

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

December 8, 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 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 Fowler to approve invoices in the amount of - \$132,425.00 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 Lewark-Wood to approve the minutes of November 10, 17, 24 and December 1, 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*

COUNTY APPRAISER:

LeRoy Burk, County Appraiser met with the Board and reported on the meeting in Topeka on Natural Gas Underground Gas Storage fields. He reported 15 million dollars, if approved, to be divided between 17 counties and would be pro-rated by the number of fields in each county. Mr. Burk recommended joining with the counties by providing funds for a lobbyist through the Coalition of Kansas Underground Natural Gas Storage Counties to represent the counties with each county paying \$7,200.00 for taxation on these gas fields. The following action was taken:

ACTION: *A motion was made by Commissioner Fowler to approve the expenditure of \$7,200.00 to be debited from the County General Operating Fund for Montgomery County's share in the Coalition of Kansas Underground Natural Gas Storage Counties to lobby in Topeka for an amendment to the Kansas Constitution for taxation. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 08-189

COUNTY APPRAISER (Continued):

Mr. Burk advised the Board Jim Shontz is resigning his position in the County Appraiser's Office as of January 2, 2009.

He reported on the progress with modeling and asked for approval to set prices charged by the County Appraiser's Office for fees on information from his portion of GIS. The Board approved this request.

EMERGENCY PREPAREDNESS – MITIGATION MANAGER BIDS:

Jim Miller, Emergency Preparedness Director was present for the opening of the bids for the county's Mitigation Manager for the Mitigation Buyout Program. Bids were as follows:

Michael Davis, Kansas City, Kansas \$600.00 per property that is closed
 100.00 for each property owner who refuses to participate
 200.00 for each vacant lot that is closed on

No reimbursement for "out-of-pocket" expenses

ACTION: *A motion was made by Commissioner Fowler to accept the bid from Michael Davis, Kansas City, Kansas to serve as Mitigation Manager for the Mitigation Buyout Program for Montgomery County's program as follows:*

*\$600.00 per property that is closed
100.00 for each property owner who refuses to participate
200.00 for each vacant lot that is closed on*

No reimbursement for "out-of-pocket" expenses

Motion was seconded by Commissioner Lewark-Wood.

ROLL CALL VOTE – Commissioner Lewark-Wood – Yes

Commissioner Tucker – Yes

Commissioner Fowler – Yes

RES. NO. 08-190

HUMAN RESOURCES – EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 9:50 AM to return at 10:05 AM with Liz Schwatken, Human Resources Director 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 with no action taken and no decisions made.

Recessed at 10:06 AM

Returned at 10:10 AM

PUBLIC WORKS:

Robert Bever, Public Works Coordinator, presented the weekly written report. The following items were discussed: Bid Opening on the CMP Metal Pipe; Balance Sheet for Road and Bridge for November 2008; Memo on the Road and Bridge Supervisor II; Memo on used tire disposal; Memo on the breakdown of road request still outstanding for 2008; Memo regarding problem with narrow intersections; Major Bridge Replacement Status (County Bridge No. 1211); and Balance sheet for Sewer District #2 for November 2008.

PUBLIC WORKS (Continued):

1. Bid Opening for CMP Metal Pipe –	
J & J Drainage Products Co., Hutchinson, KS	\$18,259.70
J & J Metal Products Co, Paola, KS	\$19,144.70
Welborn Sales, Inc., Salina, KS	\$19,947.80
JR Crow & Co, Derby, KS	\$24,488.00

ACTION: *A motion was made by Commissioner Fowler to approve the low bid from J & J Drainage Products Co., Hutchinson, Kansas for CMP Metal Pipe in the amount of \$18,259.70 for the Public Works Department. Motion was seconded by Commissioner Lewark-Wood. Debit Special Highway Fund.*

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

RES. NO. 08-191

2. Discussed memo on used tire disposal, breakdown of road requests and problem with narrow intersections.
3. Presented necessary papers for signature of the Chairman on Commitment of County Funds in the amount of \$241,000 for County Bridge No. 1211. The following action was taken:
ACTION: *A motion was made by Commissioner Fowler to authorize the Chairman to sign the necessary papers on the Commitment of County Funds in the amount of \$241,000 for County Bridge No. 1211 north of Caney on County road 1300-3. Motion was seconded by Commissioner Lewark-Wood.*

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

4. Executive Session:

ACTION: *A motion was made by Commissioner Fowler to recess to Executive Session at 10:25 AM to return at 10:40 AM with Robert Bever, Public Works Coordinator 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 10:40 AM with no action taken and no decisions made.

ENVIRONMENTAL HEALTH – ANNEXATION TO THE CITY OF CANEY:

Scott Barnhart, Environmental Health/Zoning Director, and Tim Black, applicant for annexation to the City of Caney, appeared before the Board to discuss the request from the City of Caney for “spot” annexation. The tract of land does not join the City of Caney which creates the “spot” annexation and the approval of the Board of County Commissioners before the parcel can be annexed.

Mr. Barnhart presented a letter explaining the circumstances requesting to the application for annexation and the need for adequate sanitary wastewater disposal from the residence. In order for the residence to be eligible to join onto the city sewer, it must be annexed into the city of Caney. He outlined the procedural standards as set forth in KSA 12-251 which include a review by the governing body with written findings of fact regarding specific elements of preponderance. The following action was taken:

ACTION: *A motion was made by Commissioner Lewark-Wood to authorize the Environmental Health/Zoning Director to proceed with the checklist and work with Public Works on the effect of the drainage project in progress affecting this property described in the annexation application from the City of Caney. Motion was seconded by Commissioner Tucker.*

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

RES. NO. 08-192

REGISTER OF DEEDS – TRANSFER OF FUNDS TO GIS TECHNOLOGY FUND:

Marilyn Calhoun, Register of Deeds, met with the Board and is authorizing a transfer of \$60,000 to the GIS Technology Fund from the Register of Deeds Technology Fund effective immediately. She discussed information she had received from Register of Deeds of other counties on establishing a “Land Technology Fund” with the funds she can transfer from her technology fund in the future.

The Board thanked her for the funds she has made available for the GIS Technology Fund.

OTHER COUNTY BUSINESS:

1. Nelson Olinger was present for the meeting and inquired of the Board on how the Indigent Services will be handled. He was advised the new County Commission will make that decision after the first of 2009.
2. Occupational Licenses for Coffeyville Country Club and Independence Country Club; Cereal Malt beverage License for Southgate for 2008 and 2009.

ACTION: *A motion was made by Commissioner Fowler to approve the issuance of an Occupational License for Coffeyville Country Club and Independence Country Club and the issuance of a Cereal Malt Beverage License for Southgate, Independence, KS for 2008 and 2009. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 08-193

3. Acknowledged thank you from Gene Tucker family.
4. Acknowledged letter from Department of Interior for payment in lieu of taxes in the amount of \$17,752.00
5. Report from the Solid Waste Committee Chairman:

ACTION: *A motion was made by Commissioner Lewark-Wood to accept and approve the report of the Montgomery County Solid Waste Committee on the meeting held November 19, 2008 with no recommendations for changes to the plan at the present time. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 08-194

6. Solid Waste Committee member Forrest Strickland resigned from the Committee. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to appoint Larry McManis to the Board to represent the Board of County Commissioners effective January 12, 2009 and to request the Chairman of the Solid Waste Committee to send a letter of thanks to Mr. Strickland on behalf of the Board. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 08-195

7. An invoice from K-TECH, LLC was paid from the Department of Corrections budget. A request was made to the County Clerk by the Department of Corrections Administrator to pay the amount of \$1,985.00 from the County General Operating Fund due to not having money in the DOC budget for this expenditure. The following action was taken:

ACTION: *A motion was made by Commissioner Lewark-Wood to authorize the County Clerk to move by Journal Entry, the amount of \$1,985.00 which was payable to K-TECH, LLC, to the County General Operating Fund and credit the Department of Corrections budget with this amount. Motion was seconded by Commissioner Tucker.*

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

RES. NO. 08-196

ADJOURNMENT: 12:00 Noon

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