to Wilkie for President Club in Independence dated June 21, 1940. The request was made to present this letter to the Independence Museum, now in charge of the Landon House in Independence, for display. The following action was taken:

ACTION: *A motion was made by Commissioner Brown to authorize the County Clerk to present the historical letter from Mr. Alf M. Landon to Wilkie for President Club in Independence to the Independence Museum for display. The county will be given a receipt for the letter from the Independence Museum. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 09-163

2. Reply Letter from County Commissioners to Montgomery County Action letter regarding creating special fund for economic development program and associated tax levy. The Board approved the response letter to Mr. Brad Eilts, Montgomery County Economic Development Director.
3. SEKRPC documents for Flood Buyout Grant requiring signature of Chairman. The following action was taken:

ACTION: *A motion was made by Commissioner Brown to authorize the Chairman to sign on behalf of Montgomery County the required documents for the draw down of funds for the Flood Buyout Grant through SEKRPC. Motion was seconded by Commissioner Fowler.*

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

ADJOURNMENT: 11:29 AM

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

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

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

TONY FOWLER, Chairman

FRED BROWN, Member

LARRY McMANUS, Member

ATTEST:

County Clerk