

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

January 22, 2007

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:15 AM at the Road Viewing site on CR4000 and CR 3575. The meeting was called to order by the Chairman.

Those present for the viewing were: Public Works Coordinator Robert Bever, Road Supervisor Vasco Brown, County Commissioner Lewark-Wood, County Commissioner Tony Fowler, County Commissioner Gene Tucker, Emergency Preparedness Coordinator Jim Miller, County Clerk Charlotte Schmidt, and Landowners and petitioners Jim and Chris Hare.

There being no objection by the affected landowners, in writing or in person, to the closing of the road, the following action was taken:

**ACTION:** *A motion was made by Commissioner Lewark-Wood to approve the petition as presented for the vacation of the County Road as follows: A portion of Road 275 (4000-13) as described in Road Record Book 2, Page 203 having a 40 foot Right-of-Way in the Montgomery County Public Works Office located in Township 33 South, Range 15 East of the 6<sup>th</sup> Principal Meridian in Montgomery County, Kansas, and the centerline being more particularly described as follows: Beginning at the Southwest corner of the Southeast ¼ of the Southeast ¼ of Section 2, Township 33 South, Range 15 East; thence west along section line approximately 640 feet to the railroad right-of-way and there ending."*

*Motion was seconded by Commissioner Tucker.*

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

*Commissioner Tucker - Yes*

*Commissioner Fowler - No*

*RES. NO. 07-11*

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Recessed at 9:30 AM to return to the Courthouse.

Returned to session at 9:45 AM.

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**CALL TO ORDER:** Commissioner Lewark-Wood.

**INVOCATION:** Commissioner Tucker.

**PLEDGE OF ALLEGIANCE:** Commissioner Fowler.

**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*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Fowler to approve the minutes, as amended, of January 8, 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 \$200.00, \$109,479.72 and \$135,219.68 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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**PUBLIC WORKS:**

Public Works Coordinator Robert Bever presented the written weekly report. The following items were discussed: Rock Report for 2006; Payment from Magellan Pipeline in the amount of \$42,952.03; Requested permission to solicit fax quotes for Corrugated Metal Pipe at an estimated cost of \$10,000 to \$12,000.00 (Approval was given by the Board for quotes); Agreement for railroad crossing signals in Cherryvale for the second location was presented for signatures; Update on Caney drainage project; Lot offered for sale by Jack Thomas to the County; Two accidents in County Vehicles in the Public Works Department; Major Bridge Replacement Status report; Pest Control Bids to be opened; Reported on Register of Deeds and Court Services offices scheduled move; Report on hot water tank installation in Judicial Center. Expansion tank leaking and the other one is showing signs of leakage. Requested permission to debit Jail Surplus for two (2) expansion tanks in the amount of \$800.00; Requested permission to solicit Chemical Bids (Approval given by Board to solicit bids); and Provided schedule for the 2007 Household Hazardous Waste Collection. As a result of this report, the following action was taken:

**ACTION:** A motion was made by Commissioner Lewark-Wood to authorize the Public Works Coordinator to debit Jail Surplus in the amount of \$800.00 for two (2) expansion tanks for the Judicial Center. Motion was seconded by Commissioner Tucker.

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

RES. NO. 07-12

*Pest Control Bids:*

CPR Pest Management, Inc., Independence	\$1,850.00
Statewide Termite Control, Inc., Dearing	\$2,950.00

**ACTION:** A motion was made by Commissioner Tucker to accept the low bid from CPR Pest Management, Inc., Independence, Kansas in the amount of \$1,850.00 for pest control for Montgomery County Courthouse and Montgomery County Judicial Center. Debit Building Maintenance Fund. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-13

The Board discussed roadwork with Mr. Bever.

Executive Session:

**ACTION:** A motion was made by Commissioner Tucker to recess to Executive Session at 10:25 AM with Robert Bever present to discuss non-elected personnel to return at 10:30 AM. Motion was seconded by Commissioner Lewark-Wood.

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

Returned to session at 10:30 AM with no action taken and no decisions made.

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**SHERIFF:**

Sheriff Stan Veach met with the Board and presented two (2) employee status changes for completing probation period. These changes were approved by the Board.

Mr. Veach presented an invoice from KLETC in the amount of \$2,400.00 for training classes by video for approval by the Board.

**ACTION:** *A motion was made by Commissioner Fowler to approve expenditure from the Sheriff's Fund for training classes with KLETC in the amount of \$2,400.00. Charge to Training Line Item. Motion was seconded by Commissioner Lewark-Wood.*

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

*RES. NO. 07-14*

There is a problem with the radios in the new system. Sheriff Veach feels there is a need for a meeting with Washington Electronics, Kansas Communications and Southwestern Bell Telephone at the same time in order to get the problem resolved. Terry Bohr will be contacted to schedule a meeting with the Sheriff and the three (3) vendors.

Douglas County has video cameras for patrol cars they are going to sell for \$200.00 each. Sheriff Veach requested approval to purchase 15 cameras and this enables the department to have one camera installed in each patrol car. The total cost will be \$3,000.00 and will be paid from the Sheriff's Budget from the Maintenance Line Item.

**ACTION:** *A motion was made by Commissioner Fowler to authorize the Sheriff to purchase 15 video cameras for patrol cars from Douglas County at a total cost of \$3,000.00 to be debited from Sheriff's budget. Motion was seconded by Commissioner Lewark-Wood.*

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

*RES. NO. 07-15*

Discussed insurance on passengers and drivers of county vehicles. At the present time there is no coverage except liability. Representatives from Newkirk, Dennis and Buckles will be requested by the County Clerk to attend the next Commission meeting with the Sheriff present.

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**PUBLIC HEARING – AMERICAN INSULATED WIRE AND AMAZON.COM:**

The Chairman recessed the regular meeting to enter into a Public Hearing at 11:00 AM in regard to the application of Amazon.com and American Insulated Wire for property tax exemptions.

Dennis Pruitt, Montgomery County Economic Development Director presided over the Public Hearing. Those present for the hearing were: Kathy Craig, County Appraiser's Office; County Appraiser Bob Kline; Coffeyville City Clerk Cindy Price; Ron Guillaune, Cost Accountant for American Insulated Wire; Devin Wilhelm, Site Controller for Amazon.com. and Ray Fowler from the public.

Cost-Benefit Analysis for 2005 and 2006 was presented for American Insulated Wire and for 2006 for Amazon.com by Mr. Pruitt. The following action was taken:

**American Insulated Wire:**

**ACTION:** *A motion was made by Commissioner Tucker to approve the application of American Insulated Wire for property tax exemption for the year 2005 in the amount of \$2,509,589 and 2006 in the amount of \$3,942,537 for building, improvements, furniture, fixtures and equipment. Motion was seconded by Commissioner Fowler.*

*Discussion: Mr. Ray Fowler asked several questions regarding the abatement, employment and taxes paid by the companies. These questions were answered by the representatives of the companies, Mr. Pruitt and the County Commissioners. The Chairman called for the vote.*

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

*RES. NO. 07-16*

**PUBLIC HEARING (Continued):**

**Amazon.com:**

**ACTION:** A motion was made by Commissioner Tucker to approve the application of Amazon.com for property tax exemption for the year 2006 in the estimated amount of \$2,800,000. Motion was seconded by Commissioner Lewark-Wood.

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

RES. NO. 07-17

The Public Hearing closed at 11:30 AM.

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**JUVENILE JUSTICE AUTHORITY:**

Mark Charest, JJA Director, presented two (2) Employee Status Changes for increases in his department to the Board. The merit increases were approved by the Board.

The Board asked Mr. Charest about the rent being subsidized last year for the Assistant County Attorney's Office at JJA in the amount of \$717.36. He stated that was only for the one year and they have allowed for this amount in their budget this year.

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**FOUR COUNTY MENTAL HEALTH – UPDATE & APPOINTMENT OF BOARD MEMBER:**

Mr. Ron Denny, Four County Mental Health Director, presented an update and advised the Board a grant is being received for vehicles for the facilities.

Mr. Denny recommended Diane Hull for a replacement for Becky Morgan as Four County Mental Health Board Member. The following action was taken:

**ACTION:** A motion was made by Commissioner Lewark-Wood upon the recommendation of the Four County Mental Health Director and Four County Mental Health Board of Directors to appoint Diane Hull, Independence to the Four County Mental Health Board. Motion was seconded by Commissioner Fowler.

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

RES. NO. 07-18

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**OTHER COUNTY BUSINESS:**

1. The Department Luncheon for the 29<sup>th</sup> of January was cancelled due to Betty Hahn's schedule in DOC.
2. The position title of Emergency Preparedness Director/Liaison was discussed. It was stated the salary for the position does not pay extra for the Liaison work done by Mr. Miller but does enable him to work on projects as assigned by the Board. It was determined the title will remain and no action was taken.

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**ADJOURNMENT: 12:26 PM**

**ACTION:** *Motion by Commissioner Lewark-Wood and seconded by Commissioner Tucker.*  
*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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**Charlotte Scott Schmidt, County Clerk**