

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

December 22, 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 Tucker 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 - \$32,224.16 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 December 15, 2008 as presented by the County Clerk. The motion was seconded by Commissioner Tucker.*

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

\*\*\*\*\*

**COUNTY APPRAISER:**

LeRoy Burk, County Appraiser, met with the Board to recommend the purchase of a 2007 Ford Taurus in the amount of \$9,500 from Quality Motors based on the bids received and discussed at the last meeting. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to approve the purchase of a 2007 Ford Taurus in the amount of \$9,500 from Quality Motors, Independence, Kansas for the Montgomery County Appraiser's Office to be debited from the County General Capital Outlay Fund. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 08-204

Mr. Burk reported on work being done in the Appraiser's office.

**Minutes – December 22, 2008**

**Page 2**

**AMENDMENT BUDGET HEARING FOR 2008 COUNTY BUDGET:**

The Board recessed from the regular meeting to begin the amended budget hearing at 9:30 AM. There being no public input, the Montgomery County 2008 Budget was amended to include \$253,439 for Tourism which is a non-levied fund. The following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to adopt the amended Montgomery County 2008 Budget in the amount of \$253,439 for Tourism, a non-levied fund. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 08-205*

The budget hearing was adjourned at 9:45 AM and the Board returned to regular session.

\*\*\*\*\*

**PUBLIC WORKS:**

Robert Bever, Public Works Coordinator, presented the weekly written report. The following items were discussed: Copy of letter sent to Mr. Berges with KDOT requesting help with Traffic Engineering Assistance Program; Major Bridge Replacement Status; Listing of Past due bills for Sewer District #2; and vacation of the county's portion of CR 5900 mile 1. As a result of this report, the following action was taken;

1. Vacation of CR 5900 mile 1 –

**ACTION:** *A motion was made by Commissioner Lewark-Wood to vacate the county portion of CR 5900 Mile 1 with the legal description as follows:*

1. *Any portion of public road as it lies, located along the easterly line of Section 15 Township 35 South Range 17 East. Said right of way is known as CR5900 mile 2 or Anderson Road and runs approximately ½ mile.*
2. *That the above described road is hereby ordered vacated subject to any existing easements for utilities or other rights of way which may have been granted of record as provided by law. The property owner(s) shall be responsible perpetually for fencing any bridge that may exist on said road and deny use of any such bridge to all persons.*
3. *That the east side of the above described road lies in Labette County and has been vacated as documented in resolution Number 2007-27-L ordered on July 23, 2007 by the Labette Board of County Commissioners.*

*Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 08-206*

\*\*\*\*\*

Recessed at 10:15 AM.

Returned at 10:20 AM.

\*\*\*\*\*

**HUMAN RESOURCES – SHARED LEAVE REQUEST:**

Liz Schwatken, Human Resources Director, presented a shared leave request to the Board. The request meets all requirements and the following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to approve a shared leave request as presented by Human Resource Director in the Community Corrections Department. Motion was seconded by Commissioner Tucker.*

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

**ENVIRONMENTAL HEALTH – SANITARY CODE UPDATE:**

Scott Barnhart, Environmental Health/Zoning Director, presented the update for the Montgomery County Sanitary Code. The last update was in 1999. A letter and the updated Sanitary Code will be submitted to the State of Kansas by Mr. Barnhart.

Discussed two (3) spill reports the Board received from Mr. Barnhart dated December 16<sup>th</sup>, December 18<sup>th</sup> and December 19<sup>th</sup>. The spill dated December 16<sup>th</sup> was salt water materials, December 18<sup>th</sup> unrefined crude oil and the spill dated December 19<sup>th</sup> was diesel fuel spill.

\*\*\*\*\*

**COUNTY COUNSELOR PAUL KRITZ – EXECUTIVE SESSION – ATTORNEY/CLIENT PRIVILEGE:**

**ACTION:** *A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 11:00 AM to return at 11:25 AM with County Counselor Paul Kritz and the Board present from 11:00 AM to 11:20 AM and County Counselor Paul Kritz, the Board and County Appraiser LeRoy Burk present from 11:20 AM until 11:25 AM. Motion was seconded by Commissioner Tucker.*

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

Returned to session at 11:25 AM with no action taken and no decisions made with the following discussion:

Mr. Kritz presented a News Release to the media on the following subject: Montgomery County and Coffeyville Resources Refining & Marketing Reach Compromise on Refinery Tax Valuation. He then presented a Term Sheet of Settlement in which the parties agree to appraised value of all taxable Refinery property of \$160,000,000 for 2007, 2008 and 2009. The following action was taken:

**ACTION:** *A motion was made by Commissioner Tucker to approve the news release as prepared by County Counselor on the agreement between Montgomery County and Coffeyville Resources Refining & Marketing. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 08-207*

\*\*\*\*\*

**OTHER COUNTY BUSINESS:**

1. Class LTD 2009 Budget Agreement for signature of the Chairman as previously approved .
2. 70<sup>th</sup> Anniversary card to Pat and LaDonna Hall, Elk City was requested by Commissioner Fowler. A card will be sent by the Human Resources Director.
3. A memo was presented by Jim Miller, Emergency Preparedness Director on the Status as of November 30<sup>th</sup> on the 2008 budget for his department.
4. Jim Miller, Emergency Preparedness Director discussed a grant to be available for the building of a new emergency center. It was approved by the Board Mr. Miller proceed with working on obtaining the grant.
5. Budgets that will possibly be over budget by December 31<sup>st</sup> were discussed and the County Clerk will transfer money from the General Operating Fund only as needed to these departments. The estimated remaining balance for the Operating Fund is \$50,000.

\*\*\*\*\*

**ADJOURNMENT: 11:40 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**