

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

February 25, 2019

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

**CALL TO ORDER:** Commissioner McManus.

**INVOCATION:** Reverend Francis Aeschliman, The Wesleyan Church, Independence

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**AGENDA APPROVAL:**

**ACTION:** *A motion was made by Commissioner Bever to approve the agenda as amended. The motion was seconded by Commissioner Brown.*

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

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Brown to approve invoices in the amounts of \$106,525.08, \$17,500.00, \$230,747.55 and \$25,000.00 as presented by the County Clerk's office. The motion was seconded by Commissioner Bever.*

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

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Brown to approve the minutes of February 11, 2019 as presented by the County Clerk. The motion was seconded by Commissioner Bever.*

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

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**SHERIFF'S DEPARTMENT – BID FOR DEPARTMENT VEHICLE:**

Lt. Nick Wood and Administrative Assistant Liz Schwatken met with the Board to present bids for a vehicle to replace the vehicle damaged in an accident. The accident was caused by an individual striking the patrol vehicle. The vehicle is covered by the responsible individual's insurance causing the accident. The cost of the vehicle is covered except for about \$250.00 which will be paid by the Sheriff's Department. Bids were as follows:

Shields Motors, Chanute, KS	\$26,140.00
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**ACTION:** *A motion was made by Commissioner Brown to accept the bid from Shields Motors, Chanute, KS in the amount of \$26,140.00 to replace the patrol vehicle in the Sheriff's Department covered by individual's insurance responsible for the accident. Motion was seconded by Commissioner Bever.*

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

RES. NO. 19-021

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**COMPUTER DEPARTMENT – COPIER PURCHASES:**

Computer Department Director Jason Clubine met with the Board to discuss the purchase of five (5) copiers. The copiers are to be used in four (4) county departments: Public Works, Coffeyville Health Department, Independence Health Department, County Treasurer and Environmental Health/Zoning. The total cost will be \$20,720.00 and will be purchased from Digital Connections of Coffeyville using the state bid list pricing. The state bid list price is a specially negotiated price that other states and the state of Kansas adopted. The following action was taken:

**ACTION:** A motion was made by Commissioner Bever to approve the request for the purchase of the following copiers:

Public Works	1 Lanier IMC 3000	\$5,052.00 from Road and Bridge 2019 Budget
Coffeyville Health Dept.	1 Lanier IMC 3000	\$5,052.00 from County Health Capital Outlay
Independence Health	1 Lanier MPC 307	\$2,059.00 from County Health Capital Outlay
County Treasurer	1 Lanier MPC 307	\$5,786.00 from Treasurer's Tech Fund
Env. Health/Zoning	1 Lanier IMC 2000	\$2,771.00 from General Fund Capital Outlay

Motion was seconded by Commissioner Bever.

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

RES. NO. 19-022

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**PUBLIC WORKS:**

Interim Public Works Co-ordinator Jim Wright met with the Board to present the weekly written report. Maintenance Supervisor Jeff Phelps was also present. The following items were discussed:

1. County Appraiser break room remodeling – Jeff Phelps and County Appraiser Diane Carter met with the Board to discuss the additional cost for the project. Due to some changes the cost will be an additional \$2,500.00 and the request is for approval for this to be paid from the General Operating Fund. The following action was taken:

**ACTION:** A motion was made by Commissioner Brown to approve the additional funding for the remodeling project in the County Appraiser's Office in the amount of \$2,500.00. Debit County General Operating Department. Motion was seconded by Commissioner Bever.

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

RES. NO. 19-023

2. Discussion regarding the boilers in the Courthouse – repair and future replacement –
3. Discussion regarding the building control system in the Judicial Center – After discussion with the Board it was decided to replace one (1) unit in the amount of \$14,513.00. The following action was taken:

**ACTION:** A motion was made by Commissioner Bever to replace one (1) unit in the building control system in the Judicial Building at a cost of \$14,513.00 to be debited from Building Maintenance Department. Motion was seconded by Commissioner Brown.

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

RES. NO. 19-024

4. Discussion on the proposed remodeling of the old Coffeyville Health Department – The cost for remodeling the building will include: Roof ( \$30,000 to \$40,000), South Side (\$34,940.00), and the North Side (\$60,960). The following action was taken:

**ACTION:** A motion was made by Commissioner Bever the County to proceed with the necessary arrangements to sell the building. Motion was seconded by Commissioner Brown.

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

**PUBLIC WORKS (Continued):**

5. Household Hazardous Waste – A proposed agreement with Woodson County for the pick-up and disposal of their Household Hazardous Waste was presented to the Board. After discussion on the charges to be paid to Montgomery County, the agreement was tabled until the agreement includes the charges or how they will be calculated.
6. Petition for vacation of County Road 5900 with a requested road viewing of March 18<sup>th</sup>, 2019 - The discussion has been tabled with no action being taken until Public Works checks on the County Line with Labette County and the portion in Labette County and returns to the Board.
7. Corrugated Metal Pipe Bid – Bids were as follows:

Welborn Sales, Olathe, KS	\$32,126.30
J & J Drainage, Hutchinson, KS	\$32,663.21
Metal Culverts, Inc, Jefferson City, MO	\$33,929.32

**ACTION:** A motion was made by Commissioner Bever to accept the low bid and approve the purchase for Corrugated Metal Pipe from Welborn Sales, Olathe, Kansas in the amount of \$32,126.30 for Road and Bridge. Debit Special Bridge Fund. Motion was seconded by Commissioner Brown.

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

RES. NO. 19-025

8. 2019 Biennial Bridge Inspections Bids –Bids were as follows:

Cook, Flatt & Strobel, Topeka, KS	\$32,258.00
E.E.S. LLC, Gardner, KS	\$22,775.00

**ACTION:** A motion was made by Commissioner Bever to accept the low bid of \$22,775.00 from E.E.S. LLC, Gardner, Kansas and approve entering into the agreement for 2019 Biennial Bridge Inspections for Montgomery County. Debit Special Bridge. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner McManus -  
Yes

Commissioner Brown – Yes  
Commissioner Bever - Yes

RES. NO. 19-026

9. Report for January 2019 for Road and Bridge –
10. Requested permission to solicit bids for 2019 asphalt and milling projects. Request was approved.
11. Discussion regarding the painting of hub rails on county roads. It was decided not to proceed with this project.
12. Discussion on the heater core in Department of Corrections. They are in the process of cleaning and have discovered a water leak.
13. Executive Session – Job Status of Non-Elected Personnel –

**ACTION:** A motion was made by Commissioner Bever to recess to Executive Session to discuss the Job Status of a non-elected employee with the Board and Jim Wright present from 10:10 am to 10:15 am. Motion was seconded by Commissioner Brown.

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

Returned to session at 10:15 AM stating no decisions made and no action to be taken.

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**SEK REGIONAL PLANNING COMMISSION – MATT GODINEZ, DIRECTOR:**

Mr. Matt Godinez, Director SEK Regional Planning Commission met with Board to introduce himself as the new director and give some information on the function of the organization regarding projects and services.

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**ENVIRONMENTAL HEALTH/ZONING - REAPPOINTMENT OF PLANNING COMMISSION MEMBERS:**

Environmental Health/Zoning Administrator Scott Barnhart met with the Board to present a request for the reappointment of two members of the Montgomery County Planning Commission and one member of the Board of Zoning Appeals. The following action was taken:

**ACTION:** *A motion was made by Commissioner Bever to reappoint Mr. Ron Davis, Cherryvale, Kansas and Mr. Terry Downing, Coffeyville, Kansas to the Montgomery County Planning Commission for a 3-year term expiring December 2021. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 19-027*

**ACTION:** *A motion was made by Commissioner Bever to reappoint Mr. Lavern Strecker, Independence, Kansas to the Montgomery County Board of Zoning Appeals for a 3-year term expiring December 2021. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 19-028*

Mr. Barnhart also discussed a request made by Mr. Don Kaiser for a refund of inspection fees in the sum of \$600.00 due to him not completing the purchase of the property. The inspections have already been completed and the Board agrees there should be no refunds when the services have already been provided. The following action was taken:

**ACTION:** *A motion was made by Commissioner Bever to deny the request for refund by Mr. Don Kaiser in the amount of \$600.00 for inspection fees for services provided by the Environmental Health/Zoning Office. Motion was seconded by Commissioner Brown.*

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

*RES. NO. 19-029*

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**MONTGOMERY COUNTY SEWER DISTRICT #2 – DISCONTINUE SEWER DISTRICT COMMITTEE:**

Mr. Kenneth Weaver, Mr. Pat Tucker, Mr. Jim Gates and Mr. Harlan McDow, members of the Montgomery County Sewer District #2 Committee, met with the Board to request discontinuing the committee as they really are no longer needed. This would place the District under the County and would be through the Public Works Department.

There was discussion on funds to be transferred to the County and what amount could be refunded to the users on the District based on previous charges. The cost of liability insurance and any additional cost for the annual audit will also need to be determined. These items will be determined and the Committee will return to the Board of County Commissioners before any action is taken.

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**EXECUTIVE SESSION – JOB STATUS OF NON-ELECTED PERSONNEL:**

**ACTION:** *A motion was made by Commissioner Bever to recess to Executive Session at 11:25 AM to return at 11:30 AM with the Board present to discuss the job status of non-elected personnel. Motion was seconded by Commissioner Brown.*

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

Returned to session at 11:30 AM stating no decisions made and no action to be taken.

**COUNTY APPRAISER AND COUNTY COUNSELOR – EXECUTIVE SESSION ON ATTORNEY CLIENT PRIVILEGE:**

**ACTION:** A motion was made by Commissioner Bever to recess to Executive Session at 11:30 AM to return at 11:50 AM with the Board, County Appraiser, County Counselor and County Clerk present for Attorney/Client matters. Motion was seconded by Commissioner Brown.

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

Returned to session stating no decisions made and no action to be taken.

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**EXECUTIVE SESSION – COUNTY COUNSELOR – POTENTIAL LITIGATION MATTERS:**

**ACTION:** A motion was made by Commissioner Bever to recess to Executive Session at 12:00 Noon to return at 12:15 PM for the purpose of discussing potential litigation matters with the Board, County Counselor, County Attorney and County Clerk present. Motion was seconded by Commissioner Brown.

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

Returned to session at 12:15 PM stating no decisions made and no action to be taken.

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**OTHER COUNTY BUSINESS:**

1. Abatements in the amount of \$308,432.49 –

**ACTION:** A motion was made by Commissioner Bever to approve abatements as presented in the amount of \$308,432.49. Motion was seconded by Commissioner Brown.

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

2. Ms. Lori Rexwinkle, Coffeyville Regional Medical Administrator discussed the Health Services Survey which will be being completed by CRMC and also Montgomery County Health. She suggested they work together and complete a survey which would include both facilities. The Board agreed for them to work together on the survey.
3. Montgomery County Neighborhood Revitalization Plan - The County Clerk updated the Board on the County Neighborhood Revitalization Plan. An opinion was received from the Attorney General's Office and they had a few questions which are being addressed by our County Counselor. It will be about 90 days before it can be finalized and we have an opinion from the AG's Office.
4. Official Montgomery County Newspaper – Due to time restraints on county required publications, the following action was taken:

**ACTION:** A motion was made by Commissioner Bever to change the official County Newspaper from the Independence Reporter to the Montgomery County Chronicle due to time restraints on legal publications and all other matters requiring county offices to meet publication deadlines as set by Kansas Statutes effective as of the date of this resolution. Motion was seconded by Commissioner Brown.

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

RES. NO. 19-030

5. EXECUTIVE SESSION – NON-ELECTED PERSONNEL JOB STATUS:

**ACTION:** A motion was made by Commissioner Brown to recess to Executive Session at 12:17 PM to return at 12:22 PM to discuss Non-Elected Personnel Job Status with the Board and County Clerk present. Motion was seconded by Commissioner Bever.

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

Returned to session at 12:22 PM stating no decisions made and no action to be taken.

**ADJOURNMENT: 12:25 PM**

**ACTION:** *Motion by Commissioner Brown, seconded by Commissioner Bever.*  
*ROLL CALL VOTE - Commissioner McManus - Yes*  
*Commissioner Brown – Yes*  
*Commissioner Bever - Yes*

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

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**LARRY McMANUS, Chairman**

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**FRED BROWN, Member**

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**ROBERT BEVER, Member**

**ATTEST:**

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**County Clerk**