

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

September 14, 2009

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 8:30 AM.

\*\*\*\*\*

**CALL TO ORDER:** Commissioner Fowler.

**INVOCATION:** Commissioner Fowler.

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

\*\*\*\*\*

**AGENDA APPROVAL:**

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

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

\*\*\*\*\*

**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Fowler to approve invoices in the amount of \$230,967.63, \$13,447.00 and \$275,248.44 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 August 31, 2009 as presented by the County Clerk and amended. The motion was seconded by Commissioner Fowler.*

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

\*\*\*\*\*

**COUNTY APPRAISER – VEHICLE BID OPENING:**

County Appraiser LeRoy Burk met with the Board for the opening of a vehicle bid for his department. There were no bids submitted. Mr. Burk said he would no longer seek to purchase an additional vehicle at this time.

He reported on the Coffeyville Refinery attorney's requesting more data and the data that has been submitted to them by his office and the County Clerk. He also discussed the appraisal to be conducted by a firm in Texas that is experienced in appraising refineries and our appraisal will be on TKI and Linde (formerly BOC).

\*\*\*\*\*

**COMMUNITY CORRECTIONS – FISCAL YEAR 2009 YEAR END OUTCOME REPORT:**

Community Corrections Director Kurtis Simmons presented the Kansas Department of Corrections, Community Corrections Comprehensive Plan Quarterly and Year End Outcome Report Format. This report required the signature of the Chairman.

\*\*\*\*\*

Recessed at 9:40 AM.  
Returned at 9:45 AM.

\*\*\*\*\*

**USE OF COUNTY VEHICLE POLICY & REVISION TO COUNTY HANDBOOK REGARDING BEREAVEMENT POLICY– HUMAN RESOURCES & COUNTY CLERK:**

Human Resources Director Shawn Wallis and County Clerk Charlotte Schmidt presented two (2) items for consideration of the Board:

1. Amending the County Employee Handbook section Bereavement Leave Benefits to include step-mother and step-father;

**ACTION:** *A motion was made by Commissioner McManus to amend the Montgomery County Employee Handbook (Revised 3-24-08), Bereavement Leave Benefits Section, page 13, to include step-mother and step-father. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 09-164*

2. Vehicle Use and Operation Policy submitted by the County Counselor. This policy deals with Vehicle Safety Policy Statement, Authorized Use, Personal Use, Drivers and Passengers, Seat Belts and Safety Equipment, Smoking & Tobacco Use and Safety Rules.

After discussion regarding the Smoking & Tobacco Use section of the Vehicle Use and Operation Policy, which read the same as the employee handbook, and input from Public Works Coordinator, it was decided by the Board to amend the county handbook section Smoking and Tobacco Use to read “Use of tobacco products is prohibited within County automobiles”. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to amend the Montgomery County Employee Handbook (Revised 3-24-08), Smoking and Tobacco Use Section, page 19 of the handbook, to read “Use of tobacco products is prohibited within County automobiles”. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 09-165*

The following action was taken after the amendments were completed:

**ACTION:** *A motion was made by Commissioner Fowler to adopt the Vehicle Use and Operation Policy with the change to the Smoking & Tobacco Use section to read the same as the amended Montgomery County Employee Handbook. The complete Vehicle Use and Operation Policy is attached and made a part of this resolution. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 09-166*

\*\*\*\*\*

**PUBLIC WORKS:**

Public Works Coordinator Robert Bever and Assistant Public Works Coordinator met with the Board. Mr. Bever presented the weekly written report. The following items were discussed:

1. Road and Bridge Balance Sheet for August 2009 –
2. CMP Pipe Bid Opening – Bids were as follows:

J&J Drainage Products Co., Hutchinson, KS	\$10,983.95
J&J Metal Products Co. (Kahn), Paola, KS	\$11,416.20
Welborn Sales, Inc., Salina, KS	\$12,764.55

Bids were referred to the Public Works Coordinator.
3. Memo regarding Electronic Equipment for County Auction –
4. Asphalt Zipper Machine demonstration at Eureka, KS –
5. Memo regarding 3-M grant for Federally mandated sign retro-reflectivity –
6. Memo regarding equipment purchases –
7. Memo regarding track hoe used by Bridge crew – **The Board approved receiving bids on a track hoe and 30-axel trailer at an estimated cost of \$170,000 to \$200,000.**
8. Noxious Weed Balance Sheet for August 2009 –
9. Sewer District #2 Balance Sheet for August 2009 –

\*\*\*\*\*

**ENVIRONMENTAL HEALTH – E-WASTE:**

Environmental Health/Zoning Director Scott Barnhart met with the Board and presented a letter for their approval to SEK Recycling, Pittsburg, Kansas, scheduling a single day event for collecting varieties of recyclable wastes. The event is scheduled for Friday, September the 18<sup>th</sup>, 2009 at the First Federal Savings & Loan facility in Coffeyville. The same type of event was held in Independence earlier for the same purpose. The Board approved the letter and was submitted to the Environmental Health/Zoning Director with signatures of the Board.

\*\*\*\*\*

**COUNTY ATTORNEY – COPIER BIDS:**

Ms. Elaine Glines, representing the County Attorney's office, met with the Board for the bid opening at 10:30 AM for a copier requested by Mr. Markle. Bids were as follows:

Service Office & Supply, Coffeyville, KS	\$5,242.00
Digital Connections, Coffeyville, KS	\$4,324.40 - \$4,078.35
Copy Products, Pittsburg, KS	\$4,115.00
Corporate Business Systems, Joplin, MO	\$4,010.00 - \$4,090.00 plus \$1,950 trade-up
Lakeland Office Systems, Joplin, MO	\$4,999.00 - \$4,799.00
Modern Copy Systems, Iola, KS	\$3,840.00 - \$4,801.00
Century Midwest Office Systems, Chanute, KS	\$3,958.14 - \$4,486.86
Galaxie Business Equipment, Winfield, KS	\$4,999.00 - \$3,998.00
Office Concepts, Joplin, MO	\$4,075.00 - \$3,224.00

Bids were referred to the County Attorney.

\*\*\*\*\*

**MONTGOMERY COUNTY SEWER DISTRICT NO. 2:**

Public Works Coordinator Robert Bever, Assistant Public Works Coordinator Jim Wright, Chris Bilby of the Public Works Department, and Environmental Health/Zoning Director Scott Barnhart met with the Board on Montgomery County Sewer District #2 to discuss problems occurring within the district and charges with the City of Independence.

Mr. Bever presented history on the sewer district which included the forming of the district, comprehensive water and sewer plan, engineering reports, maintenance, agreements with the city of Independence. This information began February 1969 through December 2008. He also presented statistics on rainfall per month, current water usage by customers, monthly gallons billed from city, and monthly treatment charge from city. This report showed the difference in charges collected from customers and charges paid to the City of Independence.

Mr. Bever stated the city is billing for \$38,000 per month due to the meter being out of service. He requested getting the new meter in quickly. He also discussed the possibility of a lagoon system since the city is charging for surface water going through the meter which increases the charges placed on the district by Independence City. KDHE will be contacted for requirements and specifications on the installation of a lagoon system for the district and the **Board approved getting a meter as soon as possible.**

**COMPUTER DEPARTMENT – E-MAIL SERVICE:**

Computer Director Ken Collins and Jason Clubine met with the Board to discuss the program for the e-mail spam filtering software at a cost of \$642.60. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to approve the purchase of the e-mail spam filtering software at the cost of \$642.60 to be debited from County General Operating Fund. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 09-167*

Mr. Clubine advised the Board the anti-virus licenses approved at a previous meeting to be purchased and paid by each department would be \$21.00 instead of \$14.00.

\*\*\*\*\*

Recessed at 11:30 AM.  
Returned at 11:33 AM.

\*\*\*\*\*

**HUMAN RESOURCES – EXECUTIVE SESSION – NON-ELECTED PERSONNEL:**

**ACTION:** *A motion was made by Commissioner Fowler to recess to Executive Session at 11:35 AM to return at 11:50 AM with the Board and Human Resources Director Shawn Wallis 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 stating no action taken and no decisions made.

**ACTION:** *A motion was made by Commissioner Fowler to recess to Executive Session at 11:52AM to return at 11:57 AM with the Board and Human Resources Director Shawn Wallis 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 11:57 AM stating no action taken and no decisions made.

Commissioner Fowler asked Mr. Wallis if the County has any applicants for the Fire Coordinator position. Mr. Wallis said he believed he had received eight (8) as of today. It was decided to review these applications and schedule interviews.

\*\*\*\*\*

Recessed at 12:05 PM to the Human Resource Office in the Courthouse to review applications for the Fire Coordinator position and schedule times for interviews. The meeting will adjourn when the review has been completed at the HR office.

\*\*\*\*\*

**CORRESPONDENCE:**

1. Letter from US Department of Commerce on “targeted non-sheltered outdoor locations” – Referred to the County Clerk to reply –
2. E-mail from Gwen Martin, Chairman Woodson County Commission on Southeast Kansas Broadband Access Network meeting –

\*\*\*\*\*

**OTHER COUNTY BUSINESS:**

1. Department of Corrections Month ending report; Register of Deeds Month ending report; County Health Department Month ending report and Montgomery County Rural Fire Dst. #1 minutes for July 21, 2009 meeting.
2. Spill Incident Report – Environmental Health –
3. CLASS LTD Agreement for services –

**ACTION:** *A motion was made by Commissioner Fowler to approve the Agreement for Services for CLASS LTD for budget year 2010. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 09-168*

\*\*\*\*\*

**ADJOURNMENT: 12:25 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**

---

**TONY FOWLER, Chairman**

---

**FRED BROWN, Member**

---

**LARRY McMANUS, Member**

**ATTEST:**

---

**County Clerk**