

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

December 21, 2009

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

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**CALL TO ORDER:** Commissioner Fowler.

**INVOCATION:** Commissioner Fowler.

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**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*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Fowler to approve invoices in the amount of \$7,514.75, \$107,668.86 and \$725,387.62 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 McManus to approve the minutes of December 14, 2009 and amend the minutes of December 7, 2009 to include the resolution on the placing of signs for railroad crossing requested by Public Works department (Resolution No. 09-219) 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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**MONTGOMERY COUNTY RURAL FIRE DISTRICT #1 –PURCHASE OF PAGERS AND FUEL METERS:**

Montgomery County Rural Fire District #1 Coordinator Mark McCleary met with the Board to request the purchase of pagers from the Forestry Grant (\$2,500 with matching county funds of \$2,500) and for 14 fuel meters to record and track gas usage in the vehicles for the fire district. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to authorize the Coordinator to obtain bids for pagers and 14 fuel meters. Motion was seconded by Commissioner McManus.*

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

**RURAL WATER DISTRICT #6 ANNEXATION:**

The Board conducted a Public Hearing for the annexation of property to Rural Water District #6. There being no public present or written objects, the following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to approve the request by petition of the landowners for annexation of the following property to Rural Water District #6: The NW ¼ of the NE ¼ of Section 20 Twp 32 Range 17; The SW ¼ of the SW ¼ of Section 22 Twp 32 Range 17; The NE ¼ of the SE ¼ of Section 22 Twp 33 Range 17; and Lots 5 and 6 of Section 6 Twp 34 Range 17. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-220

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**FLOOD BUYOUT PROPERTIES – MICKEY DAVIS:**

Mickey Davis presented a Consent Not To Oppose An Application for Exception To Setback Requirement on between Montgomery County and owners of real property, Bill Cox and Glora Brooks. The complete legal description is stated in the agreement. The following action was taken:

**ACTION:** *A motion was made by Commissioner Brown to approve the agreement between Montgomery County and real property owners Bill Cox and Glora Brooks Not to Oppose an Application for Exception to Setback Requirement on flood buyout property. Motion was seconded by Commissioner McManus.*

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

RES. NO. 09-221

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**PUBLIC WORKS:**

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

1. Rock Report for November 2009 –
2. Used Backhoe/Loader bid opening at 10:00 AM - Bids were as follows:

Foley Equipment, Chanute, KS	\$74,910.24 – New
	\$60,745.00 – Used
GW Van Keppel Co., Wichita, KS	Letter stating No Bid
Victor L. Phillips, Kansas City, MO	\$76,980.00 – New
Sellers Equipment, Inc., Wichita, KS	\$71,135.00 – Used
Murphy Tractor, Wichita, KS	\$59,910.00 – Used

Bids were referred to Mr. Bever for his recommendation.

3. Memo regarding wooden post that were purchased for the Elk City Dam guardrail. The Board feels the county should keep for future use.
4. Sewer District #2 memo regarding the CDBG Grant and the Sewer Shortfall – The invitation to bid the work on the district is ready to go out. A plan of action was presented to the Board and it was decided to proceed with the bids for the work to be done in order to determine if there will be funds available to proceed with the project.

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**MONTGOMERY COUNTY ACTION COUNCIL – PROPOSAL FOR AN ADVISORY COMMITTEE TO ASSIST THE COUNTY:**

Mr. Brad Eilts, Mr. John Schmid, Mr. Chuck Goad, Mr. Rick Thompson, Mr. Mike Avey, Mr. Don Hill and Mr. Mike Seller met with the Board to offer the services of Montgomery County Action Council to explore avenues for some relief of the tax burden to the residents and or property owners of Montgomery County. The following action was taken:

**ACTION:** *A motion was made by Commissioner Brown to appoint Montgomery County Action Council as an advisory group to the Montgomery County Commission for the purpose of developing options to address the local personal and property tax burden, with access to all necessary information from county departments that is available according to the Kansas Open Records Act, in order to accomplish said task. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 09-222*

The group will make their requests through Mr. Brad Eilts to the County Clerk for the required information.

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**CORRESPONDENCE:**

1. Letter from Kansas JJA to Mr. Duane Powell Family and Children Services Director regarding federal grant funds received.
2. Letter from County Counselor to Kansas Department of Commerce regarding Designation of Montgomery County as a Non-metropolitan Business Region.

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**OTHER COUNTY BUSINESS:**

1. Travel Expenses – Information has not been received from Kansas Association of Counties –
2. Cereal Malt Beverage License for Southgate, Independence –

**ACTION:** *A motion was made by Commissioner Brown to approve the Cereal Malt Beverage License for Southgate, Independence. Motion was seconded by Commissioner McManus.*

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

*RES. NO. 09-223*

3. Executive Session – Non-elected Personnel –

**ACTION:** *A motion was made by Commissioner Fowler to recess to Executive Session at 9:27 AM with the Board present to discuss non-elected personnel and return at 9:37 AM. Motion was seconded by Commissioner McManus.*

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

*A motion was made by Commissioner Fowler and seconded by Commissioner McManus to extend the session from 9:37 AM to 9:47 AM.*

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

Returned to session at 9:47 AM stating no action taken and no decisions made.

4. Local Alcoholic Liquor Tax Distribution –

**ACTION:** *A motion was made by Commissioner Fowler to approve the distribution of the Local Alcoholic Liquor Tax Funds by population prorated to all Incorporated cities in Montgomery County, for Special Parks and Recreation in the total amount of \$18,256.00. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 09-224*

**OTHER COUNTY BUSINESS (Continued):**

5. Discussed letter from County Attorney regarding credit card expenditure. The County Auditor will contact Mr. Markle regarding the letter.
6. Indigent Defense Service Contracts –

**ACTION:** *A motion was made by Commissioner Fowler to approve the Indigent Defense Services (Non-Felony) District Court of Montgomery County, Kansas as follows:*

*Jeff Gossard in the amount of \$2,000.00 per month and in addition, in the event he is required to provide representation in appeals beyond the District Court level, he will be paid \$80.00 per hour, not to exceed \$800.00 per case;*

*Jeff Gettler in the amount of \$2,600.00 per month and in addition, in the event he is required to provide representation in appeals beyond the District Court level, he will be paid \$80.00 per hour, not to exceed \$800.00 per case;*

*Tiana McElroy in the amount of \$1,500.00 and in addition, in the event he is required to provide representation in appeals beyond the District Court level, he will be paid \$80.00 per hour, not to exceed \$800.00 per case; and*

*Tom Harris in the amount of \$3,800.00 and in addition, in the event he is required to provide representation in appeals beyond the District Court level, he will be paid \$80.00 per hour, not to exceed \$800.00 per case.*

*Motion was seconded by Commissioner Brown.*

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

*RES. NO. 09-225*

7. Executive Session –

**ACTION:** *A motion was made by Commissioner McManus to recess to Executive Session at 11:35 AM to return at 11:45 AM to discuss non-elected personnel with the Board present.*

*Motion was seconded by Commissioner Fowler.*

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

Returned at 11:45 AM stating no action taken and no decisions made.

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**ADJOURNMENT: 10:15 AM**

**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**