

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

April 9, 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 Fowler.

CANVASS OF VOTES – CITY/SCHOOL GENERAL ELECTION:

The Canvass of Votes for the April 3, 2007 City/School General Election was conducted by the Board of County Commissioners serving as the Board of Canvassers with the County Clerk and Deputy County Clerk present. No persons were in attendance from the public. All provisional ballots eligible to be counted were added to the total ballot count but no changes were made in the election results. A tie vote for write-in candidates for the Elk City Council between J. D. Goul and Bob Steele will be decided by a “toss of a coin” on April 16 at the Commission Meeting.

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 PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve invoices in the amount of \$180,045.01 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*

PUBLIC WORKS:

Mr. Robert Bever, Public Works Coordinator, presented the weekly written report. The following items were discussed: Rock report for month of March; Sale of three lots to Catalytic Industrial Group, Inc.; Letter requesting the re-opening of County Road 5200 mile 8 by Douglas Seifert; Building Maintenance report received from State Fire Marshal’s office; Household Hazardous Waste collection day; Noxious Weed bid opening for 4-Wheel Drive Tractor; Recommendation on bids from last meeting on a 4x4 1-Ton Truck for Noxious Weed; and discussed dust control prices.

PUBLIC WORKS (Continued):

As a result of this report, the following action was taken:

Sale of lots at 19th & Sycamore Sts –

ACTION: A motion was made by Commissioner Lewark-Wood to accept the offer of \$440.00 from Catalytic Industrial Group, Inc. for three lots owned by Montgomery County at 19th and Sycamore Streets and authorize the Public Works Director to proceed with the necessary documents for the sale. Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-68

Request to re-open County Road 5200 mile 8 –

Board of County Commissioners decided the road should remain closed.

Recommendation for awarding of bid for 4x4 1-ton truck for Noxious Weed Department –

ACTION: A motion was made by Commissioner Lewark-Wood to accept the bid from Columbus Ford-Mercury, Columbus, Kansas for one (1) 1-ton 4-wheel drive truck for the Noxious Weed Department in the amount of \$28,240.00. Motion was seconded by Commissioner Fowler. Debit Noxious Weed Capital Outlay Fund.

Discussion: Commissioner Tucker said one agency did not place a bid but did receive the request and two did not receive the bids. He was advised the bid requests were not returned as undeliverable by the post office.

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - No
Commissioner Fowler – Yes

RES. NO. 07-69

Bid Opening for “4-Wheel Drive Tractor” –

O’Malley Equipment Co., Independence, Kansas	\$38,695.00
Martin Farm Power, Chanute, Kansas	\$46,200.00
Alco Implement, Inc., Iola, Kansas	\$40,000.00

ACTION: A motion was made by Commissioner Tucker to approve the purchase of one (1) 4-Wheel Drive Tractor for the Noxious Weed Department from the low bidder O’Malley Equipment Company, Independence, Kansas in the amount of \$38,695.00. Motion was seconded by Commissioner Lewark-Wood. Debit Noxious Weed Capital Outlay Fund.

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

RES. NO. 07-70

SHERIFF:

Sheriff Stan Veach presented a request from the Sheriff’s Reserves to get 12 bullet proof vests at \$575.00 each from a grant with 50% being paid from the grant and 50% will be paid by the Sheriff’s Reserves. The approval must be from the Board of County Commissioners for the grant. The following action was taken:

ACTION: A motion was made by Commissioner Tucker to approve the application for a grant for bullet proof vests at a cost of \$575.00 with 12 vests being purchased. The grant will pay 50% of the total cost of the vests and the remaining 50% will be paid by the Sheriff’s Reserves. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-71

Mr. Veach presented two (2) shared leave requests from the Sheriff’s Department employees to the Treasurer’s Department. Requests were approved by the Board.

Presented the Board a list of inmates to be bonded out or are close to being released or transported to prison.

SHERIFF (Continued):

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 10:50 AM to return at 10:55 AM with Sheriff 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 10:55 AM with no action taken and no decisions made.

WES MEYER – ROAD DISCUSSION:

Mr. Wes Meyer met with the Board and presented pictures of trash problem on a parcel he purchased which had been de-annexed from the City of Coffeyville. Scott Barnhart, Environmental Health Director was also present. Mr. Barnhart advised the Board that KDHE will provide up to \$10,000.00 for clean-up of the trash site. He and Mr. Robert Bever had visited the site and “\$10,000.00 will not begin to cover the cost to clean it up”.

Mr. Meyer is requesting the right-of-way be cleaned by the County. Public Works will inspect the project when weather permits to see what can be done. He will report back to the Board.

MERRIL STEVENSON – SPEED LIMIT COMPLAINT:

Mr. Merrill Stevenson met with the Board on the speed limit being 55 mph on rock roads unless otherwise posted. He stated a neighbor is driving with excessive speed with a large truck on CR 4500. He is concerned about children playing and the damage to the road and requested it be posted at 35 mph between CR 2600 and 2800. The Board will talk to Public Works and the Sheriff’s Department about the request.

Commissioner Tucker made a motion not to change the speed limit to 35 mph. Motion died for lack of a second.

Commissioner Fowler made a motion to post the road at 35 mph. Motion died for lack of a second.

OTHER COUNTY BUSINESS:

1. **Board of County Commissioners signed off on Inventory for their department –**
2. **Quit Claim Deed for Four County Mental Health –**

ACTION: *A motion was made by Commissioner Tucker to issue a Quit Claim Deed to Four County Mental Health for the 7.00 acres in a portion of the NE/4 of Section 34, Township 32 South, Range 15 East which had been titled to Montgomery County during the construction phase of the building for a grant that flowed through the County to Four County. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-72

3. **Shared Leave Request – County Clerk’s Department approved for one employee in the department to share leave within the department to another employee.**

OTHER COUNTY BUSINESS (Continued);

4. GIS Committee –

ACTION: A motion was made by Commissioner Tucker to approve the GIS Committee members as follows: Commissioner Tony Fowler; County Appraiser Bob Kline; County Computer Department Ken Collins; County Emergency Preparedness Director Jim Miller; County Clerk Charlotte Schmidt; County Zoning/Environmental Director Scott Barnhart; County Rural Fire Coordinator Wilbur Schwatken; and County Public Works Coordinator Robert Bever. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-73

5. Executive Session:

ACTION: A motion was made by Commissioner Tucker to recess to Executive Session at 11:30 AM to return at 11:40 AM with the Board 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 11:40 AM with no action taken and no decisions made.

ADJOURNMENT: 12:00 Noon

ACTION: Motion by Commissioner Lewark-Wood seconded by Commissioner Tucker.

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