

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

June 30, 2008

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 Tucker 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 Tucker to approve invoices in the amount of - \$195,824.98 and \$48,841.12 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*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Tucker to approve the minutes of June 9 and June 16, 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*

COUNTY ATTORNEY – JUVENILES RIGHT TO TRIAL – EFFECT ON THE COUNTY:

County Attorney Larry Markle met with the Board to discuss an article in the newspaper on the Juveniles Right to Trial. Mr. Markle's concern is the money and time in the County Attorney's office. He stated it cannot be done with the present staff when some of the juveniles will be tried as adults.

Mr. Markle said he will be out of money by June 2009 if the original budget he proposed is approved. It will be approximately 60 days before he will know how many cases will be added. The Board will review his budget and advised that it can be amended during the 2009 budget year.

LAND DISPUTE – SANTEE PROPERTY – COUNTY ATTORNEY AND COUNTY COUNSELOR:

Larry Markle, County Attorney and Paul Kritz, County Counselor met with the Board on a land dispute between Santees and Houstons. The Sheriff was not able to attend the meeting. Robert Bever, Public Works Coordinator was in attendance.

The road seems to be in Oklahoma but cannot be determined without a survey. Both Mr. Markle and Mr. Kritz said this is a civil case and asked the following questions:

1. Is this a dedicated road –
2. Who will pay for the survey –

Mr. Kritz stated he will be glad to search the records but it will not do any good without information from the landowner in Kansas and a survey to determine the legal boundaries of the property and the Oklahoma line.

PUBLIC WORKS:

Robert Bever, Public Works Coordinator, requested an Executive Session. The following action was taken:

***ACTION:** A motion was made by Commissioner Fowler to recess to Executive Session at 9:46 AM to return at 10:01 AM with Robert Bever and Paul Kritz present to discuss non-elected personnel. Motion was seconded by Commissioner Tucker.*

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

Returned to session at 10:01 AM with a motion to extend the session until 10:25 AM.

Motion by Commissioner Tucker, seconded by Commissioner Fowler.

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

Returned to session at 10:25 AM with no action taken and no decisions made.

Mr. Bever presented the weekly written report. The following items were discussed: Rock report for May; update on Beachner and the tract of land on County Road 6000 mile 24 (Paul Kritz is working on deed and legal work); Copy of bid for one compact track loader with post hole driver auger (2 bit sizes), standard pallet fork, and hydraulic hammer; Memo regarding update on the 2008 work program; Memo regarding Bridge #1003 on CR 5100 mile 5 (Sunflower Road) (Will leave on 5-year plan); letter to Tyson Oakes regarding the asphaltting of Deer Trail Estates; and Major Bridge Replacement Status (County Bridge No. 608 – Memo on purchase of right-of-way).

The Board approved a warranty deed from Billy Barton to Montgomery County for easement and authorized the Chairman to sign on behalf of Montgomery County.

David Benning had requested Mr. Bever for help on repairing the levy on Verdigris Drainage District #2. Mr. Benning will be contacted and an estimate will be made on the cost to the county to help repair what is needed. The Drainage District does have the funds to pay for the expenses incurred for the repairs.

The Independence City tower is down and keys are needed to work on it on the weekend. The tower is on the courthouse. Roger Powell will be responsible for the keys and will return them to Public Works. The Board approved the request.

Commissioner Lewark-Wood told Mr. Bever that the mowing definitely needs to be resumed and in many places due to safety because of the weeds blocking the view. Mowing has been resumed by Public Works.

OTHER COUNTY BUSINESS:

1. Letter of appreciation to CVR for sponsoring the “Family Guide for Emergency Prepared Neighborhoods” from the Board of County Commissioners.

ADJOURNMENT: 11:05 AM

ACTION: *Motion by Commissioner Fowler 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