

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

May 28, 2024

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

CALL TO ORDER: Commissioner Cordray

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 Bever to approve the agenda as presented. The motion was seconded by Commissioner McManus.*

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

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner McManus to approve invoices in the amount of \$ 193,706.14 (End of Month) and \$107,840.29 (Prepays) as presented by the County Clerk's Office. Motion was seconded by Commissioner Bever.*

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

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Bever to approve the minutes of May 20, 2024 and March 25, 2024 as presented by the County Clerk. The motion was seconded by Commissioner McManus..*

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

CORRESPONDENCE:

1. Letter from Cherryvale City Administrator Jonathan Booe – Tourism Tax.
2. Letter from Montgomery County Appraiser requesting approval to destroy old documents no longer required to be retained.

IT DEPARTMENT – JASON CLUBINE – LEASE AGREEMENT – POSTAGE MACHINE:

Computer Department Director Jason Clubine met with the Board to present a lease agreement between Montgomery County and 360 Document Solutions, LLC, Wichita, Kansas for leasing a postage machine for the County offices. The lease is for 63 months for a total of \$29,795.85. The extra charge will be \$599.88 for supplies. The following action was taken:

ACTION: *A motion was made by Commissioner Bever to approve the lease, upon the review and recommendation by the County Counselor, for the lease between Montgomery County and 360 Document Solutions, LLC, Wichita, KS for 63 months. The lease for 63 months is a total cost of \$29,795.85. The extra charge for supplies will be \$599.88. Motion was seconded by Commissioner McManus.*

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

RES. NO. 24-073

HUMAN RESOURCES DIRECTOR:

Human Resources Director Ben Brubaker presented a recommendation to the Board for approval to appoint Ashley Hand as the interim HR Director until completion of her SHRUM or HRCI HR Certification. The following action was taken.

ACTION: *A motion was made by Commissioner Bever to appoint Ashley Hand to HR Manager at employment grade 34 effective June 1, 2024 to act as the interim HR Director until completion of her SHRUM or HRCI HR certification which is to be completed within one (1) year from June 1, 2024. Upon completion of said HR certification Ashley will automatically upgrade to employment grade 35 and be appointed as HR Director. Motion was seconded by Commissioner McManus.*

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

RES. NO. 24-074

COUNTY HEALTH & SEK-CAP TRANSPORTATION:

County Health Director Brandi Kirk and SEK-CAP Scott Christiansen Director of Transportation Services met with the Board on the General Public Transportation in Southeast Kansas. Montgomery County Council Aging Chairman Henry Schmidt will contact Mr. Christiansen to discuss participating in a 5 day per week service for transportation by SEK-CAP. The service will be \$5,000 for services from July 1, 2024 to June 30, 2025.

**MONTGOMERY COUNTY ACTION COUNCIL – EXECUTIVE SESSION – KSA 75-4319 (b4)
DATA RELATING TO FINANCIAL AFFAIRS OR TRADE SECRETS:**

ACTION: *A motion was made by Commissioner Cordray to recess to Executive Session at 9:30 AM to return at 9:50 AM with the Board and Melissa John, MCAC Director present to discuss "Data relating to financial affairs or trade secrets" KSA 75-4319 (b4). Motion was seconded Commissioner McManus.*

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

Returned to session at 9:46 AM stating no decisions made and no action to be taken.

The Board discussed the MCEDA Board and funds for the Rural Opportunity Zone. The County is to have a representative on this Board. The following action was taken:

ACTION: *A motion was made by Commissioner Bever to appoint Jim Kelly to be the County's Representative to the MCEDA Board. Motion was seconded by Commissioner Cordray.*

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

RES. NO. 24-075

COUNTY TREASURER NANCY CLUBINE – MOTOR VEHICLE FUND:

County Treasurer Nancy Clubine met with the Board to present a report on the balance of the 2023 Motor Vehicle Fund. The balance of the fund is \$138,530.25 and this amount will be deposited in the Montgomery County General Fund. The Treasurer requested the deposit to be made into the General Fund then be returned to the Motor Vehicle by check to cover sales tax. She also stated the fund will probably be short again this year. The Board approved her request for the funds to be transferred back to Motor Vehicle Fund.

EXECUTIVE SESSION – KSA 75-4319 (b1):

ACTION: *A motion was made by Commissioner Cordray to recess to Executive Session at 10:15 AM to return at 11:15 AM with the Board and HR Director Ben Brubaker present to conduct an interview for a non-elected position KSA 75-4319 (b1). Motion was seconded by Commissioner McManus.*

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

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

EXECUTIVE SESSION – NON-ELECTED PERSONNEL – KSA 75-4319 (b1):

ACTION: *A motion was made by Commissioner Cordray to recess to Executive Session at 11:15 AM to return at 11:45 AM with the Board, HR Director Ben Brubaker and Ashley Hand present to discuss non-elected personnel KSA 75-4319 (b1). Motion was seconded by Commissioner McManus.*

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

Returned to session at 11:45 AM. No decisions made and no action to be taken.

The Chairman requested HR Director Ben Brubaker to offer the position of Montgomery County Administrator position to one of the applicants for their acceptance or denial for the position.

**Recessed from 11:45 AM
Returned at 11:55 AM**

PUBLIC WORKS:

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

1. Chemical Bids –	<u>Total Cost</u>
Sims Fertilizer, Osborn, KS	\$38,972.80
Van Diest Supply, Iola, KS	\$35,898.16
Central Plains Agronomy, Concordia, KS	\$40,739.24
Nutrien Solutions, Concordia, KS	\$36,270.48

ACTION: *A motion was made by Commissioner Bever to accept and approve the bid for chemicals for the Noxious Weed Department to Van Diest Supply, Iola, KS in the amount of \$35,898.16. Debit Noxious Weed Department. Motion was seconded by Commissioner McManus.*

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

RES. NO. 24-076

2. A letter was presented by Mr. Wright from the Kansas Department of Transportation on the application Montgomery County submitted for the Federal Fiscal Year (FFY) 2026 High Risk Rural Roads (HRRR) program advising Montgomery County was not selected for “this round eligibility”.

OTHER COUNTY BUSINESS:

1. Letter to the Board from the Cherryvale City Administrator on the transient guest tax being received by the City of Cherryvale and has been requested to have the funds go the Cherryvale Chamber of Commerce. The City of Cherryvale agrees the funds should now go to the Cherryvale Chamber of Commerce. The following action was taken:

ACTION: *A motion was made by Commissioner Cordray to amend Montgomery County Resolution No. 20-162 to change the 5 percent of the Tourism Tax for Lodging that is distributed to the City of Cherryvale to be distributed to Cherryvale Chamber of Commerce. Motion was seconded by Commissioner Bever.*

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

RES. NO. 24-077

2. American Rescue Funds to Montgomery County Sheriff's Department –

ACTION: *A motion was made by Commissioner Cordray to approve the request for supplies for the Montgomery County Sheriff's Department from the American Rescue Plan funds in the amount of \$17,734.46. Motion was seconded by Commissioner Bever.*

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

RES. NO. 24-078

3. **ACTION:** *A motion was made by Commissioner Cordray to approve the request for the remainder of Administration funds, County General Operating Fund, from the American Rescue Plan in the amount of \$14,000.00. Motion was seconded by Commissioner Bever.*

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

RES. NO. 24-079

4. Financial Officer discussed budget sessions and set Public Works, Sheriff's Department and Department of Corrections for the June 3rd meeting.

ADJOURNMENT: 12:45 PM

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

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

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


MIKE CORDRAY, Chairman


LARRY McMANUS, Member


ROBERT BEVER, Member



ATTEST:


County Clerk

RESOLUTION NO. 24-073

DATED at Independence, Montgomery County, Kansas this 28th day of May, 2024.

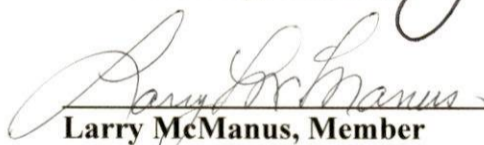
WHEREAS: *A motion was made by Commissioner Bever to approve the lease, upon the review and recommendation by the County Counselor, for the lease between Montgomery County and 360 Document Solutions, LLC, Wichita, KS for 63 months. The lease for 63 months is a total cost of \$29,795.85. The extra charge for supplies will be \$599.88.*

Motion was seconded by Commissioner McManus.

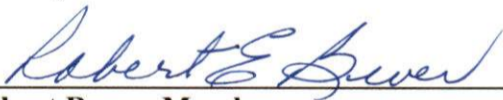
*ROLL CALL VOTE – Commissioner Bever – Yes
Commissioner McManus – Yes
Commissioner Cordray- Yes*



Mike Cordray, Chairman



Larry McManus, Member



Robert Bever, Member



ATTEST:



Charlotte Schmidt, County Clerk

RESOLUTION NO. 24-074

DATED at Independence, Montgomery County, Kansas this 28th day of May, 2024.

WHEREAS: *A motion was made by Commissioner Bever to appoint Ashley Hand to HR Manager at employment grade 34 effective June 1, 2024 to act as the interim HR Director until completion of her SHRUM or HRCI HR certification which is to be completed within one (1) year from June 1, 2024. Upon completion of said HR certification Ashley will automatically upgrade to employment grade 35 and be appointed as HR Director.*

Motion was seconded by Commissioner McManus.

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



Mike Cordray

Mike Cordray, Chairman

Larry McManus

Larry McManus, Member

Robert E. Bever

Robert Bever, Member

ATTEST:

Charlotte Schmidt

Charlotte Schmidt, County Clerk

RESOLUTION NO. 24-075

DATED at Independence, Montgomery County, Kansas this 28th day of May, 2024.

WHEREAS: *A motion was made by Commissioner Bever to appoint Jim Kelly to be the County's Representative to the MCEDA Board.*

Motion was seconded by Commissioner Cordray.


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



Mike Cordray, Chairman



Larry McManus, Member



Robert Bever, Member



ATTEST:



Charlotte Schmidt, County Clerk

RESOLUTION NO. 24-076

DATED at Independence, Montgomery County, Kansas this 28th day of May, 2024.

WHEREAS: *A motion was made by Commissioner Bever to accept and approve the bid for chemicals for the Noxious Weed Department to Van Diest Supply, Iola, KS in the amount of \$35,898.16. Debit Noxious Weed Department.*

Motion was seconded by Commissioner McManus.

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


Mike Cordray, Chairman


Larry McManus, Member


Robert Bever, Member



ATTEST:


Charlotte Schmidt, County Clerk

RESOLUTION NO. 24-077

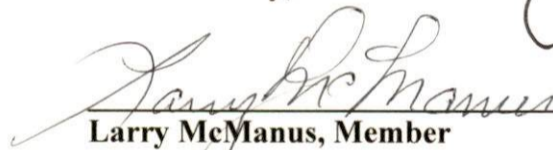
DATED at Independence, Montgomery County, Kansas this ^{28th} ~~6th~~ day of May, 2024.

WHEREAS: A motion was made by Commissioner Cordray to amend Montgomery County Resolution No. 20-162 to change the 5% percent of the Tourism Tax for Lodging that is distributed to the City of Cherryvale to be distributed to Cherryvale Chamber of Commerce.

Motion was seconded by Commissioner Bever.

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


Mike Cordray, Chairman


Larry McManus, Member


Robert Bever, Member



ATTEST:


Charlotte Schmidt, County Clerk

City of Cherryvale
123 W. Main
Cherryvale, KS 67335
620-336-2776




To The Board of County Commissioners,

I am writing this letter to help you better understand the use of the transient guest tax that the City of Cherryvale receives from Montgomery County. In 2021 Montgomery County Commissioners passed a resolution that split the disbursement of the transient guest tax up giving Cherryvale 5% of all tax dollars that came in. The reason the City of Cherryvale received those funds was due in part to the fact that the commissioners did not feel comfortable sending those tax dollars to the Cherryvale Chamber of Commerce. The reason they did not feel comfortable with that is because the Cherryvale Chamber lost their 501c3 status. Because of this they would be giving tax dollars to an organization that was not able to handle tax dollars properly. Therefore because of this, they sent the funds to the City of Cherryvale to manage and release to the Cherryvale Chamber as they saw fit.

The City of Cherryvale would receive the payments in from Montgomery County and would pay out, according to the Montgomery County Commissioners, anything that was tourism related. Because of this stipulation the Cherryvale Chamber would send the City of Cherryvale receipts for items they had spent on tourism, such as Cherry Blossom Festival, tourism brochures, museum donations, etc., and the City of Cherryvale would send them a check for the amount requested. The City of Cherryvale has always budgeted this money and paid out the money based on what is requested. The City has never given a large sum of money to the Chamber because they haven't held a 501c3.

As recent as the end of 2023 to the beginning of 2024, the Cherryvale Chamber of Commerce officially got their 501c3 designation back. Because of this, they now have the capabilities of handling the transient guest tax moving forward, as long as they maintain their status. This would enable the City of Cherryvale to relinquish control of those funds and allow the Chamber to spend them how they see fit, without using the City as a "Middle Man" when they need funds. This would open up a source of funding they have never had access to in the past and allow them to operate as a legitimate organization here in Cherryvale. If you have any further questions as to this process, the funds themselves, or in general, please do not hesitate to call and ask.

Sincerely,


Jonathan Booe
City Administrator

RESOLUTION NO. 24-078

DATED at Independence, Montgomery County, Kansas this 28th day of May, 2024.

WHEREAS: A motion was made by Commissioner Cordray to approve the withdrawal of \$17,734.46 from the American Rescue Plan for Montgomery County Sheriff's Department Supplies. Motion was seconded by Commissioner Bever.

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



Mike Cordray, Chairman



Larry McManus, Member



Robert Bever, Member



ATTEST:



Charlotte Schmidt, County Clerk

RESOLUTION NO. 24-072

DATED at Independence, Montgomery County, Kansas this 28th day of May, 2024.

WHEREAS: *A motion was made by Commissioner Cordray to approve the withdrawal of Administrative funds in the amount of \$14,000.00 from the American Rescue Plan for Montgomery County. Motion was seconded by Commissioner Bever.*

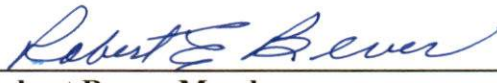
*ROLL CALL VOTE – Commissioner Bever – Yes
Commissioner McManus – Yes
Commissioner Cordray- Yes*



Mike Cordray, Chairman



Larry McManus, Member



Robert Bever, Member



ATTEST:



Charlotte Schmidt, County Clerk