

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

June 14, 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.

INVOCATION: Reverend Joe Davolt, Bible Holiness Church, Independence

PLEDGE OF ALLEGIANCE: Commissioner McManus.

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*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Brown to approve invoices in the amount of - \$285,241.36 as presented by the County Clerk's office. The motion was seconded by Commissioner McManus.*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner McManus to approve the amended minutes of June 1, 2010 as presented by the County Clerk. The motion was seconded by Commissioner Brown.*

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

EMERGENCY PREPAREDNESS – 2011 BUDGET REQUEST:

The Board met with Emergency Preparedness Jim Miller for the 2011 budget review. Several items were discussed and decreases made were documented as agreed to by the Board and Mr. Miller.

VIEWERS MEETING ON VACATION OF ALLEY IN SYCAMORE:

The Board recessed from the regular meeting at 9:30 AM to resume at 9:30 AM as viewers for the vacation of an alley in Sycamore, Kansas. The public present was Mr. Ron Furnas, Sycamore resident. Public Works Coordinator Robert Bever presented the Vacation Notice as posted and advised the Board there has been no opposition to the request. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to vacate the alley way in Haverstick's Addition to Sycamore. The legal description is as follows:*

A 20' strip of land running between Lots 1-12 and Lots 13-24 of Block 1 of Haverstick's Addition to Sycamore. More particularly described as beginning at the Southeast corner of Lot 1 thence West 300', thence South 20', thence East 300', thence North 20' to the point of beginning.

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 Brown.

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

RES. NO. 10-117

Returned to regular session at 9:35 AM.

COUNTY CLERK, INDIRECT ELECTION AND DIRECT ELECTION – 2011 BUDGET REQUESTS:

The Board met with County Clerk Charlotte Schmidt for the 2011 budget review. Several items were discussed and decreases made were documented as agreed to by the Board and County Clerk regarding the Indirect Election, Direct Election and County Clerk department budgets.

Recessed at 10:25 AM.

Returned at 10:35 AM.

DEER TRAIL ROAD RESTORATION AND MAINTENANCE:

Mr. Sam Forrer met with the Board on behalf of Deer Trail property owners to discuss the restoration and maintenance of roads. Other property owners present were Richard and Carol Katzer and Frank and Sharon Miller.

Mr. Forrer presented a letter to the Board stating they had contracted and obtained from TranSystems an update of the road survey and had presented the information to Mr. Robert Bever, Public Works Coordinator. The letter stated the estimates for install a gravel road would be approximately \$86,000.00 if constructed as prescribed by the survey.

The property owners requested that Montgomery County assume full responsibility for restoring and maintaining the roads of the Deer Trail Subdivision. This would be for gravel roads for approximately one (1) mile in the subdivision and no hard surface roads.

Mr. Bever said the county could do a minimum repair and presented a map showing the area for the repairs, the grading of the roads and snow removal at a cost to the county of approximately \$66,000.00 if the county does the work. A private contractors cost would be approximately \$72,000 to \$73,000.

The Board asked Mr. Bever to consult with the County Counselor on documents for Deer Trail Subdivision and return to the Board with information on the dedication and responsibility of the county.

MONTGOMERY COUNTY RURAL FIRE #1 – BID OPENING – HAVANA FIRE STATION:

Montgomery County Rural Fire Coordinator Mark McCleary was present for the bid opening for the repair of the Havana Fire Station. Bids were as follows:

Star Roofing, Independence, KS	Option #1 - \$14,279.00 Option #2 - \$11,970.00
BenchMark Construction, Cherryvale, KS	Option #2 - \$9,620.00
Koehn Buildings, Fredonia, KS	Option #2 - \$7,643.56

Mr. McCleary recommended accepting the low bid of Koehn Buildings, Fredonia, Kansas. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to accept the low bid from Koehn Buildings, Fredonia, Kansas in the amount of \$7,643.56 for roof replacement at the Havana Fire Station. Motion was seconded by Commissioner McManus.*

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

RES. NO. 10-118

REGISTER OF DEEDS – 2011 BUDGET REQUEST:

The Board met with Register of Deeds Marilyn Calhoun for the 2011 budget review. Several items were discussed and changes made were documented as agreed to by the Board and Register of Deeds.

HUMAN RESOURCES – STATE OF KANSAS SMOKING POLICY EFFECTIVE 7-1-2010:

Human Resources Director Shawn Wallis presented a Smoking Policy as set forth by the State of Kansas (K.S.A. 21-4010) regulating permitted smoking areas. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to adopt the Kansas State Smoking Policy as follows: Smoking shall not be permitted in any enclosed county facility. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, cafeterias, employee lounges, stairs, restrooms, and all other enclosed facilities. This policy applies to all employees, clients, contractors, and visitors. Smoking shall be permitted only at a reasonable distance of 10 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to insure that tobacco smoke does not enter those areas.*

Copies of this policy shall be distributed to all employees. No smoking signs shall be posted in all county facilities.

Those employees who smoke and would like to take this opportunity to quit are invited to call the free Kansas Tobacco Quitline (1-800-QUIT-NOW) for telephone cessation counseling and support.

Individuals who violate the Indoor Clean Air Act (K.S.A. 21-4010) are subject to the following fines:

- 1st violation = not more than \$100*
- 2nd violation within 1 year = not more than \$200*
- 3rd and additional violations within 1 year = not more than \$500 per violation*

The success of this policy will depend on the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All employees share in the responsibility for adhering to and enforcing this policy.

This policy becomes effective July 1, 2010.

Motion was seconded by Commissioner Brown.

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

RES. NO. 10-119

COUNTY COMMISSIONERS – 2011 BUDGET REQUEST:

The Board discussed the County Commissioners 2011 budget. Several items were discussed and decreases made were documented as agreed to by the Board.

OTHER COUNTY BUSINESS:

1. Fire Board Minutes of April, 2010 and 2nd Quarter report –
2. Acknowledged “thank you” letter from Caney Valley Historical Society written by Nancy Roe -
3. Labette Community College Firefighter Training Agreement for signatures of the Board. The following action was taken:
ACTION: *A motion was made by Commissioner Brown to approve the agreement for Firefighter Training for county and cities within Montgomery County with the Labette Community College and to authorize the Board to sign the Labette Community College Firefighter Training Agreement between Labette County and Montgomery County. Motion was seconded by Commissioner McManus.*

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

RES. NO. 10-120

4. Employee Status Changes were presented by the Department of Corrections for three (3) new hires. The following action was taken:
ACTION: *A motion was made by Commissioner McManus to authorize the Chairman to sign the three (3) Employee Status Changes for the Department of Corrections for the newly hired guards as approved at a previous meeting. Motion was seconded by Commissioner Brown.*

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

RES. NO. 10-121

ADJOURNMENT: 12:25 PM

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