

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

April 23, 2007

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:15 AM at Coffeyville, Kansas at the road viewing site on Pacific Street.

CALL TO ORDER: Commissioner Lewark-Wood.

ROAD VIEWING:

Those present for the viewing were Board of County Commissioners, County Clerk, Public Works Coordinator Robert Bever, Environmental Health/Zoning Director Scott Barnhart, Scott Massman, Jim Bradshaw and Chuck Shively representing the City of Coffeyville. Those individuals there for the viewing as residents and interested parties were: Don Cox, Reba Cox, Wanda Shutte, Bill Mitchell, Kathy Mitchell, Jenny Dale, Chris Dale, Sherry Stevens, Harold Stevens, Tony Heallen, Howard D. Smith, Sr. and James Dale.

Mr. Harold Stevens and Jenny Dale expressed they were very much in favor of closing the road. Previously the road closing to the City of Coffeyville had been denied. Mr. and Mrs. Cox want the road to remain open as an access to their property. The Montgomery County Planning and Zoning Board had heard the request for the closing of the road at their meeting and recommended the road not be closed.

After questions were answered regarding the effect of the road closing and how it would be divided and the access to the utilities, the following motion was made by Commissioner Tucker:

ACTION: *A motion was made by Commissioner Tucker to close the road with the following description: "A portion of Pacific Street located in Section 11, Township 35 South, Range 16 East of the 6th Principal Meridian, in the Fair Lawn Addition as recorded in the Montgomery County Register of Deeds Office, Book 6, Page 38, more particularly described as follows: Beginning at the Northeast corner of Lot 10, Block 12; thence South approximately 104 feet; thence West 50 feet, thence North approximately 104 feet; thence East 50 feet; to the Point of Beginning, having a 50 foot right-of-way."*

The motion died for lack of a second.

The following motion was made by Commissioner Fowler:

ACTION: *A motion was made by Commissioner Fowler to leave the road open and deny the request to close the road based upon the City of Coffeyville previously denying the road closing request for that portion of the road which is a part of the City of Coffeyville and the recommendation of the Montgomery County Planning and Zoning Board against the closing of the road. The legal description as follows:
"A portion of Pacific Street located in Section 11, Township 35 South, Range 16 East of the 6th Principal Meridian, in the Fair Lawn Addition as recorded in the Montgomery County Register of Deeds Office, Book 6, Page 38, more particularly described as follows: Beginning at the Northeast corner of Lot 10, Block 12; thence South approximately 104 feet; thence West 50 feet, thence North approximately 104 feet; thence East 50 feet; to the Point of Beginning, having a 50 foot right-of-way."*

Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-76

INVOCATION: Commissioner Tucker.

PLEDGE OF ALLEGIANCE: Commissioner Fowler.

Reconvened at Courthouse at 10:00 AM.

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 Lewark-Wood to approve invoices in the amount of \$25,775.00 and \$44,466.80 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*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the minutes of April 16 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*

PUBLIC WORKS:

Public Works Coordinator Robert Bever presented the deed and sales information sheet for the signature of the Chairman for the sale of lots sold to Catalytic Industrial Group, Inc. at 19th and Sycamore Streets for the total amount of \$440.00.

Mr. Bever advised the Board a refund check has been received from KDOT in the amount of \$38,377.18 on a road project in 1991 and paid in 1992.

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 10:20 AM to return at 10:35 AM with the County Clerk 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 10:35 AM with no action taken and no decisions made.

SHERIFF – LAKE PATROL AGREEMENT – PURCHASE OF PATROL VEHICLES:

Lake Patrol Agreement:

Sheriff Stan Veach presented the lake patrol agreement for 204 off duty hours for the deputies at \$31.25 per hour. This amount includes salary and allowance for the use of the vehicles. The deputies will be off duty but will be in uniform and in the county's patrol cars. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the agreement for Elk City Lake Patrol to be provided by the Montgomery County Sheriff's employees for 204 off duty hours for the deputies at \$31.25 per hour. This amount includes salary and allowance for the use of the vehicles. The deputies will be off duty but will be in uniform and in the county's patrol cars. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-77

Purchase of Patrol Vehicles:

Sheriff Veach presented quotes on two 4x4 pickups and 1 Crown Victoria car. Sheriff Veach recommended purchasing the cars from KHP Partners, Topeka, Kansas at a total cost of \$60,736.78. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the purchase of two (2) 4x4 pickups and one (1) Crown Victoria Patrol Car from KHP Partners, Topeka, Kansas at a total cost of \$60,736.78 (\$19,834.38 each for pickups and \$21,068.02 for Crown Victoria) to be debited from County General 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. 07-78

Sheriff Veach advised the Board the cigarettes that had been seized in a raid had been sold for a total of \$50,000.00. The money will be divided 45% to Coffeyville Police Department, 45% to Montgomery County Drug Task Force and 10% to County Attorney's office.

INDEPENDENCE & COFFEYVILLE CHAMBER OF COMMERCE – TRANSIENT GUEST TAX INCREASE:

Shelley Shrader, Independence Chamber of Commerce and Lisa Keene, Coffeyville Chamber of Commerce presented a request to the Board of County Commissioners to increase the Transient Guest Tax from 2% to 5%. There was discussion on how the money is spent and Commissioner Tucker stated the Board of County Commissioners could be on the committee for tourism with a quarterly report to be submitted to the Commissioners. Jed Schelgel, owner of the Appletree Inn in Independence spoke against the increase in the tax stating it is no benefit to the motel owners even though they have to do the collection and reporting of the tax. He felt better use could be made of the money from the tax than has been in the past and there should be representation on the committee of the motel owners. After discussion, the following motion was made:

ACTION: *A motion was made by Commissioner Tucker to increase the Transient Tax from 2% to 5% effective with the publication of this resolution, and the Board of County Commissioners will serve on the Committee for tourism with a quarterly report being filed with the Commission by the Convention and Visitors Bureau. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-79

COMMUNITY CORRECTIONS – PLAN AMENDMENT:

Kurtis Simmons, Community Corrections Director, presented a 3-Year Comprehensive Plan Amendment for the fiscal years 2008 and 2009 as requested by the Kansas Department of Corrections. The only changes are some of the Advisory Board Members. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to authorize the Chairman to sign on behalf of Montgomery the 3-Year Comprehensive Plan Amendment for the fiscal years 2008 and 2009 as presented by the Community Corrections Director for the Kansas Department of Corrections. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-80

JUVENILE JUSTICE AUTHORITY – VEHICLE PURCHASE:

Mark Charest, Family and Children’s Services Director, presented a request to the Board to receive bids on a vehicle to be used for Case Managers to transport youth, travel to Court, home visits and to attend training seminars. This vehicle will be replacing the 1997 Buick which will be placed in the County auction and is no longer in running order. The request was approved for Mr. Charest to obtain bids for a vehicle and will be paid from Case Management Funds when bid is awarded.

A moment of silence was observed at the Montgomery County Commission Meeting in memory of Herbert Cafilish for 19 years of volunteer service to the Montgomery County Rural Fire Department, Independence Station. Mr. Cafilish passed away April 19th, 2007.

OTHER COUNTY BUSINESS:

1. County Health Secretary Salary (New Position):

ACTION: *A motion was made by Commissioner Tucker to approve the beginning salary for the Secretary position in the Montgomery County Health Department at \$9.00 per hour. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-81

2. Cereal Malt Beverage License:

ACTION: *A motion was made by Commissioner Fowler to approve a Cereal Malt Beverage License for Stinky’s Bait Shop, Independence, Kansas. Motion was seconded by Commissioner Lewark-Wood.*

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

ADJOURNMENT: 12:05 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