

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

December 17, 2007

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 Lewark-Wood 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 - \$248,057.51 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 Tucker to approve the minutes of December 3, 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*

PRESENTATION OF SERVICE AWARDS:

The Board of County Commissioners presented employees with service awards as follows:

10 Years – Rebecca Marlow – Auto Tag Office
Robin Van Dyne – Appraiser's Office
F. Jean Dollison – Treasurer's Office
Daylene Walls – Attorney's Office
Elizabeth Woodward – Attorney's Office

15 Years – Steven Fryback – Sheriff's Office
Vickie Neurauter – Department of Corrections
James Shontz – Appraiser's Office

25 Years – C. Kay Naff – Treasurer's Office

30 Years – Vasco Brown – Public Works Department

COUNTY APPRAISER'S OFFICE – BID OPENING – AUTOMATIC FOLDING MACHINE:

Kathy Craig, County Appraiser's Office was present for the bid opening for an automatic folding machine for their department. Bid were as follows:

Pitney Bowes, Wichita, KS	\$4,079.00
	445.40 Maintenance. Per year
McCarthy's Office Supply, Parsons, KS	\$1,249.00

Ms. Craig will check the specifications and check for a better price on the machine specified.

ACTION: *A motion was made by Commissioner Lewark-Wood to reject all bids for an automatic folding machine for the Appraiser's Department and do the rebidding process. Motion was seconded by Commissioner Fowler.*

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

EXECUTIVE SESSION:

ACTION: *A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 9:25 AM to discuss non-elected personnel to return at 9:30 AM with 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 9:30 AM with no action taken and no decisions made.

PUBLIC WORKS:

Robert Bever, Public Works Coordinator, presented the weekly written report as follows:

1. Pipe Bid Opening:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve and accept the bid from Welborn Sales for pipe as listed in the request in the amount of \$29,361.75 to be debited from 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. 07-213

2. Memo to Westar Energy on contract for 27 intersection lights throughout county. Highway lights are \$17.21 per month and other type is \$9.72 per month. Westar has been replacing lights "shot out" at no charge to the county until after the second replacement.

3. E-mail from County Counselor on lawsuit filed concerning a former employee.

4. Memo on County Road 4500 or South Overlook at Coffeyville requested by Commissioner Tucker.

5. Aerial map of County Road 600 & 5700 for which Beachner will be sending a request for property at the Northeast Corner of the intersection of 600 & 5700.

6. Request for transfer of funds for Special Equipment Fund, Special Highway Fund, and Noxious Weed Capital Outlay Fund.

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the transfer of all available funds from the Road and Bridge as of December 31, 2007 into a Reserve Fund. The amount of \$200,000.00 to be credited to the Special Road, Bridge, or Street Building, Machinery, Equipment & Bridge Building Fund and the amount of \$200,000.00 to be credited to the Special Highway Improvement Fund. This transfer is subject to the 2007 audit. The Commission authorizes the County Treasurer to make this transfer of funds. Motion was seconded by Commissioner Fowler.*

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

RES. NO. 07-214

PUBLIC WORKS (Continued):

7. Noxious Weed Fund:

ACTION: A motion was made by Commissioner Lewark-Wood to approve the transfer of all available funds from Noxious Weed Fund as of December 31, 2007 into a Reserve Fund. The amount of \$40,000.00 to be credited to the Noxious Weed Capital Outlay Fund. This transfer is subject to the 2007 audit. The Commission authorizes the County Treasurer to make this transfer of funds. Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-215

8. Major Bridge Replacement Status Report.

9. Presented Household Hazardous Waste Agreement with Wilson County for signature of the Chairman. The following action was taken:

ACTION: A motion was made by Commissioner Fowler to authorize the Chairman to sign on behalf of Montgomery County, the Inter-governmental Agreement between Wilson County and Montgomery County wherein collection of household hazardous waste is transported to the Montgomery County household hazardous waste facility for disposal at 48 cents per mile and \$25.00 per hour travel time to and from designated pickup site to the Montgomery County facility. In addition a charge by Montgomery County of \$35.00 per hour per person for sorting, weighing and packing materials. Motion was seconded by Commissioner Tucker.

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

RES. NO. 07-216

10. Layne Energy:

David Myers representing Layne Energy, Stan Taylor and Harold Taylor being landowners, met with the Board requesting permission to install approximately 2020 feet of poly pipeline in the county right-of-way along the north side of C.R. 4200.

Landowners on both sides have refused to give consent to cross property. It was discussed, however, that the pipe could be laid on the Taylor property creating more distance to reach their goal. Mr. Myers was told to exhaust all avenues to not have to use the right-of-way. Approval was not given at this meeting.

JUDGE CANADAY – UPDATE ON COST OF COFFEYVILLE COURT REMODELING:

Judge Canaday stated the bid is \$113,900 on the remodeling at the court in Coffeyville. He said Coffeyville City could accept the cost of the public restroom as their responsibility which is approximately \$24,000.

The Board asked if the roof still leaks because if it does it would be a waste of money to repair walls and it still leaking. Judge Canaday will check on this.

MONTGOMERY COUNTY RURAL FIRE – THERMAL IMAGE REPAIR – SPECIAL EQUIPMENT FUND:

Wilbur Schwatken, Montgomery County Rural Fire Coordinator, presented information on the cost for upgrading the thermal image at the Independence Station. To repair the equipment would be \$4,400 but if they upgrade it will be \$3,202. The following action was taken:

ACTION: A motion was made by Commissioner Tucker to upgrade the Thermal Image Equipment at the Independence Rural Fire Station at a cost of \$3,202.00. Debit Montgomery County Rural Fire Fund. Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-217

MONTGOMERY COUNTY RURAL FIRE (Continued):

Previously there had been discussion on creating a special equipment fund with money to be transferred at the end of each year if possible from the Montgomery County Rural Fire Fund into a Montgomery County Special Equipment Fund to be used when equipment is needed.

Commissioner Tucker stated there are pending items that need to be completed before money is transferred. Mr. Schwatken stated there could possibly be anywhere from \$10,000 to \$15,000 to be remaining that could be transferred.

ACTION: A motion was made by Commissioner Lewark-Wood to approve establishing a Montgomery County Rural Fire District No. 1 Special Equipment Fund for the transfer of funds remaining at the end of each year if available. Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-218

OTHER COUNTY BUSINESS:

1. 2007 Budget Amendment Approval for Publication -

ACTION: A motion was made by Commissioner Lewark-Wood to approve the publication of the 2007 Budget Amendment in the Official County Newspaper with budget hearing set for December 31st, 2007. Motion was seconded by Commissioner Fowler.

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

2. No Fund Warrant Documents for signatures -

ACTION: A motion was made by Commissioner Fowler to adopt Montgomery County Resolution No. 07-208 authorizing the issuance and delivery of not to exceed \$933,500 principal amount of no-fund warrants, Series 2007, of Montgomery County, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said warrant as it becomes due; and making certain covenants with respect thereto. Motion was seconded by Commissioner Tucker.

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

RES. NO. 07-208

3. Alcoholic Liquor Tax Distribution -

ACTION: A motion was made by Commissioner Lewark-Wood to authorize the distribution of the Local Alcoholic Liquor Tax Funds by population prorated to all Incorporated cities in Montgomery County, for Special Parks and Recreation.

Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-219

4. Acknowledged cards received -

ADJOURNMENT: 11:00 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