

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

September 18, 2023

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

CALL TO ORDER: Commissioner Bever.

INVOCATION: Reverend .Melvin Simpson, 1st Church of God in Christ, Coffeyville

PLEDGE OF ALLEGIANCE: Commissioner McManus.

AGENDA APPROVAL:

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

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

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Cordray to approve invoices in the amount of \$3,364.11 and \$282,898.64 as presented by the County Clerk's Office. Motion was seconded by Commissioner McManus.*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner McManus to approve the minutes of September 18, 2023 as presented by the County Clerk. The motion was seconded by Commissioner Cordray.*

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

INVOICES:

No Invoices to be signed.

MONTGOMERY COUNTY RURAL FIRE DIST. NO. 1 – PURCHASE OF TRUCK FOR DEARING FIRE STATION:

MCRF#1 District Fire Chief Rick Whitson reported on the purchase of the fire truck for Dearing Fire Station as discussed in the previous meeting. The final purchase price for the truck is \$33,500.00 and \$3,288.00 shipping, for a total cost of \$36,788.00 to be paid from MCRF#1 Special Equipment Fund which was approved in the previous meeting. (Resolution No. 23-146).

Mr. Whitson presented bids for a Skid Unit for the Cherryvale Station truck. The bids were:

Weis Fire & Safety Equipment, Salina, KS	\$13,586.39
Danka Emergency Equipment, Snyder, NE	\$15,880.00

MONTGOMERY COUNTY RURAL FIRE (Continued):

ACTION: *A motion was made by Commissioner Bever to approve and award the bid to Weis Fire & Safety Equipment, Salina, KS in the amount of \$15,880.00 to Weis Fire & Safety Equipment, Salina, KS for a Skid Unit for the MCRF#1 Cherryvale Fire Station. Debit Special Equipment Fund. Motion was seconded by Commissioner McManus.*

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

RES. NO. 23-151

HUMAN RESOURCES – JOB DESCRIPTION FOR ENVIRONMENTAL HEALTH:

Human Resources Director Ben Brubaker presented a revised job description for the open position in Environmental Health/Zoning. The position changed from a Sanitation position to a Technician title. This eliminates the Sanitation 1,2 or 3 positions. The following action was taken:

ACTION: *A motion was made by Commissioner Bever to accept and approve the former position as Sanitarian to change to Technician for the Environmental Health/Zoning position and no longer have the Sanitarian position. Motion was seconded by Commissioner Cordray.*

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

RES. NO. 23-152

MONTGOMERY COUNTY APPRAISER:

A letter to the Board of County Commissioners was read to Montgomery County Appraiser Melody Kikkert from David N. Harper, Director of Property Valuation Division on the compliance review for the 2023 appraisal year. The department was commended on the successful completion of the appraisal cycle in a satisfactory manner. The Board thanked Ms. Kikkert for the work that has been done.

The Chairman recessed the regular meeting at 9:30 AM to enter the Public Hearing for the Revenue Neutral Hearing.

PUBLIC HEARING TO EXCEED REVENUE NEUTRAL RATE BY MONTGOMERY COUNTY:

The Chairman opened the meeting for questions on the Revenue Neutral Rate for the County and stated the County did not exceed the rate when the budget was completed. The RNR rate for the County is 44.268 Mills and the finalized budget rate will be 44.267 Mills. The Chairman then opened up the meeting for discussion.

Mr. Russ Canaday, Independence, addressed the Board and commended the Board for not exceeding the RNR set by the State. He also discussed tax issues and values.

There being no further input from the public, the Chairman closed the RNR Public Hearing and resumed the regular meeting.

The following action was taken on the RNR Public Hearing:

ACTION: *A motion was made by Commissioner Bever not to exceed the Revenue Neutral Rate set by the State of Kansas at 44.268 Mills for Montgomery County 2024 Budget. Motion was seconded by Commissioner Cordray.*

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

RES. NO. 23-153

The Chairman recessed the regular meeting at 9:45 to enter the Public Hearing for the Revenue Neutral Hearing for Montgomery County Rural Fire District No. 1.

PUBLIC HEARING TO EXCEED REVENUE NEUTRAL RATE FOR MONTGOMERY COUNTY RURAL FIRE DISTRICT NO. 1:

The Chairman opened the Revenue Neutral Rate Public Hearing to discuss the Montgomery County Rural Fire District No. 1 budget rate for 2024.

The budgeted rate for the District is 2.999 Mills exceeding the rate set by the State of Kansas of 2.207 Mills. After information given to the public by the Financial Officer, there being no public input the Public Hearing was closed and returned to the regular meeting and the following action was taken:

ACTION: *A motion was made by Commissioner Bever the Montgomery County Board of County Commissioners shall levy a property tax rate exceeding the Revenue Neutral Rate of 2.999 mills for Montgomery County Rural Fire District No. 1. 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. Motion was seconded by Commissioner Cordray.*

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

RES. NO. 23-154

Returned to session.

MONTGOMERY COUNTY RURAL FIRE DIST. #1 2024 BUDGET:

ACTION: A motion was made by Commissioner McManus to approve and adopt the budget for Montgomery County Rural Fire District with a mill levy of 2.999. Motion was seconded by Commissioner Cordray.

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

RES. NO. 23-155

Recessed to Public Hearing for 2024 County Budget.

MONTGOMERY COUNTY 2024 PUBLIC BUDGET HEARING:

The hearing for the Montgomery County 2024 Budget was opened by the Chairman at 9:45 AM.

Following and explaining the information provided to the public on the Certificate and Summary pages of the 2024 Budget, the Chairman called for questions and public input.

Mr. Andy Taylor addressed the Board on the values, taxes and gave his own taxes as an example of how this is affecting the taxpayers in the County. He also address the cost of the court system and not seeing justice being served. He also pointed out the high increases in values for the County and how the increase has been for the past two or three years.

The Board thanked Mr. Taylor for his input and asked if there were any questions from the public. There being no further questions or input the Board returned to regular session.

MONTGOMERY COUNTY ACTION ON 2024 BUDGET MILL LEVY:

ACTION: *A motion was made by Commissioner McManus to approve and adopt the 2024 Budget with the mill levy rate for the 2024 budget of 44.267, not exceeding the Revenue Neutral Rate set by the State of Kansas. Motion was seconded by Commissioner Cordray.*

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

RES. NO. 23-156

PUBLIC WORKS & BUILDING MAINTENANCE:

Maintenance Supervisor Jeff Phelps met with the Board and presented a change order for the Judicial Center steps and sidewalk project for the addition of a second handrail to meet ADA Standards.

ACTION: *A motion was made by Commissioner McManus to authorize the Chairman to sign on behalf of Montgomery County a Change Order for the addition of second handrail on steps to meet ADA Standards in the amount of \$2,350.00, contractor is Koehn Construction Services, LLC. Motion was seconded by Commissioner Cordray.*

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

RES. NO. 23-157

Public Works Coordinator Jim Wright presented the weekly written report. The following request was made for the Board to approve a letter of support for the KDOT Cost Share Program. The Board approved the letter and was signed by the three Board Members.

REGISTER OF DEEDS – EXECUTIVE SESSION FOR NON-ELECTED PERSONNEL:

ACTION: *A motion was made by Commissioner McManus to recess to Executive Session at 10:25 AM to return at 10:35 AM to discuss non-elected personnel (KSA 75- 4329 b1) with the Board, Register of Deeds and HR Director present. Motion was seconded by Commissioner Cordray.*

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

Returned to session at 10:32 AM and with no action taken and opened for discussion with the Register of Deeds. Ms. Calhoun request a temporary employee as needed up to four (4) days a month for a total to be paid from Register of Deeds Budget of \$8,313.60 (\$21.60 per hour) a total of 48 days. The following action was taken:

ACTION: *A motion was made by Commissioner Bever to approve the request for the Register of Deeds Office and allow a temporary employee as needed up to four (4) days a month at \$21.60 per hour and total funds approved \$8,313.60 to be paid from the Register of Deeds Budget. Motion was seconded by Commissioner McManus.*

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

RES. NO. 23-158

COMPUTER DEPARTMENT- JASON CLUBINE:

Computer Department Director Jason Clubine presented a request for an Executive Session for Matters relating to security measures.

ACTION: *A motion was made by Commissioner Bever to recess to Executive Session at 10:35 Ato 10:50 AM to discuss matter relating to security measures (KSA 75-4319 b 13). Motion was seconded by Commissioner McManus.*

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

The session was extended 5 minutes with a motion by Commissioner Bever, seconded by Commissioner McManus and Commissioner Cordray voting “Yes”.

Returned to session at 10:55 AM stating no decisions made. Mr. Clubine request renewal of the anti-virus system for the County.

ACTION: *A motion was made by Commissioner Bever to approve the renewal of the County’s anti-virus System in the amount of \$1,320.00. Debit County General Operating. Motion was seconded by Commissioner McManus.*

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

RES. NO. 23-159

ENVIRONMENTAL HEALTH/ZONING – MATT DEBO – LETTER FOR ICC:

Environmental Health/Zoning Director Matt Debo presented a letter to Independence Community College confirming the proposed new Welding Training Facility project does not require a Statement of Environmental Review from the State Historic Preservation Office. The Chairman signed the letter and it will be delivered or mailed by Mr. Debo to the College.

MONTGOMERY COUNTY SHERIFF - EXECUTIVE SESSION – KSA 75-4319 b5:

Montgomery County Sheriff Ron Wade and Lieutenant Chad Dunham of Department of Corrections met with the Board and requested an Executive Session for the Matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution..

ACTION: *A motion was made by Commissioner Bever to recess to Executive Session at 11:00 AM to return at 11:05 AM with the Board, Sheriff Wade and Lt. Dunham present to discuss the matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution.. Motion was seconded by Commissioner Cordray.*

ROLL CALL VOTE - Commissioner Bever - Yes

Commissioner McManus – Yes

Commissioner Cordray- Yes

Returned to session at 11:05 AM stating not decisions made and no action to be taken.

OTHER COUNTY BUSINESS:

1. Lease agreement for the property at 2371 Valley High Place, Independence –

ACTION: *A motion was made by Commissioner Cordray to authorize the Chairman to sign on behalf of Montgomery County a lease for the property at 2371 Valley High Place, Independence. Motion was seconded by Commissioner McManus.*

ROLL CALL VOTE - Commissioner Bever - Yes

Commissioner McManus – Yes

Commissioner Cordray- Yes

RES. NO. 23-160

2. Letter of support for application for grant for additional childcare facilities for Independence City.

ACTION: *A motion was made by Commissioner McManus to approve a letter of support to the City of Independence in support of the application for a grant for additional childcare facilities. Motion was seconded by Commissioner Cordray.*

ROLL CALL VOTE - Commissioner Bever - Yes

Commissioner McManus – Yes

Commissioner Cordray- Yes

RES. NO. 23-161

ADJOURNMENT: 11:17 AM

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

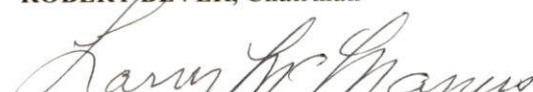
ROLL CALL VOTE - Commissioner Bever - Yes

Commissioner McManus – Yes

Commissioner Cordray- Yes

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


ROBERT BEVER, Chairman


LARRY McMANUS, Member


MIKE CORDRAY, Member

ATTEST:


Misty Wilson Deputy
County Clerk



RESOLUTION NO. 23-151

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner Bever to approve and award the bid to Weis Fire & Safety Equipment, Salina, KS in the amount of \$15,880.00 to Weis Fire & Safety Equipment, Salina, KS for a Skid Unit for the MCRF#1 Cherryvale Fire Station. Debit Special Equipment Fund.*

Motion was seconded by Commissioner McManus.

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

Robert E. Bever

Robert Bever, Chairman

Larry McManus

Larry McManus, Member

Mike Cordray

Mike Cordray, Member

ATTEST:

Misty Wilson, Deputy

Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-152

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner Bever to accept and approve the former position as Sanitarian to change to Technician for the Environmental Health/Zoning position and no longer have the Sanitarian position.*

Motion was seconded by Commissioner Cordray.

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

Robert E Bever

Robert Bever, Chairman

Larry McManus

Larry McManus, Member

Mike Cordray

Mike Cordray, Member

ATTEST:

Misty Wilson, Deputy

Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-153

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner Bever not to exceed the Revenue Neutral Rate set by the State of Kansas at 44.268 Mills for Montgomery County 2024 Budget.*

Motion was seconded by Commissioner Cordray.

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


Robert Bever, Chairman


Larry McManus, Member


Mike Cordray, Member

ATTEST:


Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-154

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner Bever the Montgomery County Board of County Commissioners shall levy a property tax rate exceeding the Revenue Neutral Rate of 2.999 mills for Montgomery County Rural Fire District No. 1. 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.*

Motion was seconded by Commissioner Cordray.

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


Robert Bever, Chairman


Larry McManus, Member


Mike Cordray, Member

ATTEST:


Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-155

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: A motion was made by Commissioner McManus to approve and adopt the budget for Montgomery County Rural Fire District with a mill levy of 2.999.

Motion was seconded by Commissioner Cordray.

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

Robert E. Bever

Robert Bever, Chairman

Larry McManus

Larry McManus, Member

Mike Cordray

Mike Cordray, Member

ATTEST:

Misty Wilson, Deputy

Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-156

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner McManus to approve and adopt the 2024 Budget with the mill levy rate for the 2024 budget of 44.267, not exceeding the Revenue Neutral Rate set by the State of Kansas.*

Motion was seconded by Commissioner Cordray.

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

Robert E. Bever

Robert Bever, Chairman

Larry McManus

Larry McManus, Member

Mike Cordray

Mike Cordray, Member

ATTEST:

Musty Wilson Deputy
Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-157

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner McManus to authorize the Chairman to sign on behalf of Montgomery County a Change Order for the addition of second handrail on steps to meet ADA Standards in the amount of \$2,350.00, contractor is Koehn Construction Services, LLC.*

Motion was seconded by Commissioner Cordray.

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



Robert Bever, Chairman



Larry McManus, Member



Mike Cordray, Member

ATTEST:



Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-158

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner Bever to approve the request for the Register of Deeds Office and allow a temporary employee as needed up to four (4) days a month at \$21.60 per hour and total funds approved \$8,313.60 to be paid from the Register of Deeds Budget.*

Motion was seconded by Commissioner McManus.

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



Robert Bever, Chairman

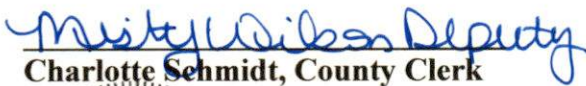


Larry McManus, Member



Mike Cordray, Member

ATTEST:



Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-159

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

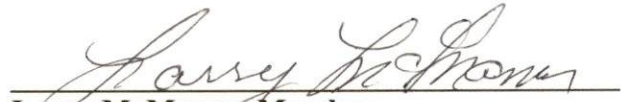
WHEREAS: *A motion was made by Commissioner Bever to approve the renewal of the County's anti-virus System in the amount of \$1,320.00. Debit County General Operating.*

Motion was seconded by Commissioner McManus.

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



Robert Bever, Chairman



Larry McManus, Member



Mike Cordray, Member

ATTEST:


Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-160

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner Cordray to authorize the Chairman to sign on behalf of Montgomery County a lease for the property at 2371 Valley High Place, Independence.*

Motion was seconded by Commissioner McManus.

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

Robert E. Bever

Robert Bever, Chairman

Larry McManus

Larry McManus, Member

Mike Cordray

Mike Cordray, Member

ATTEST:

Misty Wilson Deputy

Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-161

DATED at Independence, Montgomery County, Kansas this 18th day of September, 2023

WHEREAS: *A motion was made by Commissioner McManus to approve a letter of support to the City of Independence in support of the application for a grant for additional childcare facilities.*

Motion was seconded by Commissioner Cordray.

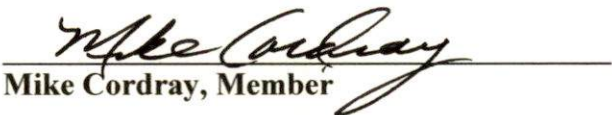
ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Yes
Commissioner Cordray - Yes



Robert Bever, Chairman



Larry McManus, Member



Mike Cordray, Member

ATTEST:


Charlotte Schmidt, County Clerk



RESOLUTION NO. 23-162

DATED at Independence, Montgomery County, Kansas this 25th day of September, 2023

WHEREAS: *A motion was made by _____ to authorize the Chairman of the Board to sign on behalf of Montgomery County Sheriff's Office and the Turn Key Health Clinics, LLC Contract for Medical Staffing and Amendment No. 9 to the contract for the Turn Key Health Clinics, LLC. Motion was seconded by Commissioner _____.*

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



Robert Bever, Chairman



Larry McManus, Member



Mike Cordray, Member

ATTEST:



Charlotte Schmidt, County Clerk

