

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

June 23, 2008

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:00 AM.

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**CALL TO ORDER:** Commissioner Lewark-Wood.

**INVOCATION:** Commissioner Fowler.

**PLEDGE OF ALLEGIANCE:** Commissioner Tucker.

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**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*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Fowler to approve invoices in the amount of - \$22.00 and \$21.50 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*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Lewark-Wood to approve the minutes of June 2, 2008 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*

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**ADA SURVEY PRESENTATION:**

Scott Barnhart, ADA Compliance Officer, Shawn Clapp representing Heckman and Associates and Leonard Caflich representing Architectural Collaborations met with the Board to discuss the previously presented bids for the survey.

Mr. Clapp presented information on behalf of Heckman Associates first. He stated they did a visual inspection with photos and will produce a written report with recommendations for repairs and then meet with the Board. There were no drawings quoted in the proposal. They would identify the areas and then a plan to correct.

Commissioner Tucker said the accessibility should even be beyond what is required by law for citizens entering the buildings and using the facilities.

Mr. Clapp then left the room and Mr. Caflich was called back to begin his presentation.

**ADA SURVEY (Continued):**

Mr. Caflisch began his presentation. The information that would be gathered by his company would be information to be used by architects when the necessary work would begin. A survey of all facilities, with a floor plan which could be used later would be included. A survey is needed to establish grades and slopes and documentation would be provided for the courthouse and Judicial Center. This would give CAD files for latter use and PDF files to print egress maps. Specifications and specifics would be placed in notebooks; one for courthouse and one for the judicial center.

After comparison of the two (2) bids and presentations, there was discussion by the Board and the following action was taken:

**ACTION:** *A motion was made by Commissioner Tucker to contract with Leonard Caflisch dba as Architectural Collaborations, Independence, Kansas in the amount of \$25,100.00 for the Americans Disability Act survey for the county courthouse and judicial center. Debit General Operating Fund. Motion was seconded by Commissioner Tucker.*

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

*RES. NO. 08-105*

Mr. Barnhart presented information on the Local Environmental Protection Grant available in the amount of \$19,939.00 with a 10% match by the county equaling \$1,994.00 but the match can be through in-kind service. The following action was taken:

**ACTION:** *A motion was made by Commissioner Tucker to approve the Local Environmental Protection Grant application for the Environmental Health Department in the amount of \$19,939.00 with a 10% match from the County. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 08-106*

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**PUBLIC WORKS:**

Public Works Coordinator Robert Bever and Human Resources Director Liz Schwatken met with the Board with a request from Public Works employees for a change in the Employee Handbook regarding the use of sick leave. The request was for the use of sick leave to include parents of the employee or employee's spouse. The request was made to the Board and the following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to add that sick leave be allowed to be used to include an employee's parents or spouse's parents and this be made as an amendment to the Employee's Handbook.*

Motion died for lack of a second.

Mr. Bever presented the weekly written report. The following items were discussed: Road Permits; Memo regarding closed bridge #103 on CR 5400 mile 21; Major Bridge Replacement Status; Building Maintenance (memo regarding Con 1 control panel in DOC and lighting relay for parking lots; and Noxious Weed memo regarding chemical for Noxious Weed.

1. Building Maint. – Con 1 control panel in DOC:

**ACTION:** *A motion was made by Commissioner Tucker to approve work to be done by K-Tech, Independence, Kansas, on electrical panel boxes in Con 1 at the Department of Corrections Department in the amount of \$2,420.00. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 08-107*

2. Noxious Weeds – Chemicals:

**ACTION:** *A motion was made by Commissioner Tucker to approve the purchase of chemicals from SEK Grain in the amount of \$32,615.00 for the Noxious Weed Department. Debit Noxious Weed Fund. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 08-108*

**SHERIFF STAN VEACH:**

Presented a bid from Jerry Hall, Fredonia on the backup for the Sheriff's Department tower in the amount of \$2,322.26. The following action was taken:

**ACTION:** A motion was made by Commissioner Tucker to approve the purchase for the backup for the Sheriff's Department tower in the amount of \$2,322.26 from K-Teck, Independence, Kansas. Debit \_\_\_\_\_ . Motion was seconded by Commissioner Fowler.

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

RES. NO. 08-109

Sheriff Veach requested an Executive Session to discuss non-elected personnel with Pat Alexander present.

**ACTION:** A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 10:32 AM to return at 10:47 AM to discuss non-elected personnel with the Board, Sheriff Veach and Pat Alexander present. Motion was seconded by Commissioner Fowler.

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

Returned to session at 10:47 AM with no action taken and no decisions made.

Sheriff Veach presented Employee Status Changes and advised the Board it is to bring the “low-end” salaries up due to the present hiring level being higher than some are currently making. The changes also includes promotions at the Department of Corrections.

Commissioner Lewark-Wood called for a motion on the request. No motion was made and Sheriff Veach was told to adjust the requests to include only the salaries that need adjusting due to the present hiring level being higher.

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**EXECUTIVE SESSION:**

**ACTION:** A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 11:00 AM to return at 11:10 AM to discuss non-elected personnel with Sheriff Veach present. Motion was seconded by Commissioner Fowler.

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

Returned to session at 11:06 AM with no action taken and no decisions made.

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**INTERVIEW FOR COUNTY APPRAISER:**

**ACTION:** A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 11:07 AM to return at 11:37 AM with the Board and Georgianna Rail 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 11:37 AM with no action taken and no decisions made.

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**JUVENILE JUSTICE AUTHORITY – NEW HIRE:**

Duane Powell, Family and Children Services Director and Bill Knight we present to discuss a new hire for the department. Mr. Powell requested an executive session.

**ACTION:** A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 11:38 AM to return at 11:50 AM with Duane Powell and 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 11:37 AM with no action taken and no decisions made.

**JUVENILE JUSTICE AUTHORITY – NEW HIRE (Continued):**

Mr. Powell presented a request to the Board to approve the hiring of Abby Walls as a part-time employee at \$8.00 per hour as receptionist in the Children and Family Services Department. The following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to approve the hiring of Abby Walls as a part-time employee at \$8.00 per hour as receptionist in the Children and Family Services Department. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 08-110*

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**COMPUTER DEPARTMENT – PUBLIC WORKS SERVER:**

Ken Collins, Computer Department Director, discussed a request from Public Works Department on locating a server in their department. The Board agreed all servers should be in the Computer Department. The Board approved an expenditure for upgrading server at a cost of \$1,300 to \$1,500 to be paid from General Fund Capital Outlay.

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**COUNTY APPRAISER’S OFFICE – EMPLOYEE STATUS CHANGES:**

Kathy Craig of the County Appraiser’s Department present two (2) status changes for employees receiving less than the starting wage for the county. The Board approved the adjustment of the two (2) employees.

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**OTHER COUNTY BUSINESS:**

1. Labette Community College Agreement for Purchase of Services (C.T.E.) contract covering the period from June 2008 through May 2009.

**ACTION:** *A motion was made by Commissioner Fowler to approve the contract between Montgomery County and Labette Community College for purchase of services (C.T.E. Contract) from June 2008 through May 2009. Motion was seconded by Commissioner Lewark-Wood.*

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

*RES. NO. 08-111*

2. **Executive Session – County Clerk:**

**ACTION:** *A motion was made by Commissioner Tucker to recess to Executive Session at 12:05 PM to return at 12:15 PM with the County Clerk 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 12:15 PM with no action taken and no decisions made.

3. **Letter requesting Open Record Information from Coffeyville Refinery was discussed.**
4. **Letter received and acknowledged on Master Fire Plan from K State.**
5. **County Clerk discussed overpayment or credits to vendors by county departments.**

After a telephone call to the county auditor, the issue was presented to the Board regarding credits with a company that is a vendor of the county. If an overpayment or credit refund is due the county, it is not a due and just bill and payment must be refunded to the county. The only exceptions would be to the utility companies or credits on telephone billing. The Board agreed unanimously that credit balances must be repaid to the county by the vendors as discussed. The following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to authorize the County Clerk to issue a memo to the departments that credit balances may not be maintained with vendors and all credit balances are to be repaid to the County except for utilities credits. Motion was seconded by Commissioner Tucker.*

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

*RES. NO. 08-112*

**OTHER COUNTY BUSINESS (Continued):**

**6. Emergency Preparedness – Purchase from 911 Funds and Other Business:**

- a. Jim Miller, Emergency Preparedness Director, reported on Mitigation Meeting
- b. Requested to extend resolution 08-86 Proclamation of a State Disaster Emergency for Montgomery County. The following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to extend the declaration of a State of Local Disaster Emergency for an indefinite period of time as stated in Montgomery County Resolution 08-86. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 113*

- c. Submitted a bill from Washington Electronics for \$6,589.64 for radio and equipment and advised the Board it could be paid from 911 Funds. The following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to approve the purchase of radios and equipment from Washington Electronics, Pittsburg, KS in the amount of \$6,589.64 to be paid from 911 Funds as approved by the Emergency Preparedness Director. Motion was Seconded by Commissioner Tucker.*

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

*RES. NO. 114*

**7. Amend May 5<sup>th</sup> minutes:**

**ACTION:** *A motion was made by Commissioner Tucker to amend the minutes of May 5<sup>th</sup> to include Resolution #08-76-A to adopt the Montgomery County Weather Event Procedure Policy as presented by the Emergency Preparedness Director.*

*Motion was seconded by Commissioner Lewark-Wood.*

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

*RES. NO. 08-78-A*

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**ADJOURNMENT: 12:30 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**

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**BILLIE LEWARK-WOOD, Chairman**

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**GENE TUCKER, Member**

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**TONY FOWLER, Member**

**ATTEST:**

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**County Clerk**