

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

January 11, 2010

The Board of County Commissioners, two members and the County Clerk present, met in regular session at 9:00 AM. Commissioner McManus was absent.

CALL TO ORDER: Commissioner Fowler.

INVOCATION: Commissioner Fowler.

PLEDGE OF ALLEGIANCE: Commissioner Brown.

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 Brown to approve invoices in the amount of - \$256,570.56 and \$874.24 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 - Absent*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Brown to approve the minutes of January 4, 2010 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*

REORGANIZATION OF THE BOARD:

1. Election of Chairman of the Board –

ACTION: *A motion was made by Commissioner Brown to re-appoint Commissioner Fowler as Chairman of the Board for 2010. Motion was seconded by Commissioner Fowler. After a telephone call was made by Commissioner McManus by the County Clerk the vote was taken.*

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

RES. NO. 10-05

REORGANIZATION (Continued):

2. Appointment of County Newspaper –

ACTION: A motion was made by Commissioner Fowler to designate the Independence Reporter, Independence, Kansas as the official county newspaper and to designate all county papers to be used when necessary. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-06

3. Approval of 2010 Holiday schedule –

ACTION: A motion was made by Commissioner Brown to approve the 2010 Holiday Schedule as follows:

Martin Luther King’s Birthday	(Monday)	January 18, 2010
President’s Day	(Monday)	February 15, 2010
Good Friday	(Friday)	April 2, 2010
(Employees will be excused to attend Friday Services only. County offices will remain open.)		
Memorial Day	(Monday)	May 31, 2010
Independence Day	(Monday)	July 5, 2010
Labor Day	(Monday)	September 6, 2010
Columbus Day	(Monday)	October 11, 2010
Veteran’s Day	(Thursday)	November 11, 2010
Thanksgiving Day	(Thursday)	November 25, 2010
Day after Thanksgiving Day	(Friday)	November 26, 2010
Christmas Eve Day	(Thursday)	December 23, 2010
Christmas Day	(Friday)	December 24, 2010
New Years Day	(Friday)	December 31, 2010

*The County offices will close at noon on December 30, 2010 for auditing purposes.

Motion was seconded by Commissioner Fowler.

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

RES. NO. 10-07

4. Waiver of GAAP for 2010 –

ACTION: A motion was made by Commissioner Fowler to approve the waiver for GAAP (Governmental Accounting Procedures) for the year 2010. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-08

5. Appointment of Department Heads –

ACTION: A motion was made by Commissioner Fowler to defer the appointments of Department Heads until all Commissioners are present, tentatively set for January 25, 2010. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-09

REORGANIZATION: (Continued):

6. Appointment of County Commissioners to represent Montgomery County on various boards as follows:

ACTION: *A motion was made by Commissioner Fowler to appoint the following County Commissioners as representatives to the following boards:*

Commissioner Fowler – LEPC Board Representative

Commissioner Fowler – RCND Board Representative

Commissioner Fowler – Council on Aging Board Representative

Commissioner McManus – Solid Waste Committee Board Representative

Commissioner McManus – Juvenile Detention Board, Girard Board Representative

Commissioner Brown – SEK Regional Planning Board Representative.

Montgomery County Economic Development Committee - Appointment of all three Commissioners to represent Montgomery County

Motion was seconded by Commissioner Brown.

ROLL CALL VOTE – Commissioner Fowler - Yes

Commissioner Brown – Yes

Commissioner McManus - Absent

RES. NO. 10-10

FOUR COUNTY MENTAL HEALTH UPDATE:

Mr. Ron Denney and Mr. Greg Hennen of Four County Mental Health met with the Board. Mr. Denney stated April 1st will be his retirement date and Mr. Hennen will be replacing him as the Director.

They discussed the establishment of the pharmacy at their facility. The pharmacy has been under consideration for a period of time and will be the fifth or sixth such facility in Kansas. No resources are used for this project as it is paid for entirely by the patients or their insurance. The National Company incurs all costs and will not be a public pharmacy. All necessary monitoring will be done by National Company. Individuals may choose this pharmacy but it is not promoted by Four County.

They advised the Board the budget for next year will be cut approximately 1 mill overall. They have asked for input and ideas from the employees to cut costs.

PUBLIC WORKS AND ZONING – DEER TRAIL ESTATES DISCUSSION:

Public Works Coordinator Robert Bever and Environmental Health/Zoning Administrator Scott Barnhart met with the Board to discuss the responsibility of the County for the roads in Deer Trail Estates Subdivision.

A history on the subdivision beginning 1995 was presented to the Board by Public Works. The issue is when a final plat is recorded, are the roads in that plat now County Roads and become the responsibility of the County to maintain? Mr. Bever requested the Commissioners, Legal Counsel, Zoning Department, Homeowners Association representative and the Public Works Department to made a decision on the covering of expense and maintenance of this road. Residents of the subdivision present were: Mr. and Mrs. Frank Miller, Mr. Sam Forrer, Mr. and Mrs. Dick Kirater, Mr. Rick Katzer and Mr. Fred Clark. Some of the residents indicated they do not want the road asphalted but wish it to remain a gravel road but are concerned over the removal of snow, etc.

No decision was made at this time but meetings will be held as suggested.

PUBLIC WORKS:

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

1. Balance sheet for Road and Bridge for December 2009 –
2. Memo regarding on call as needed Engineering Services for 2010 - **Mr. Bever will check with Trans Systems and ask if they will maintain the same fees as presently in place.**
3. Letter to Skeet Club (Sportsman's Club) renewing lease agreement with a copy of the lease agreement for the period February 1, 2010 through January 31, 2011 –

PUBLIC WORKS (Continued):

4. Memo regarding use of County Vehicles as requested by Resolution 02-205 –
5. Requested approval to solicit bids for culvert pipe – **Approved**
6. Memo regarding Procurement Policy and provided a copy of the policy used by Allen County –
7. Balance sheet for Noxious Weed for December 2009 –
8. Balance sheet for Sewer District #2 for December 2009 –
9. Requested approval to solicit bids for pest control for 2010 – **Approved**

EXECUTIVE SESSION – SHERIFF:

ACTION: A motion was made by Commissioner Brown to recess to Executive Session at 10:40 AM to return at 10:50 AM to discuss non-elected personnel with the Board, Sheriff Dierks and Sheriff's Administrative Assistant Liz Schwatken present. Motion was seconded by Commissioner Fowler.

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

Returned to session at 10:50 AM stating no action taken and no decisions made.

Ms. Schwatken presented employee status change for one (1) pay adjustment effective today. The following action was taken:

ACTION: A motion was made by Commissioner Fowler to approve the Employee Status Change as presented by the Sheriff's Department for an adjustment in salary effective today for an employee in their department. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-11

EXECUTIVE SESSION – COUNTY CLERK AND SCOTT BARNHART – NON-ELECTED PERSONNEL:

ACTION: A motion was made by Commissioner Brown to recess to Executive Session at 10:55 AM to return at 11:05 AM to discuss non-elected personnel with the Board, County Clerk and Scott Barnhart present. Motion was seconded by Commissioner Fowler.

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

Returned to session at 11:05 AM stating no action taken and no decisions made.

The Board instructed the County Clerk to prepare a letter regarding mailroom procedure in the event of absence by the mailroom employee. The letter will be drafted and presented to the Board before distribution.

OTHER COUNTY BUSINESS:

1. Cereal Malt Beverage Licenses for Keli-Mart, Elk City and Caney Golf Club, Caney –
ACTION: A motion was made by Commissioner Brown to approve issuance of Cereal Malt Beverage Licenses for Keli-Mart, Elk City for carry-out only and Caney Golf Club, Caney for consumption on the premises. Motion was seconded by Commissioner Fowler.

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

RES. NO. 10-12

2. Discussed the Southeast Kansas Officials Meeting to be held in Montgomery County this spring and the Board appointed the Human Resources Director to be in charge of arrangements for the meeting –
3. Discussed the Montgomery County Action Council letter requesting information from the county for the recent committee appointed. The Board decided to have a meeting with the Department Heads and the MCAC Committee on Wednesday January 20th from 9:00 AM until 11:00 AM in the basement of the Judicial Building.
4. Monday, January 18th will be a holiday observed by the County for Martin Luther King's Birthday.

CORRESPONDENCE:

1. Register of Deeds Monthly report for December, 2009 –
2. Department of Corrections Monthly report for December 2009 –

ADJOURNMENT: 12:30 PM

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

*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