

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

October 19, 2009

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

**CALL TO ORDER:** Commissioner Fowler.

**INVOCATION:** Reverend Phil Adams, Church of the Brethren, Independence.

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**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*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Fowler to approve invoices in the amount of \$4,616.72, \$258,528.75 and \$13,440.00 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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**COUNTY HEALTH – PHASE 3 H1N1 FUNDING GRANT:**

County Health Coordinator Ruth Bardwell presented the Phase 3 H1N1 Funding Grant in the amount of \$101,612.00 to be provided by Controlled Disease Center through the State of Kansas. These funds are to be allocated for the third phase for vaccinations. The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to authorize the Chairman to sign on behalf of Montgomery County, the necessary documents for the Phase 3 H1N1 Funding Grant in the amount of \$101,612.00. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 09-184*

Ms. Bardwell also discussed the following:

1. Requested temporary employees for data input when the inoculations begin – Will discuss this further with the Board when they are needed –
2. Requested approval to obtain bids for a copier – **Request approved.**
3. Requested approval to obtain bids on a server; the present one is three years old which is the approximate life of a server – **Request approved.**
4. Requested using a portion of the grant money for a refrigerator at the Independence Office and will use the vendor previously used for the Coffeyville office – **Request approved.**
5. Will be requesting a security guard when the inoculations begin. The Sheriff's office will provide security and will schedule as needed by County Health.

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**COUNTY ATTORNEY – RECOMMENDATION ON COPIER BID.**

County Attorney Larry Markle recommended the purchase of a copier, Toshiba Model #355, in the amount of \$3,853.00 to be purchased from Copy Products, Pittsburg, Kansas which was bid on October 5<sup>th</sup>. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to approve the purchase of a Toshiba Model #355 in the amount of \$3,853.00 from Copy Products, Pittsburg, Kansas for the County Attorney's Department. Debit Capital Outlay Fund \$2,853.00 and \$1,000.00 from JJA Prevention Fund #81. Motion was seconded by Commissioner Browns.*

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

RES. NO. 09-185

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**SHERIFF ROBERT DIERKS – EXECUTIVE SESSION – NON-ELECTED PERSONNEL:**

Sheriff Robert Dierks and Administrative Assistant Liz Schwatken met with the Board. Sheriff Dierks requested an Executive Session to discuss non-elected personnel.

**ACTION:** *A motion was made by Commissioner Fowler to recess to Executive Session at 9:42 AM to return at 9:57AM with the Board, Sheriff Dierks and Liz Schwatken present to discuss non-elected personnel. The motion was seconded by Commissioner McManus.*

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

Returned to session at 9:52 AM stating no action taken and no decisions made.

Ms. Schwatken presented four (4) Employee Status Changes to the Board for their approval. She explained one change is a promotion to fill a vacancy, one promotion to a supervisory position and two salary adjustments which were overlooked in 2008 and placed two employees at less than the new hire salaries. The following action was taken:

**ACTION:** *A motion was made by Commissioner Brown to approve the four (4) Employee Status Changes as presented by the Sheriff's Department with the effective dates as recommended. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-186

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**ENVIRONMENTAL HEALTH/ZONING – SIGNATURES REQUIRED ON PLATT FOR CITY OF INDEPENDENCE:**

Environmental Health/Zoning Director Scott Barnhart and Independence City Zoning Director Kelly Passauer met with the Board to present a plat for the City of Independence requiring the signatures of the Board before being filed with the Register of Deeds. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to approve the plat for the City of Independence County Club Heights Addition which is a replat of Reed's Addition to the City of Independence, as presented by Environmental Health/Zoning Director and Independence City Zoning Director. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-187

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**PUBLIC WORKS:**

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

1. Recommendation on Excavator Bid – **Mr. Bever recommended delaying for one week** –
2. Recommendation on Traveling Axle Trailer Bid – The following action was taken:  
**ACTION:** A motion was made by Commissioner Fowler to approve the recommendation of the Public Works Coordinator for the purchase of the Traveling Axle Trailer from Landoll Company, Marysville, Kansas in the amount of \$53,375.74 to be debited from Road and Bridge Capital Outlay. Motion was seconded by Commissioner Brown.

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

*RES. NO. 09-188*

3. Building Maintenance – Letter from the Kansas Historical Society regarding their decision on the window replacement for the Courthouse. Will solicit advise from Mike Peterson of Pella Windows and Doors as he has had experience in working with Linn County and the Historical Society.
4. Sewer District No. 2 – Memo regarding Preliminary Engineering Study for the district and memo regarding district boundaries.
5. Requested approval for Tran-systems do the Preliminary Engineering Study for Sewer District #2 at an estimated cost of \$3,000. The following action was taken:  
**ACTION:** A motion was made by Commissioner Fowler to approve the recommendation of the Public Works Coordinator for a Preliminary Engineering Study for Sewer District #2 be done by TranSystem, Independence, Kansas at an estimated cost of \$3,000.00. The cost will be paid by the Sewer District. Motion was seconded by Commissioner McManus.

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

*RES. NO. 09-189*

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

Human Resources Director Shawn Wallis requested an Executive Session to discuss non-elected personnel with Mr. Mark McCleary present.

**ACTION:** A motion was made by Commissioner Fowler to recess to Executive Session at 10:45 AM to return at 11:05 AM to discuss non-elected personnel with Human Resources Director Shawn Wallis, Mr. Mark McCleary and the Board present. Motion was seconded by Commissioner McManus

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

*Returned to session at 11:05 AM with a motion by Commissioner Fowler and seconded by Commissioner McManus to extend the session with the same parties present from 11:06 AM to 11:15 AM.*

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

Returned to session at 11:15 AM stating no action taken and no decisions made.

Mr. Wallis address the Board and advised the Board Mr. McCleary has accepted the position of Montgomery County Rural Fire Coordinator. There was no salary stated at this time.

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**BUDGET DISCUSSION – COUNTY CLERK:**

The final levies for the Montgomery County Budget was presented by the County Clerk to the Board. The loss of valuation for the county between July and October was discussed and comparative figures were presented to the Board for the years 2008 and 2009 valuations. The Board instructed the County Clerk to reduce the ad valorem tax for three (3) funds as follows:

Mental Retardation reduced from .582 mills to .500mills  
Council on Aging reduced from .561mills to .500mills  
Ambulance Services reduced from 2.015 mills to 2.00mills

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**CORRESPONDENCE:**

1. Letter from SEK-CAP (Southeast Kansas Community Action Program, Inc. regarding Award for Excellency in Community Action federal stimulus money.

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**OTHER COUNTY BUSINESS:**

1. Oil Spill report from Emergency Preparedness Director Jim Miller -
2. Documents from American Title Co. for closure on lot purchased by the county.

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**ADJOURNMENT: 1:20 PM**

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

*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**