

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

July 28, 2022

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

CALL TO ORDER: Commissioner Bever.

INVOCATION: Commissioner Robert Bever.

PLEDGE OF ALLEGIANCE: Commissioner Cordray.

AGENDA APPROVAL:

ACTION: *A motion was made by Commissioner Cordray to approve the agenda as presented. The motion was seconded by Commissioner Bever.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

APPROVAL OF PAYMENT OF INVOICES:

ACTION: *A motion was made by Commissioner Bever to approve invoices in the amount of \$74,594.07, \$229,716.54, \$29,201.00 and \$41,616.79 as presented by the County Clerk's Office. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

APPROVAL OF MINUTES:

ACTION: *A motion was made by Commissioner Cordray to approve the minutes of July 28, 2022 as presented by the County Clerk. The motion was seconded by Commissioner Bever.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

HUMAN RESOURCES -- INSURANCE BROKERS:

Human Resources Director Becky Lewis met with the Board to discuss the meeting and presentation with Insurance Brokers.

The Board will be having another work session by and directed the HR Director to obtain bids by February of 2023 before a decision is made for 2024. They will again be reviewing the three selected from the previous interviews.

COMPUTER DEPARTMENT -- EXECUTIVE SESSION -- SECURITY MEASURES:

Computer Department Director requested an Executive Session for the purpose of discussing security according to K.S.A. 75-4319 (13). The following action was taken:

ACTION: *A motion was made by Commissioner Bever to recess to Executive Session to discuss Security according to K.S.A. 75-4319 (13) at 9:30 AM to return at 9:40 AM with the Board and Computer Department Director Jason Clubine present. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

Returned to extend the executive session from 9:40 AM to 9:45 AM. Motion by Commissioner Cordray and seconded by Commissioner Bever.

COMPUTER DEPT – (Continued):

ACTION: *A motion was made by Commissioner Cordray to approve the contract relating to security testing and training from KNOWBEA for three years for a total of \$5,724.00 with the \$2,000.00 deduction from KCAMP. Motion was seconded by Commissioner Bever. Debit Capital Outlay.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus – Absent
Commissioner Cordray- Yes*

RES. NO. 22-089

GENERATOR FOR JUDICIAL CENTER REPORT- BUILDING MAINTENANCE:

Building Maintenance Supervisor Jeff Phelps reported on the generator for the Judicial Center and discussed changing out the breakers. He explained to the Board the fuel tank is too small and it would cost up to \$20,000 to take the tank out. The following action was taken after discussion:

ACTION: *A motion was made by Commissioner Bever to have Building Maintenance Jeff Phelps to continue to follow the present plans as outline on the generator at the Judicial Center. Motion was seconded by Commissioner Cordray.*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus – Absent
Commissioner Cordray- Yes*

The Chairman recessed the meeting at 10:00 AM to the Public Hearing on Bartlett Grain Industrial Revenue Bonds.

PUBLIC HEARING – BARTLETT GRAIN AMENDING MONTGOMERY COUNTY RESOLUTION 21-131 FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS AS AMENDED:

The Chairman opened the Public Hearing for the purpose of amending Resolution No. 21-131 for the issuance of Industrial Revenue Bonds for Bartlett Grain Company.

Mr. Bill Webster, Vice-President of Bartlett Grain Company spoke on behalf of Bartlett Grain Project on Industrial Revenue Bonds no to exceed \$375,000,000. He explained the material inflation and expanding scope of project has altered the cost of the project. He reported on the contractors now working with KDOT on the truck traffic on the roads. Project has expanded and there could be a possibility of more than the 50 jobs anticipated.

There being no comments from the public except for the media, the Chairman closed the Public Hearing at 10:15 AM.

Returned to regular session at 10:15 AM.

The following action was taken on the Bartlett Grain Project Industrial Revenue Bonds amendment to RES 21-131:

ACTION: *A resolution of the governing body of Montgomery County, Kansas amending Resolution No., 21-131 determining the advisability of issuing Industrial Revenue Bonds for the purpose of financing the acquisition, construction and equipping of a commercial facility to be located in the County; and authorizing execution of related documents, Commissioner Bever moved that the Resolution be adopted. The motion was seconded by Commissioner Cordray with Commissioner McManus absent. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body, the vote being as follows:*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus – Absent
Commissioner Cordray- Yes*

The Chairman declared the Resolution duly adopted and the Resolution was then dully numbered Resolution No. 22-131A and was signed by the Board of County Commissioners and attested by the Clerk

PUBLIC WORKS:

Public Works Coordinator Jim Wright and Assistant Coordinator Brandon Beurskens met with the Board to present the weekly report. The following items were discussed:

PUBLIC WORKS (Continued):

1. Signature required on contract between Montgomery County and Heckert Construction for the 2022 Asphalt Project.

ACTION: A motion was made by Commissioner Bever to authorize and sign the necessary documents for the contract between Montgomery County and Heckert Construction for the 2022 Asphalt Project. Motion was seconded by Commissioner Cordray.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

RES. NO. 22-090

2. Signatures required on the construction engineering contract between Montgomery County, CFS Engineers and KDOT for the project on CR 3525 (Peter Pan).

ACTION: A motion was made by Commissioner Bever to authorize and sign the required documents on the construction engineering contract between Montgomery County, Cook, Platt and Stroble Engineers and Kansas Department of Transportation for the project on CR 3525 (Peter Pan Road). Motion was seconded by Commissioner Cordray.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

RES. NO. 22-091

3. Discussion regarding box culvert on Buckeye south of Coffeyville.
Mr. Wright was authorized to continue with Safety Plan to be funded through Special Highway plus, funding from grants.
4. Bridge investment program grants – Brandon will proceed with program application.

GIS – BOUNDRIES OF INDEPENDENCE CITY:

GIS Director Anne Miller met with the Board to present information on the problems with the boundaries not matching the mapping the County has. The Clerk and Ms. Miller will review how the election precincts are be affected and report back to the Board and a meeting will be scheduled with representatives of the city on getting the boundaries accurate.

EMERGENCY MANAGER – CORONER MATTERS:

Emergency Manager Rick Whitson met with the Board and presented a letter from KCAMP regarding transportation to and from autopsies for the coroner calls. It was agreed there should be a specific business or agency and not an individual person or persons to be responsible. It was also agreed there should be a contract and under the County Coroner to coordinate. The following action was taken:

ACTION: A motion was made by Commissioner Bever to proceed with finding when needed, transportation round trip for autopsies required by the Coroner and to have a contract with the County Coroner to coordinate. Motion was seconded by Commissioner Cordray.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

RES. NO. 22-092

OTHER COUNTY BUSINESS:

No Other County Business.

Recessed to Budget Work Session at 11:45 AM.

ADJOURNMENT: 11:45 AM (Regular Meeting)
2:50 PM (Work Session)

ACTION: Motion by Commissioner Bever, seconded by Commissioner Cordray.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus – Yes
Commissioner Cordray- Yes*

BOARD OF COUNTY COMMISSIONERS
MONTGOMERY COUNTY, KANSAS



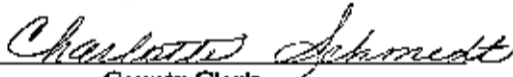
ROBERT BEVER, Chairman

LARRY McMANUS, Member



MIKE CORDRAY, Member





County Clerk

RESOLUTION NO. 22-131A

DATED at Independence, Montgomery County, Kansas this 25th day of July, 2022.

WHEREAS: *A resolution of the governing body of Montgomery County, Kansas amending Resolution No., 21-131 determining the advisability of issuing Industrial Revenue Bonds for the purpose of financing the acquisition, construction and equipping of a commercial facility to be located in the County; and authorizing execution of related documents, Commissioner Bever moved that the Resolution be adopted. The motion was seconded by Commissioner Cordray with Commissioner McManus absent. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the vote of the governing body, the vote being as follows:*

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

The Chairman declared the Resolution duly adopted and the Resolution was then duly numbered Resolution No. 22-131A and was signed by the Board of County Commissioners and attested by the Clerk

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*



Robert Bever, Chairman

Larry McManus, Member



Mike Cordray, Member



ATTEST:



Charlotte Schmidt, County Clerk

RESOLUTION NO. 22-~~131~~119

A RESOLUTION OF THE GOVERNING BODY OF MONTGOMERY COUNTY, KANSAS AMENDING RESOLUTION NO. 21-131 DETERMINING THE ADVISABILITY OF ISSUING INDUSTRIAL REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF A COMMERCIAL FACILITY TO BE LOCATED IN THE COUNTY; AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS

WHEREAS, Montgomery County, Kansas (the "Issuer") desires to promote, stimulate and develop the general economic welfare and prosperity of the Montgomery County, Kansas, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of the Kansas Economic Development Revenue Bond Act, as amended and codified in K.S.A. 12-1740 *et seq.* (the "Act") and Resolution No. 21-131, the Issuer expressed its intent to issue revenue bonds in a principal amount not to exceed \$325,000,000, in one or more series, to provide funds to pay the costs of the acquisition, construction and equipping of a commercial facility (the "Project") to be located in the Issuer; and

WHEREAS, subsequent to adoption of Resolution No. 21-131, the scope and costs of the Project have increased and Bartlett Grain Company, L.P., a Missouri limited partnership, has formed Bartlett-Montgomery County, LLC, a Delaware limited liability company (the "Tenant"), as the legal entity to own the Project; and

WHEREAS, the Issuer finds and determines it to be advisable and in the interest and for the welfare of the Issuer and its inhabitants to amend Resolution No. 21-131 to provide that revenue bonds of the Issuer be issued in a principal amount not to exceed \$375,000,000, in one or more series, to pay the costs of the Project, and to lease the Project to the Tenant;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF MONTGOMERY COUNTY, KANSAS:

Section 1. Public Purpose. The governing body of the Issuer hereby finds and determines that the Project will promote, stimulate and develop the general economic welfare and prosperity of the Issuer, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas.

Section 2. Amendment of Section 2 of Resolution No. 21-131. Section 2 of Resolution No. 21-131 is deleted in its entirety and replaced with the following:

Section 2. Authorization to Acquire Project; Intent to Issue Bonds.

The Issuer is hereby authorized to proceed with the acquisition, construction and equipping of the Project and to issue its revenue bonds, in one or more series, in a principal amount not to exceed \$375,000,000 (the "Bonds") to pay the costs thereof, subject to satisfaction of the conditions of issuance set forth herein.

Section 3. **Amendment of Resolution No. 21-131.** All references in Resolution No. 21-131 to "taxable" industrial revenue bonds are deleted.

Section 4. **Ratification of Resolution No. 21-131.** Except as amended by this resolution, the remainder of Resolution No. 21-131 will remain in full force and effect.

Section 5. **Further Action.** The Clerk is hereby authorized to deliver an executed copy of this Resolution to the Tenant. The Chairman, Clerk and other officials and employees of the Issuer, including the Issuer's counsel and Bond Counsel, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. **Effective Date.** This resolution shall become effective upon adoption by the Governing Body.

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ADOPTED by the governing body of Montgomery County, Kansas on July 25, 2022.

[SEAL]

Robert E. Bowen
Chairman

Commissioner

Mica Carlow
Commissioner



Charlotte Scott Schmidt
Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution of the Issuer adopted by the governing body on July 25, 2022, as the same appears of record in my office.

DATED: 7-25 2022.



Charlotte Scott Schmidt
Clerk

RESOLUTION NO. 22-090

DATED at Independence, Montgomery County, Kansas this 25th day of July, 2022.

WHEREAS: *A motion was made by Commissioner Bever to authorize and sign the necessary documents for the contract between Montgomery County and Heckert Construction for the 2022 Asphalt Project.*

Motion was seconded by Commissioner Cordray.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray - Yes*



Robert Bever, Chairman


Larry McManus, Member



Mike Cordray, Member



ATTEST:


Charlotte Schmidt, County Clerk

RESOLUTION NO. 22-091

DATED at Independence, Montgomery County, Kansas this 25th day of July, 2022.

WHEREAS: *A motion was made by Commissioner Bever to authorize and sign the required documents on the construction engineering contract between Montgomery County, Cook, Flatt and Stroble Engineers and Kansas Department of Transportation for the project on CR 3525 (Peter Pan Road).*


Motion was seconded by Commissioner Cordray.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray - Yes*



Robert Bever, Chairman

Larry McManus, Member



Mike Cordray, Member



ATTEST



Charlotte Schmidt, County Clerk

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WHEREAS: *A motion was made by Commissioner Bever to proceed with finding when needed, transportation round trip for autopsies required by the Coroner and to have a contract with the County Coroner to coordinate.*

Motion was seconded by Commissioner Cordray.

*ROLL CALL VOTE - Commissioner Bever - Yes
Commissioner McManus - Absent
Commissioner Cordray- Yes*

Robert E. Bever

Robert Bever, Chairman

Larry McManus, Member

Mike Cordray

Mike Cordray, Member



Charlotte Schmidt
Charlotte Schmidt, County Clerk