

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

January 9, 2017

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

CALL TO ORDER: Commissioner Brown.

INVOCATION: Reverend Melvin Simpson, The 1st Church of God in Trust, Coffeyville

PLEDGE OF ALLEGIANCE: Commissioner McManus.

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

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner McManus to approve invoices in the amount of \$385,392.67, \$142,742.94 and \$19,521.23 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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner McManus to approve the minutes of December 19, 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

MONTGOMERY COUNTY ACTION COUNCIL – EXECUTIVE SESSION – FINANCIAL MATTERS/TRADE SECRETS:

Mr. Tom Simpson, Interim MCAC Director and Trish Purdunn, Assistant City Manager, met with the Board to request an Executive Session. The following action was taken:

ACTION: *A motion was made by Commissioner Brown to recess to Executive Session at 9:05 AM to return at 9:15 AM with the Board of County Commissioners, Mr. Tom Simpson, Interim MCAC Director and Ms. Trish Purdunn, Assistant City Manager, present to discuss relating to Financial Matters and Trade Secrets. Motion was seconded by Commissioner McManus.*

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Absent

Returned to session at 9:10 AM stating no decisions made and no action to be taken.

PUBLIC WORKS:

Public Works Assistant Coordinator Jim Wright met with the Board to present the weekly written report. The following items were discussed:

1. Approved Cook Flatt and Stroble to provide plans for the shop parking lot at Myrtle and Wald.
2. Approved having Cook Flatt and Stroble look at the turn lane on South 10th Street.
3. 2016 Year End Report –
4. Executive Session –

ACTION: A motion was made by Commissioner McManus to recess to Executive Session at 9:40 AM to return at 9:45 AM with Board and Jim Wright present to discuss non-elected personnel. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Absent

Returned to session at 9:45 AM stating no decisions made and no action to be taken.

5. Special Bridge – Bids for Engineering Inspections on two (2) bridge projects – Bridge 1134B and Bridge 1183.

	<u>Bridge 1134B</u>	<u>Bridge 1183</u>
Elite Engineering Services (E.E.S.)	\$30,500.00	\$30,500.00
Cook, Flatt and Strobel (CFS)	\$24,000.00	\$24,000.00

ACTION: A motion was made by Commissioner McManus to awarded the bid for engineering bridge inspections to Cook, Flatt and Stroble at a total cost of \$48,000.00. Debit Special Bridge Fund. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Absent

RES. NO. 17-01

6. Building Maintenance – Requested renewing the pest control services contract with CPR, Independence in the amount of \$2,050.00. The following action was taken:

ACTION: A motion was made by Commissioner McManus to approve the renewal of the pest control services for the county buildings with CPR, Independence in the amount of \$2,050.00. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York – Absent

RES. NO. 17-02

REORGANIZATION:

The County Clerk was sworn in by the Chairman of the Board.

Swearing in of all elected officials except the County Treasurer and Judge was by the County Clerk. The County Treasurer will be sworn in October, 2017 and the Judges are sworn in by the Administrative Judge.

Election of Chairman of the Board –

ACTION: A motion was made by Commissioner McManus to nominate Commissioner Fred Brown to serve as Chairman of the Board of County Commissioners. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Absent

RES. NO. 17-03

Appointment of County Newspaper for 2017:

ACTION: A motion was made by Commissioner McManus to appoint the County Chronicle Newspaper as the Official County Newspaper for 2017. Motion was seconded by Commissioner Brown.

ROLL CALL VOTE - Commissioner Brown - Yes

Commissioner McManus – Yes

Commissioner York - Absent

RES. NO. 17-04

REORGANIZATION (Continued):

Holiday Schedule:

ACTION: A motion was made by Commissioner McManus, that the following holidays be adopted for 2017. Motion was seconded by Commissioner Brown.

Martin Luther King’s Birthday	(Monday)	January 16, 2017
President’s Day	(Monday)	February 20, 2017
Good Friday	(Friday)	April 14, 2017
Memorial Day	(Monday)	May 29, 2017
Independence Day	(Tuesday)	July 4, 2017
Labor Day	(Monday)	September 4, 2017
Columbus Day	(Monday)	October 9, 2017
Veteran’s Day	(Observed on Friday)	November 10, 2017
Thanksgiving Day	(Thursday)	November 23, 2017
Day after Thanksgiving	(Friday)	November 24, 2017
Christmas Day	(Monday)	December 25, 2017
Day after Christmas	(Tuesday)	December 26, 2017
New Years Day	(Monday)	January 1, 2018

*The County offices will close at noon on December 29, 2017 for auditing case purposes.

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

RES. NO. 17-05

GAAP Waiver:

ACTION:

WHEREAS: *Montgomery County, Kansas, has determined that the financial statements and financial reports for the year ended 2017 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Board of County Commissioners or the members of the general public of Montgomery County and*

WHEREAS: *There are no revenue bond ordinances or resolutions or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ended 2017.*

NOW, THEREFORE BE IT RESOLVED: *A motion was made by Commissioner McManus to approve the waiver of GAAP (Governmental Accounting Procedures) for Montgomery County for the year 2017. Motion was seconded by Commissioner Brown.*

BE IT FURTHER RESOLVED: *that the Board of County Commissioners shall cause the financial statements and financial reports of Montgomery County to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.*

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

RES. NO. 17-06

Invocation Schedule:

ACTION: A motion was made by Commissioner McManus to approve the Invocation Schedule for 2017. Motion was seconded by Commissioner Brown.

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

RES. NO. 17-07

REORGANIZATION (Continued):

Appointment of County Counselor, County Coroner and County In-House Auditor:

ACTION: A motion was made by Commissioner McManus to appoint Dr. James L. Christensen as Montgomery County Coroner, Attorney Paul Kritz as Montgomery County Counselor and Mr. Lavern Strecker as Montgomery County In-House Auditor. Motion was seconded by Commissioner Brown.

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

RES. NO. 17-08

Appointments to the following committees or boards:

SEK Regional Planning Board	Commissioner McManus
Montgomery County Solid Waste Committee	Commissioner York
Representative to Juvenile Detention Board In Girard, KS	Commissioner McManus
LEPC Board	Commissioner Brown
RCND Board	Commissioner York
Council on Aging Advisory Board	Commissioner McManus
Montgomery County Economic Development Committee	All three Commissioners

Appointment of Department Supervisors was tabled until all three (3) Commissioners are present.

SHERIFF – IT UPGRADE:

Sheriff Robert Dierks, Administrative Assistant Liz Schwatken and Patrol Lt. Nick Wood met with the Board to request approval for an IT Upgrade, software and support from Huber and Associates, Inc. The total cost will be estimated at \$16,000.00 to be paid as follows: \$3,000 – DOC Capital Outlay; \$3,000 – Sheriff's Dept. Capital Outlay; the balance from Concealed Carry Funds, Registered Offender Funds and VIN Funds. The following action was taken:

ACTION: A motion was made by Commissioner McManus to approve the IT Upgrade by Huber and Associates, Inc. for the Montgomery County Sheriff's Department in the approximate amount of \$16,000.00 to be paid from the following funds: Capital Outlay - \$6,000.00, and \$10,000.00 from Concealed Carry, Registered Offender and VIN Funds. Motion was seconded by Commissioner Brown.

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

RES. NO. 17-09

The Sheriff's Department requested approval to sell a 2004 Ford Explorer not being used by the department to the City of Caney in the amount of \$2,000.00. The Board approved the request.

COUNTY APPRAISER – VALUE DISCUSSION ON AGRICULTURAL LAND:

County Appraiser Angela Wright and Deputy Appraiser Adam Wilson met with the Board to discuss the values and the process for valuing agricultural land in Montgomery County. They provided information on how the land is valued by the State of Kansas.

Ms. Wright also presented two (2) employee status changes for approval from the Board.

SOUTH KANSAS & OKLAHOMA RAILROAD – PROBLEMS ON CR 5100 NORTH OF COFFEYVILLE:

Mr. Jimmy Patterson, General Manager of the South Kansas and Oklahoma Railroad and Mr. Marco Ibarra, Director of Signals, Mr. Jim Villamaria, Executive VP of General Counsel and Mr. Cuet Featherby, signal Supervisor of CDL Electric, met with the Board to discuss the accidents occurring on CR 5100 North of Coffeyville. They presented a list of the accidents, what was damaged and cost of the damages on several accidents at this crossing.

Assistant Public Works Coordinator Jim Wright was consulted on installing “rumble strips” and stop signs. No decisions were made at this time but Mr. Wright will check into the items and circumstances that were discussed.

OTHER COUNTY BUSINESS:

1. County Neighborhood Revitalization tabled until three (3) county commissioners are present –
2. Indigent Contracts - An agreement to provide legal services between Attorney Gary House and the Board of County Commissioners was presented for approval by the Board. The following action was taken:

ACTION: *A motion was made by Commissioner McManus to approve the Agreement to Provide Legal Services between the Montgomery County Board of County Commissioners and Attorney Gary House for the period January 10, 2017 through December 31, 2017 with a monthly fee of \$2,600.00 to be paid except as otherwise provided in the contract. Motion was seconded by Commissioner Brown.*

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

RES. NO. 17-10

3. An agreement to provide legal services between Attorney Daniel M. Reynolds and the Board of County Commissioners was presented for approval by the Board. The following action was taken:

ACTION: *A motion was made by Commissioner McManus to approve the Agreement to Provide Legal Services between the Montgomery County Board of County Commissioners and Attorney Daniel M. Reynolds for the period January 10, 2017 through December 31, 2017 with a monthly fee of \$2,000.00 to be paid except as otherwise provided in the contract. Motion was seconded by Commissioner Brown.*

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

RES. NO. 17-11

4. A Mutual Rescission of Agreement between Montgomery County Board of County Commissioners and Attorney Jeffrey W. Gettler –
5. An agreement to provide legal services between Attorney Gary House and the Board of County Commissioners was presented for approval by the Board. The following action was taken:

ACTION: *A motion was made by Commissioner McManus to approve the Mutual Rescission of Agreement between the Montgomery County Board of County Commissioners and Attorney Jeffrey W. Gettler and agree the Agreement is hereby rescinded as of January 9, 2017, and neither party shall have any further obligation thereunder, except as to those provisions, if any, that survive termination of the Agreement. Motion was seconded by Commissioner Brown.*

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

RES. NO. 17-12

OTHER COUNTY BUSINESS (Continued):

6. A Proclamation of a State of Local Disaster Emergency for Montgomery County was made by the Chairman of the Board of Montgomery County Commissioners on December 24th, 2016 and expired December 31st, 2016.

7. Executive Session by the Board – Non-elected personnel –

ACTION: *A motion was made by Commissioner Brown to recess to Executive Session at 11:00 AM to return at 11:10 AM with the Board present to discuss non-elected personnel. Motion was seconded by Commissioner McManus.*

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

Returned to session at 11:10 AM stating no decisions made and no action to be taken.

8. Employee status changes were presented to the Board and approved as presented.

9. Executive Session – Emergency Preparedness – Non-Elected Personnel –

ACTION: *A motion was made by Commissioner McManus to recess to Executive Session at 11:11 AM to return at 11:21 AM with the Board and Emergency Preparedness Director present. Motion was seconded by Commissioner Brown.*

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

Returned to session at 11:21 AM stating no decision made and no action to be taken.

ADJOURNMENT: 12:22 PM

ACTION: *Motion by Commissioner York seconded by Commissioner McManus.*

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

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

FRED BROWN, Chairman

LARRY McMANUS, Member

RYAN YORK, Member

ATTEST:

County Clerk