

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

March 19, 2007

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:15 AM at the Road Viewing Site in Sunset Village.

CALL TO ORDER: Commissioner Lewark-Wood.

ROAD VIEWING:

The Board of County Commissioner, County Clerk, Public Works Coordinator Robert Bever, Road Supervisor Vasco Brown, Dennis, Knuth, Sharon Knuth, Robert Miller, Kirk Harris, and Jim Miller met at the site at 9:15 AM. Sheriff Stan Veach arrived later.

Mr. and Mrs. Knuth own both sides of the road and had requested the road to be closed between their home and the property to the north which they own.

Mr. Kirk Harris spoke and was opposed to the closing and also Sheriff Stan Veach was opposed to the closing. They sited it being used for trash trucks as one reason for not closing.

After discussion from both those for closing and those opposed to the closing, and taking into consideration the recommendation of the Planning and Zoning Board, the following action was taken by the Board:

ACTION: *A motion was made by Commissioner Fowler to deny the request for the vacation of a County Road described as follows: "A portion of Leslie Road located in Section 12, Township 33 South, Range 15 east of the 6th Principal Meridian, in the Sunset Village Sub-Division as recorded in the Montgomery County Register of Deeds Office, Book A, Page 52A, more particularly described as follows:*

Beginning at the Northwest corner of Lot 1, Block 4; thence East approximately 497 feet; thence North 60 feet; thence West approximately 497 feet; thence South 60 feet; to the Point of Beginning, having a 60 foot right-of-way."

Motion was seconded by Commissioner Tucker.

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes

Commissioner Tucker - Yes

Commissioner Fowler – Yes

RES. NO. 07-49

The Board returned to the Courthouse at 9:30 AM.

INVOCATION: Commissioner Tucker.

PLEDGE OF ALLEGIANCE: Commissioner Fowler.

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 Lewark-Wood to approve the minutes of March 5 and March 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 \$50.50, \$546.76 and \$304,772.15 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

PLANNING & ZONING/ENVIRONMENTAL HEALTH DEPARTMENT HEAD EVALUATION:

ACTION: A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 9:40 AM to discuss non-elected personnel with Scott Barnhart present and to return at 9:50 AM. Motion was seconded by Commissioner Fowler.

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

Returned to session at 9:50 AM with no action taken and no decisions made.

WAYNE GUDMONSON – KDOT – REDIRECTING OF TRAFFIC:

Mr. Wayne Gudmonson of KDOT met with the Board to discuss the redirecting of traffic at the new Wal-Mart location east of Coffeyville. He advised the Board he has requested a traffic impact statement from Wal-Wart. This will require an interchange and will not be ready by the time the new store opens. He requested detours with the possibility of routing on county roads. KDOT will upgrade the roads used and improve before returning to the county. It will be late 2008 starting to work on the interchange. He will keep the County informed as the project progresses.

PUBLIC WORKS:

Mr. Robert Bever, Public Works Coordinator met with the Board for the purpose of opening bids and reporting on departmental items. Bids for three (3) motor graders were opened as follows:

Berry Tractor & Equipment, Wichita, KS	No Bid
Martin Tractor, Chanute, KS	\$311,452.00 Total
Murphy Tractor, Wichita, KS	No Bid
White Star Machinery, Wichita, KS	No Bid

ACTION: A motion was made by Commissioner Tucker to approve the bid from Martin Tractor, Chanute, Kansas in the amount of \$311,452.00 for three (3) motor graders for the Road and Bridge Department from Martin Tractor Company, Chanute, Kansas and to be debited from Special Equipment Fund. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-50

PUBLIC WORKS (Continued):

Discussion on departmental items:

1. Phones are working in the Sheriff's Department
2. Discussed extension 246 being added for recording of messages
3. Discussed work on Railroad crossings
4. Discussed road complaints
5. Board approved \$3,855.63 in charges from Kansas Communications Systems on work on consoles in Sheriff's Department to be paid from General Operating Fund.
6. Discussed the locked portion of the County Barn in Dearing with items stored by the previous Sheriff. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to authorize the Public Works Department to dispose of items stored by the Sheriff's Department in the Dearing County Barn and clean out space, occupied by these items, for use by the Montgomery County Rural Fire Department. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-51

7. Mr. Bever requested approval to sell three (3) lots at 19th and Sycamore Streets in Independence. He stated they are of no value to the County and would like to be purchased by Catalytic Industrial Group. Mr. Bever will check further on the interest in the property by the company.
8. Employee Status Changes were presented to the Board. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the status changes for the Public Works Department as presented by the Public Works Coordinator. Motion was seconded by Commissioner Tucker.*

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

SHERIFF:

Executive Session:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 10:38 AM to return at 10:43 AM to discuss non-elected personnel with Sheriff Stan Veach 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 10:43 AM with no action taken and no decisions made. Discussion: Sheriff Veach advised the Board the need for a part-time nurse in the jail. At the present time there are 163 inmates and the one nurse has been working overtime. He requested Jeanette Coltharp, Coffeyville, who will soon be a nurse practitioner be hired at \$14.00 per hour. He also stated that DOC will be over budget on medical this year. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to approve a part-time nurse position for the Department of Corrections at \$14.00 per hour with a job description to be submitted to the Human Resources Department. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-52

JUDGE CANADAY – MISC. ITEMS FOR BID:

Judge Russell Canaday met with the Board to discuss several items as follows:

1. Requested permission to move filing cabinets to basement. (approved)
2. Requested approval to receive bids and purchase five (5) recorders and a PC for Judge Collins. They are working with the Computer Department on prices. (approved)
3. Requested funding for recorders, computer and replacement shelves when metal files are removed, be paid from Capital Outlay. The following action was taken:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the payment for five (5) recorders, one (1) computer and replacement shelves for Unified Court be paid from Capital Outlay Funds. A total cost was not available at this time. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-53

4. Discussed 3rd Floor Coffeyville City Hall remodeling project. No action taken.
5. Reviewed Court Security Inspection and Recommendations by OJA and Homeland Security.

OTHER COUNTY BUSINESS:

1. Exotic Animal Discussion (Mike Bush) –

Mr. Mike Bush of Havana, Kansas discussed his concern on SB 578 and Resolutions made by other counties. He feels the exotic animals should be specified and not a “blanket resolution passed”. The Board thanked him for his input.

2. GAAP Waiver Resolutions for 2006 & 2007 –

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the waiver of GAAP (Governmental Accounting Procedures) for Montgomery County for the year 2006. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-54

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the waiver of GAAP (Governmental Accounting Procedures) for Montgomery County for the year 2007. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-55

3. Amended Resolutions for Amazon.com and American Insulated Wire –

ACTION: *A motion was made by Commissioner Lewark-Wood to amend Montgomery County Resolution 05-109 “the exemption is being granted for equipment valued at \$4,569,273 million dollars with a complete detailed list of this equipment attached and incorporated into this resolution”. This resolution providing for abatement with the creation of 20 additional employees to Amazon.com., Coffeyville, Kansas. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-56

OTHER COUNTY BUSINESS (Continued):

ACTION: *A motion was made by Commissioner Lewark-Wood to amend Montgomery County Resolutions 07-16 and 07-17 as follows:*

RES 07-16 “to approve the application of American Insulated Wire for property tax exemption for the year 2005 in the amount of \$2,509,589 and 2006 in the amount from \$3,942,537 to \$3,952,537 for building, improvements, furniture, fixtures and equipment.”

RES 07-17 “to approve the application of Amazon.com for property tax exemption for the year 2006 in the amount of \$2,781,150.”

Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-57

4. Emergency Preparedness –

Jim Miller, Emergency Preparedness Director reported on meeting on Homeland Security.

5. Executive Session –

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 11:55 AM to return at 12:10 PM 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 12:10 PM with no action taken and no decisions made.

ADJOURNMENT: 12:15 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