

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

January 29, 2007

The Board of County Commissioners, two members and the County Clerk present, met in regular session at 9:00 AM. Commissioner Fowler was absent.

CALL TO ORDER: Commissioner Lewark-Wood.

INVOCATION: Commissioner Tucker.

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 - Absent*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Lewark-Wood to approve the minutes of January 22, 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 – Absent*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Tucker to approve invoices in the amount of \$111.09 and \$7,384.93 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 – Absent*

REGIONAL PREVENTION CENTER S.E.K. – PROCLAMATIONS:

Stacy Drennan and Amanda Murphy from The Regional Prevention Center of Southeast Kansas, Girard, Kansas presented information on their efforts to prevent tobacco and alcohol use among youth in Montgomery County. Proclamations were presented and request for the support of the Board of County Commissioners for Tobacco Free Youth and Parents Who Host Lose the Most alcohol campaign. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to support the Tobacco Free Youth and Parents Who Host Lose the Most alcohol campaign proclamations in Montgomery County as provided through The Regional Prevention Center of Southeast Kansas, Girard, Kansas. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-19

EXECUTIVE SESSION – COUNTY COUNSELOR PAUL KRITZ:

ACTION: *A motion was made by Commissioner Tucker to recess to Executive Session at 9:30 AM to return at 9:50 AM for Attorney/Client Privilege with County Counselor Paul Kritz, Commissioner Tucker, Commissioner Lewark-Wood, County Clerk Charlotte Schmidt, County Appraiser, Bob Kline, Jim Shontz and Kathy Craig present. Motion was seconded by Commissioner Lewark-Wood.*

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

Returned to session at 9:50 AM with no action taken and no decisions made.

Discussion: County Counselor Paul Kritz discussed the Release and Settlement Agreement between FI Liquidation Trust by and through J.P. Morgan Trust Company, na, as Liquidation Trustee, General Electric Capital Corporation and Montgomery County, Kansas.

The settlement for tax appeal will be in the amount of \$387,500. The following action was taken:

ACTION: *A motion was made by Commissioner Tucker to approve the Release and Settlement Agreement between FI Liquidation Trust by and through J.P. Morgan Trust Company, na, as Liquidation Trustee as the first party; General Electric Capital Corporation as the second party and Montgomery County as the third party to settle the claim related to the General Electric Settlement. Motion was seconded by Commissioner Lewark-Wood.*

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

RES. NO. 07-20

PUBLIC WORKS:

Public Works Coordinator Robert Bever met with the Board and presented the weekly written report. The following items were discussed: Requested permission to designate a Public Works parking space in the north parking lot of the Judicial Center (Request approved); Major Bridge Replacement Status (County Bridge No., 1001); Building Maintenance report (1) Completion of the Register of Deeds and Court Services move, (2) Request to solicit bids for the carpet and tile in the Treasurer’s Office (Approved), (3) Reported on leaks in the roof on the north side of the Judicial Center.

Mr. Bever presented two employee status changes from Operator II to Operator III. These changes were approved and signed by the Board.

Commissioner Tucker discussed the road by Coffeyville Resources not being stripped. Mr. Bever said it is early for stripping but signs and zone signs will be taken care of and Pat Ryan at Coffeyville Resources has been notified.

MONTGOMERY COUNTY SHERIFF – INSURANCE DISCUSSION:

Doug Buckles representing Newkirk, Dennis and Buckles provided information to the Board of County Commissioners. Sheriff Veach is out of town and unable to attend the meeting. Mr. Buckles outlined the coverage on Property Insurance, Inland Marine/Equipment Insurance, Business Auto Insurance, Commercial General Liability Insurance, Linebacker/Public Officials Errors and Omissions Liability and Workers Compensation

Mr. Buckles told the Board by Kansas Statute government entities are not subject to “no fault” insurance. The question was discussed on coverage for deputies and passengers in vehicles when transporting prisoners. The insurance covers the employees under workmen’s compensation and the prisoners are covered if and when the county is sued for their injuries when involved in an accident. He also explained that coverage is extremely limited under “no fault” coverage.

Jim Miller asked if the storm watchers are covered. He has been using Rural Firefighters for storm watching. Mr. Buckles said he knows the firefighters and Sheriff’s Reserves are covered. Mr. Miller was instructed to continue using the firefighters.

EXECUTIVE SESSION:

ACTION: A motion was made by Commissioner Tucker to recess to Executive Session at 10:36 AM to return at 10:56 AM to discuss non-elected personnel with the following present: Commissioner Tucker, Commissioner Lewark-Wood, County Treasurer Nancy Clubine, County Clerk Charlotte Schmidt, Phyllis McCullough, Pat Alexander, and Ronnie Wade present. Motion was seconded by Commissioner Lewark-Wood.

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

Returned to session at 10:56 AM with no action taken and no decisions made.

Detective Ronnie Wade presented a request to the Board to authorize payment from encumbered 2006 Capital Outlay Fund for the Advanced Audio Surveillance System to be used in the Sheriff's Department in the amount of \$9,385.00 plus shipping. The following action was taken:

ACTION: A motion was made by Commissioner Lewark-Wood to authorize payment from encumbered 2006 Capital Outlay Fund for the Advanced Audio Surveillance System to be used in the Sheriff's Department in the amount of \$9,385.00 plus shipping. Payment will be made to DTC Communications, Inc. Nashua, New Hampshire. Motion was seconded by Commissioner Tucker.

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

RES. NO. 07-21

PLANNING & ZONING REAPPOINTMENTS/2006 DEPARTMENT OVERVIEW:

Planning & Zoning Director Scott Barnhart met with the Board and presented a list of Planning Commission and Board of Zoning Appeal members to be appointed. The appointments were tabled until Commissioner Fowler is present. Mr. Barnhart will return to the meeting next Monday for the appointments.

Mr. Barnhart presented an Activities Summary for Environmental Health/Zoning Department for 2006. The Board complimented him on his presentation.

OTHER COUNTY BUSINESS:

1. Executive Session – Commissioner Tucker:

ACTION: A motion was made by Commissioner Lewark-Wood to recess to Executive Session at 10:10 AM to return at 10:15 AM to discuss non-elected personnel. Motion was seconded by Commissioner Tucker.

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

Returned to session at 10:15 AM with no action taken and no decisions made.

2. **Reimbursement – Emergency Preparedness Payroll** from State of Kansas in the amount of \$13,067.00 was received.
3. **Reimbursement – Newkirk, Dennis and Buckles, Inc. for insurance refund** for General Liability in the amount of \$12,789.00 and Workers Comp in the amount of \$26,572.00 for a total of \$39,361.00 refund.
4. **Generator Repair – Judicial Building:**
The County Clerk requested clarification on the expenditure payment for the repair for the generator at the Judicial Building as to what fund to make the payment from. The Board decided to pay the expenditure of approximately \$2,200.00 from the General Operating Fund.

OTHER COUNTY BUSINESS – (Continued):

5. **911 Addressing System:** Commissioner Tucker discussed problems with the 911 addressing system and referred to the address of Trading Times as being a College Ave. address and not a CR3900 address when the business faces CR3900. He made the following motion regarding the addressing system:

ACTION: *A motion was made by Commissioner Tucker to appointment Jim Miller, Emergency Preparedness Director to assume the responsibility of establishing all 911 addresses in Montgomery County immediately. Motion was seconded by Commissioner Lewark-Wood.*

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes

Commissioner Tucker - Yes

Commissioner Fowler – Absent

RES. NO. 07-22

6. **Written Reports presented by Emergency Preparedness Director.**
7. **Request for carryover of vacation by County Clerk for one (1) employee. Approved.**

ADJOURNMENT: 12:15 PM

ACTION: *Motion by Commissioner _____ seconded by Commissioner _____.*

ROLL CALL VOTE – Commissioner Lewark-Wood - Yes

Commissioner Tucker - Yes

Commissioner Fowler – Absent

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

BILLIE LEWARK-WOOD, Chairman

GENE TUCKER, Member

TONY FOWLER, Member

ATTEST:

County Clerk