

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

February 12, 2007

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

CALL TO ORDER: Commissioner Lewark-Wood.

INVOCATION: Commissioner Tucker.

PLEDGE OF ALLEGIANCE: Commissioner Lewark-Wood.

AGENDA APPROVAL:

ACTION: *A motion was made by Commissioner Fowler to approve the agenda as amended. The motion was seconded by Commissioner Tucker.*

*ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Fowler to approve the minutes of February 5, 2007 as presented by the County Clerk. The motion was seconded by Commissioner Tucker.*

*ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Fowler to approve invoices in the amount of \$185,171.02 as presented by the County Clerk's office. The motion was seconded by Commissioner Tucker.*

*ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes*

COUNTY TREASURER – QUARTERLY STATEMENT AND SUPPORT RESOLUTION FOR DRIVERS LICENSE RENEWALS:

Nancy Clubine, County Treasurer, presented the quarterly statements for the County Treasurer's office. She also presented a request for a resolution in support of urging the Federal and State Governments to retain Drivers' License Renewals at the local level in counties 10,000 and under in population. Although this does not affect Montgomery County, the County Treasurer's Association is asking the support of all counties. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to pass a resolution in support to urge the Federal and State Governments to retain Driver's License Renewals at the local level allowing the convenience and courtesy of these services in their home county and petition the Congress of the United States to ensure that this basic service to citizens can continue to be provided at the county level. Motion was seconded by Commissioner Lewark-Wood.*

*ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes*

RES. NO. 07-33

PUBLIC INPUT FROM MR. NEIL EDDS ON ADVISORY BALLOT:

Mr. Neil Edds, former president of Independence Community College, addressed the Board regarding the Advisory Ballot and especially the question on one community college for Montgomery County. Mr. Edds stated he did not understand why Past Presidents, the Dean of Instructors and others with experience from both colleges were not consulted but none were asked to come to the County Commission meeting to advise or discuss this issue.

He stated that (1) the question on the college is “ambiguous” (2) the county has no jurisdiction over the colleges (3) “what good would this advisory ballot do, it could cause problems between colleges and pit neighbor against neighbor” (4) does not feel the advisory ballot is in the best interest of Montgomery County (5) money would be much better spent on roads and bridges. He then discussed the condition of CR 2300’s ditches and bridge.

Commissioner Tucker replied this is the first mention the Board has had of CR 2300. There have been no complaints on that road from the residents. He advised Mr. Edds of the bridge inspections which are required and prioritizes the bridge work to be done. It was explained to Mr. Edds taxpayers have approached the members of the Board requesting questions to be put on the ballot. One taxpayer called Commissioner Tucker concerned about the “tax burden” that will be placed on future generations.

Commissioner Tucker feels this is an opportunity for people to “look at it and say if this is what they want”.

Commissioner Lewark-Wood said she supported the Advisory Election because of the jail question.

Commissioner Fowler stated if the Board had used these individuals expertise, the question would have been worded better on the ballot. He also said he hopes for a little better plan with a weekly report from the equipment operators on the road work and conditions.

Mr. Edds stated he understands there are many miles of roads and the county cannot take care of all these problems. He feels this is a good Commission and “will do the best for your constituents”.

EXECUTIVE SESSION – Non-Elected Personnel - Requested by Commissioner Lewark-Wood:

ACTION: *A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 9:53 AM to return at 10:13 AM to discuss non-elected personnel. Motion was seconded by Commissioner Tucker.*

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes

Commissioner Tucker - Yes

Commissioner Fowler – Yes

Returned to session at 10:13 AM with no action taken and no decisions made.

Discussion: Commissioner Lewark-Wood proposed Scott Barnhart be allowed the \$150.00 per month for duties of ADA Coordinator, Planning and Zoning Secretary and Board of Zoning Appeals Secretary effective with the February payroll. This amount was established by a previous resolution 95-84-1. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to increase the salary of the Planning/Zoning Director by \$150.00 per month effective with the February, 2007 payroll for the duties of ADA Coordinator, Planning and Zoning Board Secretary and the Board of Zoning Appeals Secretary. Motion was seconded by Commissioner Lewark-Wood.*

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes

Commissioner Tucker - Yes

Commissioner Fowler – Yes

RES. NO. 07-34

PUBLIC WORKS:

Robert Bever, Public Works Coordinator, presented the weekly written report.

Before beginning his report he presented the resignation of Terry Bohr effective March 2, 2007.

Mr. Bever discussed the following items in the weekly report: Installation of warning devices located at the railroad crossing and County Road 4325-3 as outlined by KDOT; Major Bridge Replacement Status (County Bridge No. 1001); Building Maintenance (reported on the fire alarm panel); and the Noxious Weed chemical bid opening. Bids are as follows:

Coffeyville Feed & Farm Supply, Coffeyville, KS	No Bid
Caney AGRI Service, Caney, KS	No Bid
Beachner Grain, Inc., Independence, KS	No Bid
SEK Grain, Inc., Independence, KS	\$35,620.00

ACTION: A motion was made by Commissioner Tucker to accept the bid from SEK Grain, Inc., Independence, KS in the amount of \$35,620.00 for 2,4D Amine 4#, 2,4D LV Ester 4#, Remedy, GlyStar Plus 4#, Tordon 22K, Fusion, Guardian, Surfactant 90% Nonionic, Outrider and Pasture Guard. Debit Noxious Weed Fund. Motion was seconded by Commissioner Fowler.

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

RES. NO. 07-35

SHERIFF – EXECUTIVE SESSION:

ACTION: A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 10:30 AM to return at 10:40 AM with Pat Alexander and Ron Wade, representing the Sheriff's Department, present to discuss non-elected personnel. Motion was seconded by Commissioner Fowler.

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

Returned to session at 10:40 AM with no action taken and no decisions made.

A status change was presented to the Board and the following action taken:

ACTION: A motion was made by Commissioner Fowler to approve the employee status change as presented by the Sheriff's Department. Motion was seconded by Commissioner Tucker.

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

A request was made by Pat Alexander for a shared leave from two (2) Deputies for 40 hours each to be given to an employee in the Treasurer's office.

ACTION: A motion was made by Commissioner Tucker to approve shared leave from the Sheriff's Department from two (2) employees to one (1) employee in the Treasurer's office for a total of 80 hours. Motion was seconded by Commissioner Lewark-Wood.

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

OTHER COUNTY BUSINESS:

1. **Shirley Knisley** visited with the Board and “joked” about the fact they should have sent the ice storm another direction and also discussed the cost of the storm to the county.
2. **County Clerk** advised the Board of a resignation in the Clerk’s office effective 2-16-07.
3. **Jim Miller**, Emergency Preparedness Director, presented written report.
4. **Capital Equipment – sale of equipment:** Jerry Boyd representing Capital Equipment met again with the Board on the sale of surplus equipment. Commissioner Tucker stated he will vote “no” at anytime the vote is taken. He is against the purchase of this “surplus equipment out of Tulsa”. The Emergency Preparedness Director and Sheriff will be consulted on the need for the equipment and a vote taken at the next regular meeting.
5. **Bank Charges to Townships and other County Government:** Ivan Pfalser, Caney Township Officer, sent a letter to the Board advising them of the charges imposed by the banks on the checking accounts for Townships and Cemetery Districts. A list will be compiled by the County Clerk from the year end reports, of any other charges made to other townships and cemetery districts and Commissioner Lewark-Wood will talk to the banking establishments imposing the charges.
6. **Jail Committee will meet with the Board at the evening meeting on March 1st with a recommendation for the expansion and remodeling project.**
7. **Executive Session – Non-Elected Personnel requested by Commissioner Tucker:**
ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 11:07 AM to discuss non-elected personnel with the Board present to return at 11:12 AM. Motion was seconded by Commissioner Lewark-Wood.*
ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

Returned to session at 11:12 AM with no action taken and no decisions made.

ADJOURNMENT: 11:14 AM

ACTION: *Motion by Commissioner Lewark-Wood, seconded by Commissioner Fowler.*
ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

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

BILLIE LEWARK-WOOD, Chairman

GENE TUCKER, Member

TONY FOWLER, Member

ATTEST:

County Clerk