

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

September 12, 2022

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

**CALL TO ORDER:** Commissioner Bever.

**INVOCATION:** Reverend Bill Booe, United Methodist Church, Liberty, KS and Cherryvale, KS.

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**AGENDA APPROVAL:**

**ACTION:** *A motion was made by Commissioner Cordray to approve the agenda as presented. The motion was seconded by Commissioner Bever/*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Cordray to approve invoices in the amount of \$492,933.87 and \$243,201.30; \$225,000 APRP to City of Independence and \$1,911.42 County Building Maintenance as presented by the County Clerk's Office. Motion was seconded by Commissioner Bever.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Cordray to approve the minutes of September 8, 2022 as presented by the County Clerk. The motion was seconded by Commissioner Bever.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes*

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**EXECUTIVE SESSION – COUNTY ATTORNEY AND HUMAN RESOURCES:**

**ACTION:** *A motion was made by Commissioner Bever to recess to Executive Session at 9:07 AM to return at 9:17 AM with the Board, County Attorney Lisa Montgomery and Human Resources Director Becky Lewis present to discuss Non-Elected personnel pursuant to KSA 75-4319 (b2). Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes*

Returned to session at 9:17 AM with Commissioner Cordray making a motion to extend the session to 9:22 AM and Commissioner Bever seconding the motion. Roll call for the extending of the session with all voting yes. Returned to session at 9:22 AM stating no decisions made and no action to be taken.

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**BUILDING MAINTENANCE – BROKEN WINDOWS IN DEPARTMENT OF CORRECTIONS:**

Maintenance Supervisor Jeff Phelps reported two (2) windows being broken in the Department of Corrections by inmate. He requested when the windows are replaced also to replace with covering by welded grating made of sheet metal. He suggested all the windows accessible to the inmates have this reinforcement. It will require seven sheets of 4x10 metal at a cost of \$1,723.20. The following action was taken:

**ACTION:** *A motion was made by Commissioner Bever to approve the purchase of seven sheets of sheet metal for making welded gratings at a cost of \$1,723.20 for use in the Department of Corrections to protect the glass windows. Motion was seconded by Commissioner Cordray.*

**ROLL CALL VOTE -** Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes

RES. NO. 22-

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**PUBLIC HEARING – REVENUE NEUTRAL RATE FOR MONTGOMERY COUNTY 2023 BUDGET:**

The Chairman recessed the regular session to move into the Public Hearing for the Revenue Neutral Rate for the Montgomery County 2023 budget. The increase in the levy for the 2023 budget is .006 mills. Commissioner Bever presented to the public the total mill levy for the 2023 budget is 48.291 mills which an increase of .006 mills.

Discussion was opened to the public and the following spoke if they had concerns or questions to be answered. Those speaking were Andy Taylor, Senator Virgil Peck and Mr. Thomas Darbro. The Chairman called for any further discussion and no one responded. The hearing was closed at 9:40 AM.

The following action was taken to levy a property tax exceeding the Revenue Neutral Rate by .006 mills.

**ACTION:** *A motion was made by Commissioner Bever to levy a property tax rate exceeding the Revenue Neutral Rate for the Montgomery County 2023 Budget by .006 mills. Motion was seconded by Commissioner Cordray.*

**ROLL CALL VOTE -** Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes

RES. NO. 22-112

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**PUBLIC HEARING – REVENUE NEUTRAL RATE FOR MONTGOMERY COUNTY RURAL FIRE DIST. #1 2023 BUDGET:**

The Chairman opened the Public Hearing for the Revenue Neutral Rate for Montgomery County Rural Fire Dist. #1 2023 Budget. The increase in the levy for the 2023 budget is .241 mills. Commissioner Bever presented to the public the total mill levy for the 2023 budget is 0.241 mills. The Chairman called for discussion and Mr. Darbro had some questions regarding the MCRF#1. There was no further discussion and the hearing was closed at 9:45 AM.

The following action was taken to levy a property tax exceeding the Revenue Neutral Rate by 0.241 mills for the Montgomery County Rural Fire #1 2023 Budget.

**ACTION:** *A motion was made by Commissioner Bever to levy a property tax rate exceeding the Revenue Neutral Rate for the Montgomery County Rural Fire Department #1 2023 Budget by 0.241 mills/ Motion was seconded by Commissioner Cordray.*

**ROLL CALL VOTE -** Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes

RES. NO. 22-113

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**PUBLIC HEARING - MONTGOMERY COUNTY 2023 BUDGET:**

**ACTION:** *A motion was made by Commissioner Bever to approve and adopt the 2023 Montgomery County Budget with a mill levy set at 48.291 as published in the Official County Newspaper, the Montgomery County Chronicle. Motion was seconded by Commissioner Cordray.*

**ROLL CALL VOTE -** Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes

RES. NO. 22-114

**PUBLIC HEARING 2023 MONTGOMERY COUNTY RURAL FIRE DIST. #1 2023 BUDGET:**

**ACTION:** *A motion was made by Commissioner Bever to approve and adopt the 2023 Montgomery County Rural Fire District No. 1 Budget with a mill levy set at 2.327 mills as published in the Official County Newspaper, the Montgomery County Chronicle. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus – Absent  
Commissioner Cordray- Yes*

RES. NO. 22-115

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**INDEPENDENCE CITY NEIGHBORHOOD REVITALIZATION PLAN FOR AIRPORT AREA:**

Independence City Manager Kelly Passauer presented the new Independence City Neighborhood Revitalization Plan for the airport area with documents for the Plan and maps of the area to be in the Plan. The request of the City of Independence is the Board approve and participate in the new plan. The following action was taken:

**ACTION:** *A motion was made by Commissioner Bever to accept and approve supporting the Independence City Neighborhood Revitalization Plan for the Airport area and the Chairman to sign the necessary documents on behalf of Montgomery County. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus – Absent  
Commissioner Cordray- Yes*

RES. NO. 22-116

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**EMERGENCY MANAGEMENT – RENEWAL OF MITIGATION PLAN:**

Emergency Manager Rick Whitson present the Montgomery County Mitigation Plan for the approval of the Board to renew. The Plan must be renewed every three (3) years.

**ACTION:** *A motion was made by Commissioner Bever to approve the renewal of the Montgomery County Mitigation Plan as presented by the Emergency Management Director and the Chairman to sign the necessary documents on behalf of the County. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus – Absent  
Commissioner Cordray- Yes*

RES. NO. 22-117

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**OTHER COUNTY BUSINESS:**

1. Appointment of Juvenile Corrections Advisory Board Members –

**ACTION:** *A motion was made by Commissioner Bever to accept the approval of the appointee's letter Shonae Ransom, James Littleford and Greg Hennen to the Juvenile Corrections Advisory Board with terms expiring June 30, 2025. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes*

RES. NO. 22-118

2. Discussion and review of Montgomery County Resolution No. 11-82 establishing reasonable cremation or burial fees for unclaimed bodies required to be paid from the County's General Fund in accordance with K.S.,A. 22a-216
3. Letter to the Chairman from SEKRPC on Southeast Kansas Infrastructure regarding SS4A Regional Plan Application. Public Works Coordinator is the contact between Montgomery County and SEKRPC as discussed in the August 29<sup>th</sup> Commission Meeting.

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ADJOURNMENT: 11:15 AM

ACTION: *Motion by Commissioner Bever, seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus – Absent  
Commissioner Cordray- Yes*

BOARD OF COUNTY COMMISSIONERS  
MONTGOMERY COUNTY, KANSAS

  
ROBERT BEVER, Chairman

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LARRY McMANUS, Member

  
MIKE CORDRAY, Member

ATTEST:

  
  
County Clerk

**A RESOLUTION OF THE COUNTY OF MONTGOMERY, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE;**

WHEREAS, the Revenue Neutral Rate for the County of Montgomery was calculated as 48.285 mills by the Montgomery County Clerk; and

WHEREAS, the budget proposed by the Governing Body of the County of Montgomery will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body held a hearing on September 12, 2022, allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony; and

WHEREAS, the Governing Body of the County of Montgomery, having heard testimony, still finds it necessary to exceed the Revenue Neutral Rate.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF MONTGOMERY:**

The County of Montgomery shall levy a property tax rate exceeding the Revenue Neutral Rate of 48.285 mills.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

ADOPTED this 12th day of September 2022 and SIGNED by the Governing Body.

*Robert E. Brewer*  
*Mike Conway*  
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Attested:  
*Charlotte Scott Schmidt*  
County Clerk



montgomery County  
A RESOLUTION OF THE MCRF#1, KANSAS TO LEVY A PROPERTY TAX RATE  
EXCEEDING THE REVENUE NEUTRAL RATE FOR Montgomery County Rural Fire Dist. \*1

WHEREAS, the Revenue Neutral Rate for the MCRF#1 was calculated as 2.086 mills  
by the Montgomery County Clerk; and

WHEREAS, the budget proposed by the Governing Body of MRFD Dist 1 will require  
the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body held a hearing on 9-12-22 (Insert Date) allowing all  
interested taxpayers desiring to be heard an opportunity to give oral testimony; and

WHEREAS, the Governing Body of the MCRF#1 having heard testimony, still finds it  
necessary to exceed the Revenue Neutral Rate.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
Montgomery County MCRFD#1:

The MCRF#1 shall levy a property tax rate exceeding the Revenue Neutral Rate of 2.327  
mills.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect  
until future action is taken by the Governing Body.

ADOPTED this 12<sup>th</sup> day of September (month and year) and SIGNED by the Governing  
Body. 2022

Robert E. Bauer  
Mike Cardray  
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Attest:  
Charlotte Scott Schmidt  
Montgomery Co. Clerk



RESOLUTION NO. 22-114

DATED at Independence, Montgomery County, Kansas this 12<sup>th</sup> day of September, 2022.

WHEREAS: A motion was made by Commissioner Bever to approve and adopt the 2023 Montgomery County Budget with a mill levy set at 48.291 as published in the Official County Newspaper, the Montgomery County Chronicle. Motion was seconded by Commissioner Cordray.

ROLL CALL VOTE - Commissioner Bever -  
Commissioner McManus -  
Commissioner Cordray -

Robert E. Bever

Robert Bever, Chairman

\_\_\_\_\_  
Larry McManus, Member

Mike Cordray  
Mike Cordray, Member



ATTEST:

Charlotte Jett Schmidt  
Charlotte Schmidt, County Clerk

RESOLUTION NO. 22-115

DATED at Independence, Montgomery County, Kansas this 12<sup>th</sup> day of September, 2022.

WHEREAS: A motion was made by Commissioner Bever to approve and adopt the 2023 Montgomery County Rural Fire District No. 1 Budget with a mill levy set at 2.327 as published in the Official County Newspaper, the Montgomery County Chronicle. Motion was seconded by Commissioner Cordray.

ROLL CALL VOTE - Commissioner Bever -  
Commissioner McManus -  
Commissioner Cordray-

Robert E. Bever  
Robert Bever, Chairman

\_\_\_\_\_  
Larry McManus, Member

Mike Cordray  
Mike Cordray, Member



ATTEST:

Charlotte Scott Schmidt  
Charlotte Schmidt, County Clerk



**RESOLUTION NO. 22-116**

**DATED** at Independence, Montgomery County, Kansas this 12<sup>th</sup> day of September, 2022.

**WHEREAS:** *A motion was made by Commissioner Bever to accept and approve supporting the Independence City Neighborhood Revitalization Plan for the Airport area and the Chairman to sign the necessary documents on behalf of Montgomery County.*

*Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes*

  
Robert Bever, Chairman

\_\_\_\_\_  
Larry McManus, Member

  
Mike Cordray, Member



**ATTEST:**

  
Charlotte Schmidt, County Clerk

**RESOLUTION NO. 22-117**

**DATED** at Independence, Montgomery County, Kansas this 12<sup>th</sup> day of September, 2022.

**WHEREAS:** *A motion was made by Commissioner Bever to approve the renewal of the Montgomery County Mitigation Plan as presented by the Emergency Management Director and the Chairman to sign the necessary documents on behalf of the County.*

*Motion was seconded by Commissioner Cordray*

*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus – Absent  
Commissioner Cordray- Yes*

  
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Robert Bever, Chairman

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Larry McManus, Member

  
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Mike Cordray, Member



**ATTEST:**

  
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Charlotte Schmidt, County Clerk

**RESOLUTION NO. 22-118**

**DATED** at Independence, Montgomery County, Kansas this 12<sup>th</sup> day of September, 2022.

**WHEREAS:** *A motion was made by Commissioner Bever to accept the approval of the appointee's letter Shonae Ransom, James Littleford and Greg Hennen to the Juvenile Corrections Advisory Board with terms expiring June 30, 2025.*

*Motion was seconded by Commissioner Cordray.*

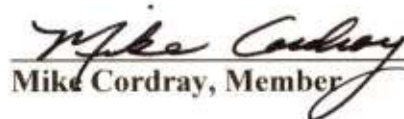
*ROLL CALL VOTE - Commissioner Bever - Yes  
Commissioner McManus - Absent  
Commissioner Cordray- Yes*



**Robert Bever, Chairman**

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**Larry McManus, Member**



**Mike Cordray, Member**

**ATTEST**

  
  
**Charlotte Schmidt, County Clerk**