

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

February 22, 2010

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.

The meeting was called to order at the road viewing site at County Road 4075 and County Road 3575 at 9:00 AM.

Those present for the viewing were: Board of County Commissioners, County Clerk , Public Works Coordinator Robert Bever, Ron Denney, Brian Denney, Jeff Chubb, Vic Gorman representing Westar Energy, Louis Bredehoft, Jess Clarkson, and Kris Hare.

After public input and discussion the following action was taken:

ACTION: *A motion was made by Commissioner Fowler to vacate a county road described as follows with all easements remaining in place:*

A tract of land previously used for road purposes beginning at the intersection on County Road 4075 and County Road 3575 also being the SE corner of Lot 2 of Section 2, Township 33 South, Range 15 East, thence running in a westerly direction along the south side of Lot 2, approximately 1,320 feet. Said tract being 60 feet in width, 30 feet from each side of the centerline of the existing road as the road lies.

The above described Road being a portion of Road 14 (4075-13), as described in the Road Record Book 1, Pages 51 through 54, in the Montgomery County Public Works Office and having a Right of Way of 60 feet.

The above described tract of land is subject to easements for the right of ingress and egress, reconstruction and maintenance of all existing utilities and appurtenances thereto.

Motion was seconded by Commissioner McManus.

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

RES.NO. 10-30

Recessed at 9:15 AM to the Commission Meeting Room, Judicial Building.
Returned to session at 9:35 AM.

INVOCATION: Commissioner Brown.

PLEDGE OF ALLEGIANCE: Commissioner Fowler.

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:

No invoices to be paid.

APPROVAL OF MINUTES:

Minutes of February 8th approved at February 18th meeting.

CORRESPONDENCE:

1. Montgomery County Health Sanitary Code Letter from Environmental Health.
2. Letter from resident concerned about Washington School.
3. Monthly report from Department of Corrections for January 2010.
4. Independence Chamber of Commerce Letter to update upcoming events.
5. Emergency Management Grant.
6. Letter from Barton County re: HB 1373/Sweeps Lawsuit.

PUBLIC WORKS:

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

1. Memo regarding mining of shale from Bill Wiley Shale site –
2. Comments from citizens on recommendations on bridges for 5-year bridge plan (No comments were received and Plan will be submitted to the State) –
3. Copy of memo and documentation for Judge Gossard on utilities and maintenance contract for Coffeyville and Independence –
4. Signature required on Annual Noxious Weed Eradication Progress Report for 2009 on acreage treated.
The following action was taken:

ACTION: *A motion was made by Commissioner McManus to accept and approve the Annual Noxious Weed Eradication Progress Report for 2009 for the signatures of the Board of County Commissioners. Motion was seconded by Commissioner Fowler.*

ROLL CALL VOTE – Commissioner Fowler - Yes

Commissioner Brown - Yes

Commissioner McManus – Yes

5. Mr. Bever reported on road damage by companies using large trucks. The Board approved the Public Works Department to request help from these companies on rocking roads damaged due to their usage.
6. Bids for CMP and Bands as follows:

Woods Lumber Company, Independence, KS	\$10,991.10
S & S. Lumber, Edna, KS	\$11,578.29
Kansas Lumber Co., Coffeyville, KS	\$11,821.43
Cleavers Farm Supply, Chanute, KS	\$10,468.72
Thompson Lumber, South Coffeyville, OK	\$11,332.63
B&L Trenching, Cherryvale, KS	No Bid
Lucas Metal Works, Ochelata, OK	\$12,641.34

The bids were referred to the Public Works Coordinator for his recommendation.

DEPARTMENT HEAD APPOINTMENTS:

The following department head appointments were made:

Computer Department Director:

ACTION: Motion by Commissioner Fowler to reappoint Ken Collins as Computer Department Director. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-31

Montgomery County Health Director.

ACTION: Motion by Commissioner Fowler to reappoint Ruth Bardwell as Montgomery County Health Director. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-32

Public Works Coordinator:

ACTION: Motion by Commissioner Fowler to reappoint Robert Bever as Public Works Coordinator. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-33

Environmental Health/Zoning Administrator:

ACTION: Motion by Commissioner Fowler to reappoint Scott Barnhart as Environmental Health/Zoning Administrator. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-34

Human Resources Director:

ACTION: Motion by Commissioner Fowler to reappoint Shawn Wallis as Human Resources Director. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-35

Montgomery County Rural Fire Coordinator:

ACTION: Motion by Commissioner Fowler to reappoint Mark McCleary as Montgomery County Rural Fire Coordinator.. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-36

Emergency Management Director:

ACTION: Motion by Commissioner Fowler to reappoint Jim Miller as Emergency Management Director. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE – Commissioner Fowler - Yes
Commissioner Brown - Yes
Commissioner McManus – No

RES. NO. 10-37

Montgomery County Auditor/Federal Compliance Officer:

ACTION: Motion by Commissioner Fowler to reappoint Laverne Strecker as Montgomery County Auditor/Federal Compliance Officer. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-38

Montgomery County Counselor:

ACTION: Motion by Commissioner Fowler to reappoint Paul Kritz of the firm Hall, Levy, Devore, Bell Ott & Kritz as Montgomery County Counselor. Motion was seconded by Commissioner Brown.

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

RES. NO. 10-39

PUBLIC HEARING – MONTGOMERY COUNTY SANITARY CODE 2010 UPDATE:

Environmental Health/Zoning Administrator was present for the public hearing for the Montgomery County Sanitary Code 2010 update. The Public Hearing was opened at 10:45 AM with no public input. There being no objects or input on the Sanitary Code, the following action was taken.:

ACTION: *A motion was made by Commissioner McManus to approve and adopt the Montgomery County Sanitary Code 2010 Update and direct the Environmental Health /Zoning Administrator to forward the document to the Kansas Department of Health and Environment, Bureau of Water for approval. The motion was seconded by Commissioner Brown.*

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

RES. 10-40

INSURANCE PRESENTATIONS – HUMAN RESOURCES AND INSURANCE REPRESENTATIVES:

Human Resources Director Shawn Wallis introduced the following representatives and companies to the Board (These companies are presently being included in payroll deductions for those employees wishing to participate):

1. ING Company – Representatives Bill Hirschler and John Obrian . Following their presentation the following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve continuance of county payroll deductions for ING Company for those employees wanting enrollment. Motion was seconded by Commissioner Brown.*

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

RES. 10-41

2. Vision Care – Representatives Craig Bassford and Don Railsback. Following the presentation the following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve continuance of county payroll deductions for Vision Care for those employees wanting enrollment. Motion was seconded by Commissioner McManus.*

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

RES. 10-42

3. AFLAC – Representative Bill Teichgraber.

ACTION: *A motion was made by Commissioner Fowler to approve continuance of county payroll deductions for AFLAC for those employees wanting enrollment. Motion was seconded by Commissioner McManus.*

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

RES. 10-43

DAVID WALLIS – CONCERNED TAXPAYER:

Mr. David Wallis met with the Board and expressed the following concerns to the Board:

1. Requested night meetings at least quarterly to enable citizens to attend the meetings that cannot leave their work during the day.
2. Presented information to the Board on a meeting to be held March 19th at the Dearing Christian Church . This will be an open meeting to discuss the mechanics of combining the two colleges and requesting action from the elected officials
3. He requested the Board not reappoint the Emergency Preparedness Director but combine this position with Montgomery County Rural Fire. (The appointments had been made before Mr. Wallis arrived at the meeting.)
4. To stop funding non-essential agencies.
5. Requested information on the cost per taxpayer of each college district for comparison between the two districts and also to compare it against those taxpayers in Labette County with only one college. The County Clerk will research for this information.

DAVID WALLIS (Continued):

Mr. Wallis thanked the Board for their time and allowing him to speak. He also invited each of the members to the meeting to be held March 19th.

OTHER COUNTY BUSINESS:

1. Abatements in the amount of \$106,004.39 –

ACTION: *A motion was made by Commissioner McManus to approve abatements in the amount of \$106,004.39. Motion was seconded by Commissioner Brown.*

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

2. Occupational License – Greg’s Place, Caney –

ACTION: *A motion was made by Commissioner McManus to approve the Occupational License for Greg’s Place, Caney, Kansas. Motion was seconded by Commissioner Brown.*

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

RES. NO. 10-44

3. Verbal approval was given for the County Attorney’s February payroll –

4. Appointment of JJA Advisory Board Member –

ACTION: *A motion was made by Commissioner Fowler to approve the appointment of Griffin Walker to Juvenile Corrections Advisory Board on the recommendation from USD 445 to Family and Children Services with the effective date being February 5, 2010. Motion was seconded by Commissioner Brown.*

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

RES. NO. 10-45

5. The testimony for Chairman Fowler on HB 2578 was approved by the Board. Mr. Fowler will appear in Topeka Wednesday, February 24, 2010 to present the testimony on HB 2578.

6. Verification of Montgomery County Boundary for U. S. Census Bureau –

ACTION: *A motion was made by Commissioner Brown to authorize the Chairman to sign on behalf of the County, the verification of Montgomery County Boundary for the U. S. Census Bureau. Motion was seconded by Commissioner McManus.*

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

7. Concerned Citizen – David Wallis –

8. Neighborhood Revitalization for C&R Partners, Coffeyville, Kansas – Mr. Mike Cordray and Coffeyville City Manager Jeff Morris met with the Board to request approval for the late filing of this application and to allow the taxes to be rebated retroactive to the date of completion. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the request by the City of Coffeyville and Mr. Mike Cordray dba C&R Partners and rebate taxes beginning with the 2008 taxes under the Coffeyville City Revitalization Plan. Motion was seconded by Commissioner Brown.*

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

RES. NO. 10-46

9. Letter from Paul Kritz revising his hourly rate from \$100.00 to \$125.00 per hour effective March 1st, 2010. The following action was taken:

ACTION: *A motion was made by Commissioner McManus to approve the increase for the County Counselor Paul Kritz from \$100.00 per hour to \$125.00 per hour effective March 1st, 2010. Motion was seconded by Commissioner Brown.*

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

RES. NO. 10-47

ADJOURNMENT: 12:40 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