

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

August 25, 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 \$7,000.00 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*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Fowler to approve the minutes of July 14, 21 and 28, 2008 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*

EXECUTIVE SESSION – HUMAN RESOURCES:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 9:09 AM to return at 9:14 AM with Human Resources Director Liz Schwatken and Court Services employee Dan Driskill 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 9:10 AM with no action taken and no decisions made. A motion was made by Commissioner Tucker to extend the session until 9:16 AM. Motion was seconded by Commissioner Fowler.

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

Returned to session at 9:16 AM with no action taken and no decisions made.

COUNTY HEALTH – PUBLIC HEALTH PREPAREDNESS RESPONSE GRANT:

County Health Administrator Ruth Bardwell presented a Federal Grant Application for Public Health Preparedness Response Grant in the amount of \$33,696.00 with no matching funds required, for the signature of the Chairman. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to authorize the Chairman to sign on behalf of Montgomery County, the grant application for Public Health Preparedness Response for the Montgomery County Health Department. This is a Federal Grant. Motion was seconded by Commissioner Fowler.*

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

COMMUNITY CORRECTIONS – 2008/2009 BUDGET:

Kurtis Simmons, Community Corrections Director, presented the Comprehensive Plan for the Community Corrections Department. The total budget for the year 2008/2009 is \$280,572.35. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to approve the Community Corrections Budget Comprehensive Plan for 2008/2009 in the amount of \$280,572.35. Motion was seconded by Commissioner Fowler.*

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

Mr. Simmons stated he has a carry over balance of \$3,248.68 that may be used by line item during the current year. He also presented a Budget Summary and Narrative for the approval of the Board. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to approve the carryover balance for 2007/2008 Budget year for Community Correction in the amount of \$3,248.68 to be used in the 2008/2009 budget year and to approve the Budget Summary and Narrative as presented and to authorize the Chairman to sign the necessary documents. Motion was seconded by Commissioner Lewark-Wood.*

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

EXECUTIVE SESSION – COUNTY CLERK – NON-ELECTED PERSONNEL:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 9:48 AM to return at 9:58 AM to discuss non-elected personnel with the County Clerk and the Board present. Motion was seconded by Commissioner Lewark-Wood.*

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

Returned at 9:58 AM with a motion by Commissioner Fowler to extend the Executive Session from 9:58 AM to 10:10 AM. Motion was seconded by Commissioner Fowler.

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

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

PUBLIC WORKS:

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

1. Mr. Gary Davidson discussed the road condition between CR 5200 and CR 5400 with Mr. Bever.
2. September 2, 2008 Public Works will be going back to 8 hour days – 5 days a week.
3. Letter to Robert Scovel about paving CR 5200 mile 1.
4. New Comprehensive Transportation Program for Kansas for approval by the Board. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to endorse and support the enactment of a new program by the Kansas Legislature being the new Comprehensive Transportation Program for Kansas. Motion was seconded by Commissioner Tucker.*
ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

RES. NO. 08-131

5. Opening 1280 feet of rural road for Jack Lasater family – Quotes for the opening of 1280 feet of rural road were as follows:

Chris Gillman	\$23,950.00
Muller Construction	\$23,878.50
Jay Bruening	\$21,100.00

ACTION: *A motion was made by Commissioner Tucker to accept the bid from Jay Bruening in the amount of \$21,100.00 for the opening of 1280 feet of rural road for the Jack Lasater family to be paid from Special Highway Fund. Motion was seconded by Commissioner Fowler.*
ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

RES. NO. 08-132

6. Update on 2007 and 2008 floods.
7. Salt storage at Dearing – Request for approval for a cover-all building 20' x 12' x 48' with one end open for salt storage to be placed at Dearing at a cost of approximately \$6,500.00. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to approve the purchase of a cover-all building for salt storage at a cost of approximately \$6,500.00 to be placed at Dearing. Debit Road and Bridge Fund. Motion was seconded by Commissioner Fowler.*
ROLL CALL VOTE – Commissioner Lewark-Wood - Yes
Commissioner Tucker - Yes
Commissioner Fowler – Yes

RES. NO. 08-133

8. Memo regarding Assistant Road Supervisor position – Effective August 16, 2008 James Roberds has stepped down as Assistant Road Supervisor I and will go back to an Equipment Operator III with a decreased adjustment in hourly wage. Fred Long temporarily will fill this position as a temporary district blade supervisor beginning August 16th will an increased adjustment in hourly wage.
9. Major Bridge Replacement Status –
10. Noxious Weed – Mr. Bever advised the Board an individual hit one of the Noxious Weed vehicles causing approximately \$5,700.00 in damages to the driver's side and has been turned over to our insurance because the individual did not have insurance.
11. (a) Sewer District #2 – Public Hearing for grant on September 8th at 9:15 AM
(b) Discussed past due accounts in the amount of \$15,564.00 with \$2,475.43 in past due accounts being written off as bad debts for eight (8) individual accounts.

ENVIRONMENTAL HEALTH/ZONING – REZONING APPLICATION:

Environmental Health/Zoning Director Scott Barnhart and Mr. Ryan Robson met with the Board to present the recommendation of the Montgomery County Planning Commission to approve the application by Mr. Robson for rezoning of 4217 Highway 75 from its current classification as R-1 residential to B-2 commercial for the establishment of a used car dealership in conjunction with the remainder of the tract/parcel being utilized as the applicant’s primary residence. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to accept the recommendation of the Montgomery County Planning Commission and approve the application by Mr. Robson for rezoning of 4217 Highway 75 from its current classification as R-1 residential to B-2 commercial for the establishment of a used car dealership in conjunction with the remainder of the tract/parcel being utilized as the applicant’s primary residence. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 08-134

Mr. Barnhart approval to purchase software for the GIS system for his office in the amount of approximately \$2,000.00 to be purchased from County General Capital Outlay Fund. Approval was given by the Board for the purchase.

A copy of a letter to the Kansas Department of Health and Environment reporting on the investigation of complaints on the Montgomery County Correctional Facility was presented to the Board. No action by the Board was required.

CARROL KNISLEY – BUDGET QUESTIONS AND ROAD DISCUSSION:

Mr. Carrol Knisley, Montgomery County resident, discussed the following with the Board:

1. Road grading between CR 4700 and CR 5000 has been graded since talking to Commissioner Tucker and some mowing has been done.
2. He is concerned because all complaints are being answered by blaming work not being done because of the flood.
3. He does not see “a lot of signs of tax dollars at work”.
4. Gas tax on personal property being paid by Montgomery County taxpayers and the question he had was, “How can you spend that much tax money?” After discussing the road problems and the cost to the county Mr. Knisley still did not feel his question had been answered.

LARRY REYNOLDS – REGARDING HIRING OF COUNTY APPRAISER:

Mr. Larry Reynolds, after a conference call to the Board, was placed on the agenda to discuss the progress in hiring of a County Appraiser. He stated he had enjoyed working with the County Appraiser’s office in the absence of an appraiser and if the Board felt they would not be hiring soon, he would schedule for work needing to be completed in Montgomery County. The Board feels the opening will be filled and a decision made on September 8th.

OTHER COUNTY BUSINESS:

1. **Acknowledged “thank you” care from the Steve Hoppock family.**
2. **Acknowledged letter from Kansas State Historical Society approving the nomination of the Brown Barn, located at 5879 CR 4300, to the National Register of Historic Places. The nomination will be forwarded to the office of the Keeper of the National Register in Washington, D.C. where it will be evaluated.**
3. **Received “Statement of Accounts” from the County Treasurer.**

ADJOURNMENT: 11:50 AM

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