

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

June 4, 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.

The meeting was called to order at 9:30 AM at the road viewing site on Gradis Street located in Section 27, Township 32 South, Range 15 East. Those present representing the county were: Board of County Commissioners, County Clerk, Public Works Coordinator, Emergency Preparedness Director and Planning and Zoning Director. Those present from the public were: Bob Pierce, Rich Browning, Lamoin Buell, John Kishpaugh, John George, Bob Spillman, Edward Doherty, Jean Wuerdeman, George Wuerdeman, Gary Know, Karen Know, Rebecca Knox, Nathaniel Smith, Louis Wood and Lonnie and Carol Mowery, petitioners.

The Chairman opened the viewing by reading the requested legal description and the request for vacation of same. At the completion of the reading, the meeting was opened up for discussion.

Mr. Buell request a continuance due to some of the landowners not being present. He was advised each of the landowners had been notified of the viewing by certified mail by the County Clerk and the continuance was denied. The landowner not present was Mrs. LaSalle but Karen LaSalle Knox appeared for the viewing as her representative.

The recommendation of the Planning and Zoning Board was read by Robert Bever which recommended the vacation of "a portion of Gradis Street".

The Mowery's stated this road has never been maintained by the County and has not been used as a road. All maintaining has been done by the Mowery's and at their expense.

Bob Pierce said he believed the problem had been solved by Mr. Buell not "bringing the bus down the road". He also said that two roads will be needed to get to the property owned by Mrs. LaSalle if it is developed.

Mr. Buell said there is no place to turn around for trash trucks.

The question was asked, "Who owns the county right-of-way?" The question was answered by Mr. Bever that the County owns the right of way.

Commissioner Fowler stated , " Everyone wants to use what Lonnie has made." The neighbor to Mr. Mowery agreed that it has all be at the Mowery's expense.

The following action was taken:

ACTION: *A motion was made by Commissioner Tucker that on the recommendation of the Planning and Zoning Board the following be vacated:*

" A portion of Gradis Street located in Section 27, Township 32 South, Range 15 East of the 6th Principal Meridian, in the Banner Farm Addition as recorded in the Montgomery County Register of Deeds Office, Book A, Page 42, more particularly described as follows:

Beginning at the Northwest corner of Lot 1, Block 4; thence East approximately 330 feet; thence South 50 feet; thence West approximately 330 feet; thence North 50 feet; to the Point of Beginning, having a 50 foot right-of-way."

Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-99

Recessed to Courthouse from Road Viewing at 9:55 AM.
Returned to session at 10:10 AM.

INVOCATION: Commissioner Tucker.

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 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 - \$333,750.67, \$28,392.00, \$387,500.00, \$13,622.55 and \$97,000.00 as presented by the County Clerk's office. The motion was seconded by Commissioner Lewark-Wood.*

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes

Commissioner Tucker - Yes

Commissioner Fowler – Yes

PUBLIC WORKS:

Public Works Coordinator Robert Bever presented the weekly written report. The following items were discussed: Bid Opening for Bridge Design for Bridges 68 and 69 on East 8th Street in Coffeyville; Letter and pictures sent to Watco regarding railroad crossings within the county, and Household Hazardous Waste collection day June 6, 2007.

Bids for Bridge Design for Bridges 68 & 69 on East 8th Street in Coffeyville were as follows:

Schwab-Eaton – No Bid

Kirkham-Michael – No Bid

Transystems, Independence - \$148,000 (includes sub-contractor services)

Cook, Flatt & Stroble - \$78,800

Commissioner Tucker recommended Mr. Bever take the bids under advisement and come back to the Board with a recommendation.

Other items discussed were:

- (1) Spill Prevention Plan under US EPA requirements for Montgomery County – Requested the county hire a vendor to prepare the plan. The Board approved Mr. Bever,s request and he will obtain proposals for the service.
- (2) Purchase of a 2000 Sterling Semi-Truck and hydraulic kit at a total cost of \$27,000 to \$27,500.

The following action was taken:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the purchase of a 2000 Sterling AT 9500 Semi from Merle Kelly Ford-Sterling, Chanute, Kansas in the amount of \$23,000.00 and also approve the expenditure of \$4,000 to \$4,500 for a hydraulic kit, with the cost of the truck and kit to be debited to Special Equipment Fund. Motion was seconded by Commissioner Fowler.*

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes

Commissioner Tucker - Yes

Commissioner Fowler – Yes

RES. 07-100

SHERIFF:

Sheriff Stan Veach met with the Board with the first item of business to be an Executive Session for non-elected personnel.

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 10:41 AM to discuss non-elected personnel with the Board and Sheriff Veach present to return at 10:51 AM. Motion was seconded by Commissioner Tucker.*

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

Returned to session at 10:51 AM with no action taken and no decisions made.

Sheriff Veach presented the Big Hill Lake Patrol Contract , which had been previously approved by the Board, for signatures.

Discussed a bill from Nebraska on prisoner held but had been released and Sheriff Veach is disputing the bill.

Presented one (1) employee status change. Change was approved by the Board when presented.

JUDGE CANADAY – CONTRACT FOR LEGAL SERVICES:

Mary Kadel, District Court, presented the Agreement for Indigent Legal Services (Non-Felony) between Tiana McElroy and Montgomery County. The county will pay Ms. McElroy the sum of \$7,250.00 per month for these services and if required to provide representation in appeals beyond the District Court level, will be paid \$60.00 per hour, not to exceed \$780.00 per case.

Agreement was approved by the Board and signed by the Chairman.

MONTGOMERY COUNTY ACTION COUNCIL – MICRO LOANS & LOAN FOR WOODBURN LANDSCAPING:

Dennis Pruitt, Montgomery County Action Council Director presented a memo on the Micro-Loan Limit. This memo explained the program and the financial status of the program at this time. The loan limit has been increased from \$15,000 to \$25,000 to approved borrowers. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the increase from \$15,000 to \$25,000 for prospective borrowers from the Micro-Loan program available. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-101

Mr. Pruitt also presented the recommended approval from the MCAC loan committee in the amount of \$15,000 for a loan for Woodburn Landscaping & Exterior Home Maintenance.

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the Micro-Loan to Woodburn Landscaping & Exterior Home Maintenance in the amount of \$15,000 upon the recommended approval of the Montgomery County Action Council loan committee. Motion was seconded by Commissioner Tucker.*

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

RES. NO. 07-102

COUNTY BUDGET DISCUSSION FOR 2008 – LARRY WRIGHT:

Mr. Larry Wright presented information available at this time for the 2008 budget. He advised the Board that requests and mandates to the county plus the increase in departmental budgets will have a severe impact on the 2008 budget for the county. He presented a chart comparing spending levels for the various departments since 2002. An increase from 2007 budgets to 2008 is at 18% if allowed. With the present requests, the projected increase for the mill levy is from 39.344 mills to 53.000 mills. Mr. Wright explained how the carry-over has declined in the general fund.

The annual budget hearing will be August 13th at 9:15 AM.

Budget work sessions will be set with Mr. Wright.

COUNTY APPRAISER – REQUEST FOR CPUS:

County Appraiser Bob Kline requested the purchase of two (2) CPUs with one to be debited from the County Appraiser's Budget and the second unit to be debited from Capital Outlay Fund with each costing \$925.95.

***ACTION:** A motion was made by Commissioner Lewark-Wood to approve the purchase of two (2) CPUs for the County Appraiser's office from Dell at a cost of \$925.95 each with one (1) unit to be paid from the County Appraiser's budget and one (1) unit to be paid from General Operating Capital Outlay. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-103

GRIEVANCE COMMITTEE RECOMMENDATION:

The Grievance Committee met with the Board to present their recommendation as to the grievance filed by Loredda Keach-Groth. The Committee stated they found the termination to be justified and upheld the department head's action against Ms. Keach-Groth. The following action was taken:

***ACTION:** A motion was made by Commissioner Fowler to accept the recommendation of the Grievance Committee upholding the termination of Loredda Keach-Groth by the Department of Corrections. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-104

OTHER COUNTY BUSINESS:

1. Purchase of Memorial Markers for Veterans –

The County Clerk presented information to the Board regarding the purchase of Memorial Markers by the County for veterans. During the Memorial Day this year, one organization requested 200 markers for the Independence Mount Hope Cemetery. The markers are destroyed by mowing and some are stolen. At the present time the markers are costing the county over \$8.00 each.

According to state statute, the county may purchase the markers but is not required to do so. The following action was taken:

***ACTION:** A motion was made by Commissioner Fowler to make the markers available for placing at veterans burial sites as needed and requested. Motion died for lack of a second.*

Commissioner Tucker said they could actually be funded by a fund raiser and tabled the discussion at this time.

OTHER COUNTY BUSINESS (Continued):

2. **Acknowledged a letter from Westar Energy.**
3. **Acknowledged a letter from Todd Tiahart regarding fuel prices.**
4. **Grant Fund Expenditure –**

Jim Miller, Emergency Preparedness Director presented the Contract for Emergency Operations Advanced Package insertion into KSCEOP and training to the Board for the signature of the Chairman.

5. **County Treasurer Nancy Clubine –**

Ms. Clubine met with the Board and asked if the policy imposed by the payroll department was a policy set forth by the Board. The policy is a policy of the payroll department requiring authorization from an employee to the department if someone other than the employee is authorized to receive their payroll check. Ms. Clubine had a problem in obtaining a check for an employee before payday and the check was also a direct deposit. She was told by the County Clerk/Payroll Officer the problem had been address with the department employees regarding a supervisor requesting the check.

She issued a complaint regarding a well-ness program offered at a County employee rate and was placed in the paycheck envelope to each employee. She stated the employees complained about the “advertisement”. Commissioner Lewark-Wood also was upset because it was in with the paycheck. Commissioner Fowler said he did not agree and the employees should be allowed to take advantage of the program. The Human Resources Director was asked why and responded it went with the well-ness program and the county has offered discounted offers previously to employees. Commissioner Tucker made the following motion:

ACTION: *A motion was made by Commissioner Tucker that all information provided to employees included in paycheck envelope must be approved by the County Commissioners. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-105

Ms. Clubine wanted to know who the appointed department heads report to and if they are required to keep time sheets. She said “the moral of employees is low due to no raises” and wanted to know who checks the time sheets to make sure the appointed department heads are staying within sick leave and vacation time. The department heads are under the commissioners and time sheets are not required of Exempt employees due to no overtime and no compensation for extra time worked, but most department heads still keep time sheets for payroll purposes.

6. **Executive Session – Non – elected personnel – Commissioner Lewark-Wood:**

ACTION: *A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 12:17 PM to return at 12:22 PM with the Board 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 12:22 AM with no action taken and no decisions made.

ADJOURNMENT: 12:40 PM

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