

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

March 5, 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 Fowler to approve the agenda as amended. The motion was seconded by Commissioner Lewark-Wood.*

*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 Tucker to approve invoices in the amount of \$211,277.75 and \$36,521.10 as presented by the County Clerk's office. The motion was seconded by Commissioner Fowler.*

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

CANVASS OF VOTES – PRIMARY ELECTION:

The Board of County Commissioners, serving as the Board of Canvassers, at 9:15 AM canvassed the City/School Primary Election held February 27th. There being no changes in the results of the election, the results were certified and entered into abstract of votes.

The canvass was concluded at 9:30 AM.

RURAL FIRE DISTRICT #1 – TRUCK REQUEST FOR INDEPENDENCE DEPARTMENT:

Wilbur Schwatken, Montgomery County Rural Fire Director, presented information to the Board on a fire truck that was destroyed at a fire near Bolton on Sunday, March 4th.

Mr. Schwatken said a ¾ ton 4-wheel drive, straight cab is needed to replace the vehicle at the Independence Station. He has searched the internet, local vendors and truck catalogs for this particular vehicle and there are few available. New trucks run \$25,360 for a 2007 and \$24,360 for a 2006 and some 2007's.

Commissioner Tucker will help in the search for a vehicle and notify Mr. Schwatken if he can find any available to be presented to the Fire Board Members.

PUBLIC WORKS:

Public Works Coordinator Robert Bever met with the Board. County Road 1700 condition was discussed and there was concern over the road due to new homes being built.

Commissioner Fowler and Commissioner Tucker discussed various road problems.

PUBLIC WORKS – (Continued):

EXECUTIVE SESSION:

ACTION: A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 10:02 AM to return at 10:12 AM with Robert Bever 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 10:12 AM with no action taken and no decisions made.

SHERIFF:

Sheriff Stan Veach met with the Board. An Executive Session was requested by the Sheriff.

ACTION: A motion was made by Commissioner Tucker to recess to Executive Session at 10:31 AM to return at 10:36 AM to discuss non-elected personnel with the Sheriff 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 10:36 AM with no action taken and no decisions made.

Sheriff Veach requested approval of Shared Leave from the Sheriff's Department to an employee of the Treasurer's Department. The following action was taken:

ACTION: A motion was made by Commissioner Fowler to approve the Shared Leave Request by Sheriff Veach from an employee of the Sheriff's Department to an employee of the Treasurer's Department. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-44

A request by the Sheriff was made to allow payment for an invoice from Washington Electronics in the amount of \$490.00. Mr. Washington of Washington Electronics had removed this invoice when asked by the County Clerk if any of the work charged on the invoices covered in the initial agreement and payment. He removed the invoice for \$490.00 and later contacted the Sheriff for payment. Approval was given to pay the \$490.00 invoice.

COMPUTER DEPARTMENT:

Ken Collins met with the Board and discussed the three (3) Cama machines the virus protection is going to expire on. He presented an agreement for renewal of the virus protection. Approval was given for the Chairman to sign on behalf of Montgomery the agreement.

EXECUTIVE SESSION:

ACTION: A motion was made by Commissioner Tucker to recess to Executive session at 10:26 AM to return at 10:31 AM to discuss non-elected personnel with Ken Collins 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 10:31 AM with no action taken and no decisions made.

COUNTY TREASURER – EXECUTIVE SESSION:

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 10:51 AM to return at 11:06 AM to discuss non-elected personnel with County Treasurer Nancy Clubine, County Appraiser Bob Kline and Kathy Craig 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 11:06 AM with no action taken and no decisions made.

TRIPLE T ENTERPRISES:

Tom Tipton, Tim Roberts and Tim Wiles of Triple T Enterprises met with the Board on a property tax issue which originated in 2003. The property owners had not received property tax statements because they stated “they had not been correctly mailed and they did not receive them”. They have paid the taxes and are asking the Board to waive the penalties owed.

Mr. Tipton said he felt they are being penalized for something that is not their mistake.

Commissioner Lewark-Wood said it is the taxpayers responsibility to provide the correct address to the Treasurer and advised they make a protest to the Board of Tax Appeals.

County Treasurer Nancy Clubine had received an opinion from the County Counselor regarding the penalty and had the opinion available at the meeting. Mr. Kritz had stated that in his opinion “it is beyond the authority of the Board of County Commissioners to waive the interest and penalties in this instance”.

The Board will ask for a letter from the County Counselor directed to the Board with his opinion on the issue. No action was taken.

OTHER COUNTY BUSINESS:

1. Occupational License for Greg’s Place, Caney, Kansas –

ACTION: *A motion was made by Commissioner Fowler to approve the Occupational License for Greg’s Place, Caney, Kansas. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-45

2. Jim Miller, Emergency Preparedness told the Board of a new program offered by the Kansas National Guard. He reported on the new training program in the event of a natural disaster or other major emergency event.
3. Evaluation interviews will be set for the next three (3) meetings for appointed department heads.

ADJOURNMENT: 11:50 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