

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

June 18, 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 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 Tucker to approve invoices in the amount of - \$27,500.00 and \$449,344.55 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 Fowler to approve the minutes of June 4 and June 11, 2007 as presented by the County Clerk. The motion was seconded by Commissioner Lewark-Wood.*

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

WILDLIFE AND PARKS – DENNIS KNUTH (EXOTIC ANIMAL LEGISLATION):

Dennis Knuth of Kansas Wildlife and Parks met with the Board to discuss the new legislation on exotic animals and control by an appointed control officer.

Mr. Knuth gave the regulations and Kansas Statutes 32-1301 thru 1312 from the 2006 legislation. He advised the Board the appointed control officer for the county will be trained by Wildlife and Parks. The training will be given to the sheriff of the county or the appointed control officer. If the county has a control officer, the duties and responsibilities would deal with more than exotic animals and Jim Miller sited the case in Oklahoma of malnourished horses being taken into custody. He suggested they look at other resolutions passed in two counties in Southeast Kansas.

The Board thanked Mr. Knuth for his time and the information.

COUNTY HEALTH:

Ruth Bardwell, County Health Coordinator, reported to the Board one of the employees from County Health had attended training and had to stay overnight. While at the training, her vehicle was parked in the hotel parking lot and the window was broken out. Ms. Bardwell requested approval to pay the \$100.00 deductible personal expense that her auto insurance did not pay. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to approve payment of \$100.00 to County Health employee for damages to vehicle while at a training session. Debit County Health Fund. Motion was seconded by Commissioner Lewark-Wood.*

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

Presented Employee Status Change to approve a 3% probationary completion increase and requested increases for two (2) nurses in order to keep their salary above the new hire completing probation salary. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to approve a 3.0% probationary completion increase and increases for two (2) nurses in order to keep salaries above the base salary and new hires completing probation.*

Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-114

Commissioner Fowler – Yes

A clinic will be held in preparation for emergencies for the Bio-terrorism Grant on July 12th from 3:30 to 7:30 PM in the Fellowship Hall of the First Southern Baptist Church at 2701 W. 8th in Coffeyville. This will consist of a “pretend dispensing” of immunization in case of a real emergency.

Reported on the Friday, June 14th LEPC tabletop exercise.

FENCE DISPUTE – RANDY DIVER:

Randy Diver met with the Board regarding a fence dispute between a neighbor, Kenny Evans and Mr. Diver, who is leasing the land from another party. He was advised the request for a fence viewing must come from either of the property owners.

PUBLIC WORKS:

Robert Bever, Public Works Coordinator, presented the weekly written report. The following items were discussed: Discussed an Employee’s evaluation being overlooked and missed 3.5% increase due March 3rd; Major Bridge Replacements; Presented contract for 8th Street bridge, Coffeyville with Cook, Flatt and Strobel; and discussed pursuing more avenues with Transystems on the drainage problem in Caney. Commissioner Lewark-Wood feels we should proceed with what we have at this time on the drainage work in Caney and Commissioner Fowler stated he feels the city should be included and drainage opened up about a block into the city to help with the drainage from the football field. Don Whitman, Caney City Administrator is to check into the drainage from the football field as discussed at the June 14th meeting in Caney.

The following action was taken regarding the employee’s evaluation being retroactive to March 3rd:

ACTION: *A motion was made by Commissioner Fowler to approve a 3.5% increase for completion of the probationary period for Mark Mason to be retroactive to March 3, 2007 at 34 cents per hour with the retroactive pay being \$187.00. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO.07-115

SHERIFF:

Sheriff Stan Veach presented a speed survey on CR 4500 between CR 2600 and CR 2800 on a problem presented by a resident. They did not find speeds to be excessive on this road and gave the lowest and highest rate of speed as documented by the officers.

Mr. Veach advised the Board the nurse in Department of Corrections has quit and they will be advertising for someone for this position.

JUDGE CANADAY – BIDS FOR SHELVING AND CARPENTER FOR DISTRICT COURT:

Judge Canaday was not able to attend the meeting and Mary Kadel represented Judge Canaday in his absence for the bid opening. The bids were as follows:

Woods Lumber, Independence	No Bid
Lang Construction, Independence	No Bid
McCartys Office Store, Coffeyville	\$18,150.00
Service Office Supply, Coffeyville	\$19,476.48
	\$18,597.96
Wood Interiors, Cherryvale	\$29,740.00
File Safe, Salina	\$20,520.00
	\$29,484.00
	\$15,480.00
Sommers Custom Cabinets, Oswego	No Bid

The bids will be reviewed and a recommendation made by District Court at a later date.

OTHER COUNTY BUSINESS:

- 1. Equipment for Pitney Bowes Postage Machine** – Tabled until a later date.
- 2. Executive Session – Non-Elected Personnel** –
ACTION: A motion was made by Commissioner Fowler to recess to Executive Session at 10:20 AM to discuss non-elected personnel to return at 10:30 AM with the Board 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 10:30 AM with no action taken and no decisions made.
- 3. Grievance Committee** –
The Board discussed the Grievance Committee appointment for the grievance filed by a representative for Vasco Brown. It was decided to appoint the committee from the private sector. The following action was taken:
ACTION: A motion was made by Commissioner Fowler to appoint a three (3) member grievance committee for the grievance filed by Vasco Brown, against Public Works, from the private sector. Motion was seconded by Commissioner Lewark-Wood.
*ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes*

Each commissioner will appoint one (1) grievance committee member and the County Clerk will notify the appointed individuals by letter with a county handbook enclosed stating the grievance procedure for the county.
- 4. Memorial Markers** – Tabled until a later date.
- 5. Tax Sale Resolution** –
ACTION: A motion was made by Commissioner Lewark-Wood and seconded by Commissioner Tucker to adopt Resolution 07-113 that the county counselor institute an action in district court for the foreclosure and sale of all eligible real estate sold and bid in by the county for delinquent ad valorem property taxes, all as provided by law.
*ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes*

RES. NO. 07-113

OTHER COUNTY BUSINESS (Continued):

6. Amend Resolution 07-56 on Amazon.com for tax exemption –

ACTION: A motion was made by Commissioner Tucker and seconded by Commissioner Lewark-Wood that Montgomery County Resolution 07-56 be amended to add:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTGOMERY COUNTY, KANSAS:

Section 1. The Board has determined and makes a factual finding that the property for which the exemption is to be granted will be used exclusively in the Company's business of storing goods or commodities which are sold or are traded in interstate commerce as specified in Article 11, Section 13 of the Kansas Constitution.

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

RES. NO. 07-112

7. Acknowledge Employment Orientation being conducted by Human Resources.

8. Executive Session –

ACTION: A motion was made by Commissioner Tucker to recess to Executive Session at 11:36 AM to discuss non-elected personnel to return at 11:41 AM with the Board present. Motion was seconded by Commissioner Fowler.

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

Returned to session at 11:41 AM with no action taken and no decisions made.

ADJOURNMENT: 11:42 AM

ACTION: Motion by Commissioner Tucker and 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