

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

December 28, 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 Richard Peckman, St. Paul's Lutheran Church, Coffeyville

PLEDGE OF ALLEGIANCE: Commissioner Brown.

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*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Brown to approve invoices in the amount of - \$15,240.21, \$20.00 and \$16,475.23 as presented by the County Clerk's office. The motion was seconded by Commissioner Fowler.*

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

CORRESPONDENCE:

1. American First Insurance Bond Premium sent to Commissioner Fowler.

COMPUTER DEPARTMENT – COMPUTER BID OPENING:

Computer Department Director Ken Collins and Jason Clubine met with the Board for the bid opening for one (1) computer. Bids were as follows:

Advantage Computers, Iola, KS	\$978.00
Computer Generation, Independence, KS	\$747.00
Dell	\$769.46

Mr. Collins recommended the purchase of the computer from Computer Generation, Independence, KS.

ACTION: *A motion was made by Commissioner Fowler to approve the purchase of one (1) computer from the low bidder Computer Generation, Independence, Kansas in the amount of \$747.00 to be paid from General Operating Capital Outlay Fund. Motion was seconded by Commissioner Brown.*

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

RES. NO. 09-228

PUBLIC HEARING – 2009 MONTGOMERY COUNTY BUDGET AMENDMENT:

Chairman Fowler called to order the public hearing for the 2009 Montgomery County Budget Amendment at 9:30 AM. There being no public input the following action was taken:

ACTION: *A motion was made by Commissioner Brown to approve the 2009 Montgomery County Budget Amendment as published: Tourism and Sewer District No. 2. The official amendment can be viewed in the office of the County Clerk. Motion was seconded by Commissioner McManus.*

ROLL CALL VOTE – Commissioner Fowler - Yes

Commissioner Brown - Yes

Commissioner McManus – Yes

RES. NO. 09-229

Chairman Fowler officially closed the hearing at 9:45 AM.

EMERGENCY MANAGEMENT – PICTOMETRY CONTRACTS AND AGREEMENTS:

Emergency Preparedness Director Jim Miller presented the contracts and agreements to be signed to receive the Pictometry and LIDAR data available to Montgomery County through a Law Enforcement Grant applied for by Sumner County Sheriffs Office and includes Sumner, Cowley and Montgomery counties for the signature of the Chairman in order that the fly-over process can be initiated. This project is to be completed the first part of 2010. 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 contracts and agreements between Montgomery County and Pictometry International Corporation, Rochester, New York to receive the Pictometry and LIDAR data available to Montgomery County through a Law Enforcement Grant which includes Sumner, Cowley and Montgomery counties. Motion was seconded by Commissioner Brown.*

ROLL CALL VOTE – Commissioner Fowler - Yes

Commissioner Brown - Yes

Commissioner McManus – Yes

RES. NO. 09-230

Mr. Miller gave an update on the CERT Program and reported three (3) individuals have completed the class and 10 others are interested. They are applying for a grant in the amount of \$5,000 available through the State of Kansas.

PUBLIC WORKS:

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

1. Memo regarding the recommendation on the used Backhoe/Loader bid. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to accept the low bid from Murphy Tractor in the amount of \$59,910.00 for a 2008 John Deere 310J Backhoe with 600 hours to be debited from Road and Bridge Capital Outlay (Road Machinery & Equipment). Motion was seconded by Commissioner McManus.*

ROLL CALL VOTE – Commissioner Fowler - Yes

Commissioner Brown - Yes

Commissioner McManus – Yes

RES. NO. 09-231

2. Memo regarding FEMA project #MGGD01C requesting a survey be done at CR 2600 and CR 3300 intersection by Cornerstone Surveying at a cost of \$2,000.00 to establish section lines and property lines for the purpose of acquiring additional right-of-way to move the existing road away from Onion Creek at an estimated cost of \$22,416.86 with FEMA share being \$16,811.90, State of Kansas share of \$2,241.00 leaving the county's estimated share at \$3,363.96. The following action was taken:

PUBLIC WORKS (Continued):

ACTION: *A motion was made by Commissioner Brown to approve the survey by Cornerstone Surveying for work to be done at CR 2600 and CR 3300 intersection for the purpose of acquiring additional right-of-way to move the existing road away from Onion Creek. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 09-232

3. Mr. Bever reported on a cooling coil break at the Judicial Center with a cost of replacing including labor at \$5,000 to \$5,500.00.
4. Reported on storm work with six (6) road closed at the present time and hope to have them open by evening.

PUBLIC HEARING – RURAL WATER DISTRICTS 7, 10 AND 11 CONSOLIDATION:

Commissioner Fowler opened the Public Hearing at 10:30 AM for the Consolidation for Rural Water Districts #7, 10 and 11.

Attorney Richard Hines presented the Findings and Order of Consolidation for Rural Water Districts #7, 10 and 11 which would become Consolidated Rural Water District No. 2, Montgomery County, Kansas. There being no public input or opposition to the consolidation, the following action was taken:

ACTION: *A motion was made by Commissioner Fowler to accept and approve the Findings and Order of Consolidation for Rural Water Districts #7, 10 and 11, establishing Consolidated Rural Water District No. 2, Montgomery County, Kansas.*

Motion was seconded by Commissioner Brown.

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

RES. NO. 09-233

Commissioner Fowler closed the public hearing at 10:45 AM.

COUNTY TREASURER – IDLE FUNDS AND EXECUTIVE SESSION:

County Treasurer Nancy Clubine presented information on invested monies on two (2) CD's to the Board.

Requested an Executive Session –

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 10:50 AM to return at 10:55 AM with the Board, County Treasurer Nancy Clubine and Human Resources Director 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 at 10:55 AM stating no action taken and no decisions made.

HUMAN RESOURCES – EMPLOYEE HOURS:

Human Resources Director Shawn Wallis met with the Board to present a request to amend the sick leave hours for those employees on 12 hour shifts, Sheriff's Office and Department of Corrections. These hours should be amended to accumulating six (6) hours per month for sick leave and two (2) hours per month to be added to each employee's sick leave to equal two (2) "snow days" only if "snow days" have been utilized by the closing of the courthouse within the year.

HUMAN RESOURCES (Continued):

ACTION: A motion was made by Commissioner McManus to amend Montgomery County Resolution No. 202 sick leave hours for those employees on 12 hour shifts, Sheriff's Office and Department of Corrections. These hours should be amended to accumulating six (6) hours per month for sick leave; two (2) hours per month to be added to each employee's sick leave to equal two (2) "snow days" only if "snow days" have been utilized by the closing of the courthouse within the year. Motion was seconded by Commissioner Brown.

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

RES. NO. 09-234

OTHER COUNTY BUSINESS:

1. Letter of Support for Four County Mental Health for their application for Kansas Department of Transportation (KDOT) for two (2) vehicles –

ACTION: A motion was made by Commissioner Brown to issue a letter of support to Four County Mental Health to support their application to the Kansas Department of Transportation (KDOT) for two (2) vehicles through the 5310 and 5317 funds. This letter of support is at the request of Four County Mental Health. Motion was seconded by Commissioner McManus.

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

RES. NO. 09-226

2. Cereal Malt Beverage License for Sycamore Golf Course, Sycamore, Kansas and Sunshine Energy LLC dba Bailey's Corner, located on South Tenth Street, Independence, Kansas .

ACTION: A motion was made by Commissioner Fowler to approve the issuance of Cereal Malt Beverage Licenses to Sycamore Golf Course, Sycamore, Kansas and Sunshine Energy LLC dba Bailey's Corner, located on South Tenth Street, Independence, Kansas . Motion was seconded by Commissioner Brown.

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

RES. NO. 09-227

ADJOURNMENT: 11:22 AM

ACTION: Motion by Commissioner McManus, seconded by Commissioner Brown.

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