

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

February 26, 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 Fowler.

PLEDGE OF ALLEGIANCE: Commissioner Tucker.

AGENDA APPROVAL:

ACTION: *A motion was made by Commissioner Lewark-Wood 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 Tucker to approve the minutes of February 12, 2007 as presented by the County Clerk. The motion was seconded by Commissioner Fowler.*

*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 \$13,485.96, \$215,823.16 and \$8,268.14 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*

MONTGOMERY COUNTY RURAL FIRE DISTRICT NO. 1 – PUMPS & RADIO FREQUENCIES:

Wilbur Schwatken, Montgomery County Rural Fire Coordinator, requested approval to receive bids for two (2) 18 hp. Pumps, one for Cherryvale and one to be used as a spare; three (3) repeaters from the DOJ Grant with licensing through a Frequency Coordinator at a cost of \$400.00 per frequency on the repeaters and \$200.00 per frequency for non repeaters, total cost to be \$2,200.00 which includes three (3) repeater frequencies and three (3) non repeater frequencies and licensing. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to give the Montgomery County Rural Fire Coordinator authority to pursue the licensing by a Frequency Coordinator through Dargneault Company, and to approve bids to be taken for two (2) 18 hp pumps and three (3) repeaters. Motion was seconded by Commissioner Lewark-Wood.*

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

MONTGOMERY COUNTY RURAL FIRE (Continued):

Mr. Schwatken advised the Board at the Fire District Board meeting a laptop computer had been approved for his use. The County Commissioners approved the purchase of a laptop and Ken Collins is working on finding a unit with the specifications required.

Board approved bunker gear to be purchased with remaining grant money in “common sizes” for the fire district.

GUN CLUB LEASE AGREEMENT:

ACTION: *A motion was made by Commissioner Fowler to authorize the Chairman to sign, on behalf of Montgomery County, the lease agreement between the gun club and Montgomery County for the use of the old landfill property. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-36

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 9:25 AM to return at 9:35 AM with Ken Collins present to discuss non-elected personnel. Motion was seconded by Commissioner Lewark-Wood.*

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

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

PLANNING & ZONING – PLANNING AND ZONING COMMISSION RECOMMENDATION:

Mr. Scott Barnhart, Planning & Zoning Administrator, presented the minutes of the February 8, 2007 meeting. At this meeting a request for vacating a portion of a platted right-of-way in Sunset Village Subdivision was presented. Opposition was expressed to the vacating of Leslie Road. A road viewing will be held by the Board of County Commissioners on March 19th.

The Board heard a request for rezoning upon a portion of the property commonly known as 3181 Cessna Blvd, Independence. Present were Terry Clark representing Cessna and Paul Sasse, Independence City Manager. The request is for rezoning of approximately two (2) acres of the current parcel of 36.7 acres from Commercial to Residential. Sedan Floral, Inc. requested the rezoning for placement of pre-manufactured housing for seasonal employees. The Planning and Zoning Commission voted unanimously to deny the request based upon their findings of facts as set forth in Article 9 of the local zoning regulations. Following the presentation of the findings, the following action was taken by the Board of County Commissioners:

ACTION: *A motion was made by Commissioner Tucker to accept the recommendation of the Planning and Zoning Commission and deny the request of Sedan Floral for rezoning of approximately 2 acres from Commercial to Residential based upon the Planning & Zoning Commission’s findings of facts as set forth in Article 9 of the local zoning regulations. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-37

PLANNING & ZONING (Continued):

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 9:45 AM and return at 9:55 AM to discuss non-elected personnel with Scott Barnhart present. Motion was seconded by Commissioner Lewark-Wood.*

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

Returned to session at 9:55 AM with no action taken and no decisions made.

PUBLIC WORKS:

Mr. Robert Bever, Pubic Works Coordinator, presented the weekly written report. The report was extensive on work being done and work to be done this year and future work.

Building Maintenance:

An item discussed and action taken was on the fire alarm system in the Judicial Building. The memory card is bad and Simplex is the only vendor with the capability of working on the system. The cost quote from K-Tech to replace the card and update system is \$25,775.00. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to authorize the Pubic Works Coordinator to proceed with the quote from K-Tech for the memory card and update to the fire alarm system in the Judicial Building at a cost of \$25,775.00 to be debited from the Judicial Surplus Fund. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-38

Sewer District No. 2:

Sewer District No. 2 has approximately \$10,000 in delinquent accounts. Requested permission to enter into a contract with the State of Kansas for the Set Off program which would give another alternative to collecting bad debts. The Board authorized Mr. Bever to pursue the agreement with the State of Kansas.

Noxious Weed Equipment:

Requested consideration be given to the following equipment purchase:

1 – 1 ton truck and chassis (for sprayer unit)	\$26,000.00
1 – Tractor and mower	\$49,000.00
Total	\$75,000.00

The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the purchase of 1 – 1 ton truck and chassis (for sprayer unit) and 1 – Tractor and mower for the Noxious Weed Department in the amount of \$75,000.00 and debit Noxious Weed Capital-Outlay Fund. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-39

Special Bridge:

Discussed bridge projects and presented plans previously presented to KDOT –Bureau of Local Projects for 2007-2011. Three (3) projects were listed and after discussion on the bridge east of Coffeyville the Board decided to leave it on the project list for February of 2010.

PUBLIC WORKS (Continued):

Personnel:

Proposed filling some of the vacancies under road and bridge operators II with non-CDL driver license applicants at the established rate of \$9.25 for a period of one year. At the end of their first year with an acceptable evaluation from their supervisor, they would be required to get a CDL license. County would furnish a vehicle and the workday to take the test. A new job description would outline this proposal. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to authorize Road and Bridge to prepare a new job description for Equipment Operator II General Laborer as requested. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-40

Commissioner Fowler requested the road at Elk City Lake to be added to the chip and seal list. Elk City cancelled their request for chip and seal and Cherryvale requested Carson Street be a “shared project” which Public Works does not want to participate in.

Carpet and Tile Bids – Treasurer’s Office:

Bids were as follows:

Woods Lumber, Independence	\$3,631
Derailed Commodities, Independence	No Bid
Browns Furniture, Coffeyville	No Bid
Kansas Lumber Company, Coffeyville	No Bid

ACTION: *A motion was made by Commissioner Lewark-Wood to award the bid to Woods Lumber Company, Independence, Kansas in the amount of \$3,631.00 for tile, carpeting, labor cost for complete installation for the Montgomery County Treasurer’s office. Motion was seconded by Commissioner Tucker*

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

RES. NO. 07-41

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 10:52 AM to return at 11:00 AM with Robert Bever present to discuss non-elected personnel. Motion was seconded by Commissioner Lewark-Wood.*

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

Returned to session at 11:00 AM with no action taken and no decisions made.

SHERIFF:

Sheriff Stan Veach met with the Board and presented four (4) invoices from Washington Electronics on the console in the amounts of \$420, \$490, \$130, and \$195. He requested the invoices be paid. The following action was taken:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve invoices to Washington Electronics in the amounts of \$420, \$490, \$130 and \$195 to be paid from the General Operating Fund for work done on consoles in the Sheriff’s Department. Motion was seconded by Commissioner Tucker.*

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

RES. NO. 07-42

SHERIFF – (Continued):

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 11:02 AM to return at 11:07 AM with Stan Veach present to discuss non-elected personnel. Motion was seconded by Commissioner Lewark-Wood.*

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

Returned to session at 11:07 AM with no action taken and no decisions made.

COUNTY TREASURER:

County Treasurer Nancy Clubine presented an Employee Status Change for probation completion for an employee of the County Treasurer's office. Status change was approved by the Board.

Ms. Clubine advised the Board the contract with Berlin Wheeler is due for renewal for delinquent tax collection on personal property. She requested the contract not be renewed for 2007 but allow Berlin Wheeler to collect what they have on their books as of this date. She explained the reasoning for her request and told the Board personal property taxes are being collected before auto tags may be purchased if delinquent personal taxes are owed. This process is working very well in the collection of delinquent personal property taxes.

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the request of the County Treasurer and not renew the contract with Berlin Wheeler for 2007 but allow them to collect what they have on their books as of this date.*

Motion was seconded by Commissioner Tucker.

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

RES. NO. 07-43

OTHER COUNTY BUSINESS:

1. Abatements –

ACTION: *A motion was made by Commissioner Tucker to approve abatements in the amount of \$67,561.39. Motion was seconded by Commissioner Fowler.*

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

ADJOURNMENT: 12:07 PM

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