

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

October 3, 2016

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

**CALL TO ORDER:** Commissioner Brown.

**INVOCATION:** Commissioner Brown.

**PLEDGE OF ALLEGIANCE:** Commissioner McManus.

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**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 Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner McManus to approve invoices in the amount of \$844,813.26 and \$8,722.56 as presented by the County Clerk's office. The motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner McManus to approve the minutes of September 26, 2016 as presented by the County Clerk. The motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent*

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**IN-HOUSE AUDITOR – LAVERN STRECKER – TRAVEL EXPENSES:**

A letter was presented to the Board by Mr. Lavern Strecker, In-House Auditor for Montgomery County. The letter asked for clarification of Resolution 16-70 regarding travel expenses. The resolutions allows a per-diem based on the government rate for employees traveling for the county.

Mr. Strecker stated that when auditing the expense reports it is impossible to know to what extent the deductions from the per-diem would apply, such as actual meal costs that are allowable but only if not provided through the lodging or conference meetings. He recommended that the \$54.00 per day be the maximum and that the employee would only recover their actual incurred costs and will require receipts for all expenditures paid by the county. The following action was taken:

**ACTION:** *A motion was made by Commissioner McManus to revise Montgomery County Resolution 16-70 to read "Employee reimbursements for meals and expenses will be \$54.00 per day maximum and that the employee would only recover their actual incurred costs and will require receipts for all expenditures paid by the county. This eliminates the Per-Diem". Motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent*

*RES. NO. 16-132*

**COUNTY ATTORNEY – EXECUTIVE SESSION (NON-ELECTED PERSONNEL):**

**ACTION:** A motion was made by Commissioner McManus to recess to Executive Session at 9:20 AM to return at 9:35 AM to discuss non-elected personnel with the Board (Commissioner Brown and Commissioner McManus) and County Attorney Larry Markle present. Motion was seconded by Commissioner Brown.

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent*

Returned to session at 9:35 AM stating no decisions made and no action to be taken.

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**PUBLIC WORKS:**

Public Works Coordinator Robert Bever and Assistant Coordinator Jim Wright met with the Board and presented the weekly written report. The following items were discussed:

1. Four new dump trucks will be delivered October 3, 2016 –
2. Discussed LeHunt Cemetery concerning the lock and the cost of non-duplicated keys. This will be discussed when Commissioner York is present.
3. Provided a copy of a Summary Judgement regarding Sewer District #2- a copy is on file in District Court.

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**OTHER COUNTY BUSINESS:**

1. Settlement Agreement between Montgomery County and Tessengerlo Kerley – The following action was taken:

**ACTION:** A motion was made by Commissioner Brown to authorize the Chairman to execute a settlement agreement by and between Montgomery County and Tessengerly Kerley, Inc., for the settlement of the 2010, 2011 and 2012 property tax appeals. Motion was seconded by Commissioner McManus.

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent*

*RES. NO. 16-133*

2. Settlement Agreement between Montgomery County and Linde LLC – The following action was taken:

**ACTION:** A motion was made by Commissioner McManus to authorize the Chairman to execute a settlement agreement by and between Montgomery County and Linde LLC for the settlement of the 2010, 2011 and 2012 property tax appeals. Motion was seconded by Commissioner Brown.

*ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent*

*RES. NO. 16-134*

3. Discussion on Cherryvale Neighborhood Rvitalization Inter-Local Agreement was tabled until October 17, 2016 –
4. City of Tyro EMS Services – A letter was received from the Council Board of the City of Tyro requesting a change in the city of Tyro’s EMS service. Currently the city is divided at East St. (CR 2700). Everything to the east of East St. is serviced by Coffeyville and everything west of East St. is serviced by Caney EMS. They are requesting to have the Coffeyville EMS service line be moved to halfway between CR 2500 and CR 2300. With this change, EMS service to the whole city of Tyro will be provided by Coffeyville EMS.

Commissioner McManus has spoken to a representative of Tyro City and also to the Coffeyville EMS and they are in agreement. The following action was taken:

TYRO CITY EMS SERVICE AREA CHANGE REQUEST (Continued):

**ACTION:** A motion was made by Commissioner McManus to extend EMS services provided by Coffeyville Regional Medical Center to halfway between CR 2500 and CR 2300 for the City of Tyro as requested. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent

RES. NO. 16-135

5. Labette Health Economic Development Payment –

**ACTION:** A motion was made by Commissioner McManus to authorize an economic development payment to Labette Health, for the purpose of assisting with the construction of the Independence Healthcare Facility to be located on Peter Pan Road, subject to the terms to be set forth in a memorandum of agreement to be executed by the County and Labette Health, to include the following: (1) That Labette Health create at least 26 full-time positions and 11 part-time positions by December 31, 2017; (2) That at least 50% of these positions be filled by residents of Montgomery County, to include the clinics established in Independence in June of 2015; (3) That Labette Health provide supporting payroll information to validate compliance with this agreement by January 31, 2018, January 31, 2019, and January 31, 2020; and (4) That in the event that Labette Health fails to meet either the total number of full and part-time positions created, or the 50% residency requirement, then Labette Health shall refund \$3,423.08 per full-time position and \$1,000 per part-time position to the County. The payment in the amount of \$100,000.00 will be debited from Montgomery County General Operating Fund.

Motion was seconded by Commissioner Brown.

ROLL CALL VOTE – Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York - Absent

RES. NO. 16-135

6. Community Corrections Quarterly Year End Outcome Report –

**ACTION:** A motion was made by Commissioner McManus to authorize the Chairman to sign the Community Corrections Quarterly Year End Outcome Report as approved. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent

**ADJOURNMENT: 10:15 AM**

**ACTION:** Motion by Commissioner McManus, seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes  
Commissioner McManus – Yes  
Commissioner York- Absent

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

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**FRED BROWN, Chairman**

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**LARRY McMANUS, Member**

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**RYAN YORK, Member**

**ATTEST:**

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County Clerk