

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

February 5, 2007

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:00 AM.

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**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*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Fowler to approve the minutes of January 29, 2007 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*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Tucker to approve invoices in the amount of \$750.00, \$2,093.45 and \$126,517.49 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*

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**PLANNING/ZONING BOARD APPOINTMENTS:**

Scott Barnhart, Planning/Zoning Director, presented recommendations for appointments to the Planning/Zoning Commission and Board of Zoning Appeals. The following appointments were approved:

**ACTION:** *A motion was made by Commissioner Fowler to appoint the following: Montgomery County Planning Commission, Jim Sheldon, Wayne Bright, James Templeton and John Doan; for the Board of Zoning Appeals: Max Bryant, Steve O'Brien and Kent Keller. Motion was seconded by Commissioner Tucker.*

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

RES. NO. 07-23

**PLANNING/ZONING (Continued):**

Mr. Barnhart asked approval from the Board to purchase a recorder with a microphone for the Planning and Zoning meetings. There is a problem with the present equipment and is not clear enough for transcription of the minutes. The purchase was approved and will be debited from General Capital Outlay Fund.

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**COMPUTER DEPARTMENT – WATCH GUARD SUPPORT AGREEMENT:**

Ken Collins, Computer Department Director, presented the Watch Guard Support Agreement which is the service agreement on the fire box and is required by the State of Kansas at a cost of \$610.00 per year. The following action was taken:

**ACTION:** *A motion was made by Commissioner Tucker to approve the Watch Guard Support Agreement as presented by the Computer Director in the amount of \$610.00 per year to be paid from the County General Operating Fund. Motion was seconded by Commissioner Fowler.*

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

*Commissioner Tucker - Yes*

*Commissioner Fowler – Yes*

*RES. NO. 07-24*

Mr. Collins reported that Jason Clubine in the Compute Department, was working on installing lines and fiberglass got in his eye. The fiberglass was removed by an eye doctor.

A request was made to purchase an eye wash station and first aid kit for the Courthouse. The following action was taken:

**ACTION:** *A motion was made by Commissioner Tucker to approve the purchase of an eye wash station and first aid kit for the Courthouse to be paid from County General Operating Fund. Motion was seconded by Commissioner Lewark-Wood.*

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

*Commissioner Tucker - Yes*

*Commissioner Fowler – Yes*

*RES. NO. 07-25*

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**PUBLIC WORKS:**

Robert Bever, Public Works Coordinator, presented the weekly written report. The following items were discussed: Report on wrecked 1981 Ford LT9000 truck totaled by the insurance company; Request by Layne Energy to use county right-of-way for 1360 feet for pipe; Quotes for new corrugated metal pipe; Sign post quotes for u-channel; Training sessions this year for employees; and Major Bridge Replacement (County Bridge No. 1001). As a result of this report, discussion and action followed:

**Wrecked 1981 Ford LT9000 Truck** - Mr. Bever recommended accepting the payment of \$4,333.00 and the insurance company retain the vehicle over the option of receiving \$3,054.11 and the County keep the vehicle. Commissioner Fowler said the vehicle would bring more to keep it and sell in the County auction. The following action was taken:

**ACTION:** *A motion was made by Commissioner Tucker to accept Option 2 from EMC Insurance Company in the amount of \$3,054.11 and the County retain the wrecked 1981 Ford LT9000 Truck to be placed in the County auction in May. Motion was seconded by Commissioner Fowler.*

*ROLL CALL VOTE – Commissioner Lewark-Wood - No*

*Commissioner Tucker - Yes*

*Commissioner Fowler – Yes*

*RES. NO. 07-26*

**Layne Energy right-of-way request –**

**ACTION:** *A motion was made by Commissioner Fowler to allow Layne Energy the use of County right-of-way along County Road 1700 for 1360 feet south of County Road 6600 for the purpose of trenching a line along and across County Road 1700. Motion was seconded by Commissioner Tucker.*

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

*Commissioner Tucker - Yes*

*Commissioner Fowler – Yes*

*RES. NO. 07-27*

**PUBLIC WORKS (Continued):**

**New Corrugated Metal Pipe quotes –**

**ACTION:** A motion was made by Commissioner Tucker to accept the low bid or quote from Welborn Sales, Gardner, Kansas in the amount of \$13,708.95 for new corrugated metal pipe, lengths as detailed in report, and award the low bid from National Sign Company in the amount of \$2,526.00 for Green U-Channel 100-10 ft and 100-12 ft sign posts. Debit Road and Bridge Fund. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-28

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Recess at 10:30 AM  
Returned at 10:35 AM

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**MONTGOMERY COUNTY SHERIFF:**

Sheriff Stan Veach presented a change of status for an employee completing probation. It was approved by the Board.

Mr. and Mrs. Don Cox, Coffeyville, met with the Board to discuss a fence dispute with the neighbors. Mr. Cox wants to put in a fence for cattle and the neighbors object up and including threatening him. He stated the cost would be no more than about \$30.00 to the neighbors involved and he is willing to pay for the fence himself with no cost to the neighbors.

The Board advised Mr. Cox this is a matter to be taken up with an attorney and they called it a “civil matter”. Some of the board members have been contacted prior to the meeting by Mr. Cox’s neighbors. No action was taken.

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**OTHER COUNTY BUSINESS:**

**1. After Prom –**

**ACTION:** A motion was made by Commissioner Fowler to allocate \$250.00 to USD 436, USD 445, USD 446 and USD 447 (Montgomery County), \$100.00 to USD 283 (Elk County) and \$50.00 each to USD 461 and USD 484 (Wilson County) for the After Prom to be paid from Special Alcohol Fund. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-29

**2. Sedan Floral Deed –**

**ACTION:** A motion was made by Commissioner Tucker to authorize the Chairman to sign, on behalf of Montgomery County, a deed from Montgomery County to Sedan Floral due to bonds being paid and property is to be deeded back to Sedan Floral upon payment of bonds. Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-30

**3. Ballots returned with no postage –**

Discussed ballots being returned with no postage and the county is paying the postage due to the post office. The County Clerk asked if the Board wishes these ballots to be counted. The following motion was made:

**ACTION:** A motion was made by Commissioner Tucker to not county ballots returned with no postage.  
Motion died for lack of a second.

**OTHER COUNTY BUSINESS (Continued):**

- 4. Laptop Computer and filing cabinet (Commissioner's) –**  
Lee Mattix had requested an opportunity to purchase the laptop used by him as County Commissioner and a two (2) drawer file cabinet he has at home. It was decided to deny the request. Commissioner Fowler would like to have the use of the computer and the file cabinet can be used in the Commissioner's office. Mr. Mattix will be notified of their decision by the County Clerk.
- 5. Walter Hudiburg – Election Questions –**  
Mr. Hudiburg questioned the reason for the Advisory Ballot, the Board voting in favor of the election and the numbering of the ballot envelopes. The Board and the County Clerk answered Mr. Hudiburg's questions but he still questioned the process and the reasoning behind it stating he felt it is a big waste of money.
- 6. Blue Cross/Blue Shield Insurance Renewal and AFLAC Cafeteria Plan -**  
Liz Schwatken, Human Resources Director presented a renewal request for employees medical insurance with Blue Cross/Blue Shield and the AFLAC Cafeteria Plan renewal. She advised the Board the quote from Blue Cross/Blue Shield Insurance reflects a 5% decrease from our current premiums if no changes are made in the plan. The following action was taken:

**ACTION:** *A motion was made by Commissioner Tucker to renew the employee's insurance plan with Blue Cross/Blue Shield for the 2007-2008 premium year with a 5% decrease from the present premiums being paid by the county. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 07-31*

**ACTION:** *A motion was made by Commissioner Tucker to renew the county's Cafeteria Plan with AFLAC for the year 2007-2008. Motion was seconded by Commissioner Fowler.*

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

*RES. NO. 07-32*

- 7. Capital Equipment Company equipment sales –**  
Mr. Jerry Boyd, truck driver for Capital Equipment, Tulsa, Oklahoma met with the Board to offer 2006 models of equipment for sale at a reduced price. The equipment consisted of: 2 generators (1 gasoline and 1 diesel), 1 air compressor and 1 pressure washer at a total cost of \$13,096.00 but is being offered to the county for \$5,980.00. The Board contacted Robert Bever if he had need for the equipment and Mr. Bever said he did not want to make a decision on this short notice and he wanted to see the equipment. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to table the decision on the equipment until the next meeting. Motion was seconded by Commissioner Tucker.*

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

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**ADJOURNMENT: 11:27 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**

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**BILLIE LEWARK-WOOD, Chairman**

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**GENE TUCKER, Member**

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**TONY FOWLER, Member**

**ATTEST:**

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**County Clerk**