

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

August 4, 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 Lewark-Wood.

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 \$183,485.89, \$41842.68 and \$2.64 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*

ROAD VIEWING – CR 5350 AND CR 5400:

The Board of County Commissioners opened the meeting at the road viewing site. Those present were Steve Potter (resident), Board of County Commissioners, Public Works Coordinator Robert Bever, Assistant Public Works Coordinator Jim Wright, County Clerk, Jim Miller and Louis Wood.

There being no public objections to the request for the adoption of a County Road, the following action was taken:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the adoption of a tract of land for road purposes described as follows: “ **Beginning at the intersection on County Road 5400 and County Road 5350 also being the approximate center mark in the north line of Section 5, Township 32 South, Range 17 East, thence running in a southerly direction approximately 1,500 feet. Said tract being 50 feet in width, 25 feet from each side of the centerline of the existing road as the road lies.**”*

The motion was seconded by Commissioner Fowler.

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

RES. NO. 08-121

The Board recessed at 9:45 AM to return to the Courthouse.

PUBLIC WORKS:

Public Works Coordinator Robert Bever met with the Board and presented the weekly written report. The following items were discussed:

1. Road and Bridge Balance Sheet for July, 2008 –
2. Copy of pipe bid sent out on July 30, 2008 –
3. Memo regarding Backhoe Loader (Bids were taken under consideration at previous meeting) –

ACTION: *A motion was made by Commissioner Tucker to award the bid to Murphy Tractor for a John Deere Backhoe Loader in the amount of \$77,311.00 to be debited from Road and Bridge Fund and reimbursed from No Fund Warrants. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 08-122

4. Discussion about CR 5200-14 – Mr. Bever requested opening the first part of the road and vacating the last portion; this would be opening approximately one-third of the road at this time. No action was taken at this time.
5. Discussion on Heckert Construction – Mr. Bever advised the Board asphaltting will be done mid-September and the cost will be \$70.00 per ton compared to the previous \$50.00 per ton.
6. Major Bridge Replacement Status –
7. Noxious Weed Balance Sheet for July, 2008.
8. Sewer District #2 Balance Sheet for July, 2008.

SHERIFF – EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 10:32 AM to return at 10:42 AM to discuss non-elected personnel with the Board and 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 10:42 AM with no action taken and no decisions made.

PAUL BENSON – ROAD PROBLEM DISCUSSION:

Mr. Paul Benson met with the Board to discuss the road problems and some items previously discussed that had been taken care of. Also present was Roy Elliot and he expressed concern on CR 3100 and stated the road is bad and there is too much rock being placed on the roads at one time.

No action as a result of this discussion.

EXECUTIVE SESSION – ATTORNEY/CLIENT PRIVILEGE:

ACTION: *A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 11:35 AM to return at 12:05 PM for Attorney/Client Privilege with County Counselor Paul Kritz and Attorney Terelle Mock with Fisher, Patterson and 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 12:05 PM with no action taken and no decisions made with a motion by Commissioner Tucker to extend the session until 12:20 PM with the Board and attorneys present. Motion was seconded by Commissioner Fowler.

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

Returned to session at 12:20 PM with no action taken and no decisions made.

OTHER COUNTY BUSINESS:

1. Juvenile Corrections Advisory Board Appointments –

ACTION: *A motion was made by Commissioner Fowler to approve the recommendation as presented by the Juvenile Corrections Advisory Board to appoint Randy Wagoner and Jerry Brown to the Board with terms of three (3) years each. Motion was seconded by Commissioner Lewark-wood.*

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

RES. NO. 08-123

2. Spill Report by Scott Barnhart on Petroleum Product Spill at 2300 North 20th Place, Independence.

3. Weather Spotter Vehicles – Commissioner Tucker stated he is against transferring two (2) Sheriff's vehicles which have been put out of service for the Sheriff's Department, and the Board should set a date to dispose of the vehicles at public auction. The following action was taken:

ACTION: *A motion was made by Commissioner Lewark-Wood to table the request by the Montgomery County Rural Fire for the transfer of two (2) Sheriff's vehicles for weather spotter purposes. Motion was seconded by Commissioner Fowler.*

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

4. Acknowledged letter from Cessna Aircraft Co. reporting the six month period of January 1, 2008 through June 30, 2008 keeping in compliance for the Industrial Inducement Agreement.

ADJOURNMENT: 12:55 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