

MINUTES FOR MARCH 19, 2012
COLUMBUS, KANSAS, CHEROKEE COUNTY
OFFICE OF THE COUNTY CLERK
CRYSTAL L. GATEWOOD

The Cherokee County Commissioners met March 19, 2012. Commissioners Collins, Garner, and Hilderbrand were present. The Pledge of Allegiance was said by all. Commissioner Garner made a motion to approve the commission amended minutes for March 12, 2012; his motion was seconded by Commissioner Collins with Commissioners Garner, Collins, and Hilderbrand voting in favor. Commissioners Garner, Collins, and Hilderbrand signed off on the approved meeting minutes.

MOTIONS MADE BY COMMISSION

The Commission recessed to move and reconvene the meeting and moved it to the Cherokee County Courtroom for the public hearing on the re-districting of the Commission Districts, to start at 10:00 AM.

The commission opened the Public Hearing on the re-districting at 10:00 AM in the Cherokee County Courtroom.

It is noted that County Clerk Crystal Gatewood was not in attendance at this meeting.

Commissioner Hilderbrand explained that the state mandates that every ten years the districts need to be equal in proportion, that it is based on population not land mass. Commissioner Hilderbrand presented the numbers to the audience explaining the disproportional numbers in the district. Commissioner Hilderbrand had Wayne Elliott make a proposed map that he presented to the commission. Fred Low of Spring Valley/Spring Valley questioned Hilderbrand regarding the sudden change in the districts before the August 2012 election and Fred Low did not agree with the changing of the districts and said he thought it was political. Mr. Low read a letter from Clark Hall, who was not in support of the changes made on the map. Commissioner Hilderbrand responded with "they have to follow state law", Fred Low still asked why so the County Counselor responded with "they had to comply with state law". Commissioner Hilderbrand asked Fred Low if he had an alternate map on redistricting for the commission to consider. Mr. Low responded "no". Fred Low stated he didn't think the commission should follow the state law and not do any redistricting.

Commissioner Hilderbrand explained that with the districts equal in population the representation within the county would be more equal than right now. The County Counselor did state that the commission districts must be done every three years, but re-districting does not have to be done that often, it is the commissioners' decision, but the legislature must be done every ten years as required by state law.

AK

The questioning continued and Cathy Carter asked why District 3 was so much smaller than District 1. The County Counselor explained she was looking at land mass and not population. The new map keeps District 1 boundaries as is, but District 2 will now contain Spring Valley Township and Spring Valley/Spring Valley Precinct and Spring Valley Neutral Precinct and they will be moved into District 2 from District 3.

The County Counselor explained that the boundaries of a township and the voting precinct lines cannot be changed. The question Fred Low had was, since he had filed on January 1, 2012 to run for District 3 Commissioner (Commissioner Hilderbrand is the current Commissioner for District 3) and with this change being done, he is now being pushed into District 2 and will have to re-file and be forced to run against current Commissioner Garner and they would face a primary in August 2012. The County Counselor said he would get with the Secretary of State's Office to find out about Fred Low's filing situation.

Before taking a vote on the proposed redistricting map, Commissioner Hilderbrand asked the audience if anyone had a map that they would like to be considered before the commission voted on one. No one had an alternate map. Commissioner Collins made a motion to approve and pass **Resolution # 03- 2012** as prepared by County Counselor Cure at Commissioner Hilderbrand's request **regarding the establishing of the new boundaries of the county Commissioner Districts within Cherokee County...**; his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor. Commissioners Garner, Collins, and Hilderbrand signed off on the resolution. A copy of the signed resolution is attached to these minutes.

Commissioner Garner made a motion to look at the funds distribution in the Road & Bridge Budget to make them more equitable in the new districts established by the new boundaries, which added more roads to District 2; Commissioner Hilderbrand tabled the motion until they could do some research on this.

The County Counselor told the audience in his opinion the three largest cities in the county needed at least one commissioner in each area. The commission voted and passed Resolution #03-2012 and passed the map of the new districts established which are attached to these minutes. The commission adjourned the public hearing at 10:45 AM to reconvene in the County Commission Room at 10:55 AM.

OTHER BUSINESS

Raymond Griffitt came before the commission to discuss a personal property problem. The commission asked Raymond to speak with his attorney. They thanked him for coming in.

Cathy Carter came before the commission to ask where she could get information about natural pesticides for fruit trees. The commission recommended contacting the Cherokee County Extension Office.

RA

Road and Bridge Supervisor Leonard Vanatta and Gene Langerot updated the commission on general road and county maintenance, and they discussed the heavy rain and the effect it is causing in the county. Commissioner Hilderbrand asked Leonard to look at 90th St. near Hwy 66 going south into Galena. They asked him also to attend the hearing for the commission re-districting being held today at 10:00 AM. Leonard had met with KDOT regarding three roads off Hwy 7 and work would begin in 2014. The storm siren project is expected to be in place by the first of April 2012. He also reported that Heartland REC will be charging for the power to the poles but Empire District won't be, and he also noted the City of Weir is going to cover their siren electric cost.

Citizen Gerald Messer asked the commission to put dumpsters around the county for the dumping of transmissions, motors, appliances, tires etc. He has noticed an increase of these items littering the roads and ditches since the landfill closed. Commissioner Garner explained that to have the dumpsters dumped twice a month, cost to the county would be approximately \$100,000.00 a year, and during the discussion someone suggested hiring a private hauler. The commission thanked him for coming in.

Commissioner Hilderbrand made a motion to accept the Ambulance Board Lease/Purchase agreement for Columbus for the purchase of two ambulances at the cost of \$206,437.00, but the Baxter Springs Ambulance will have to reapply; his motion was seconded by Commissioner Garner with Commissioners Hilderbrand, Collins, and Garner voting in favor. The Lease/Purchase agreement was signed by the Commission Chair.

ADJOURNMENT

Commissioner Collins made a motion to adjourn at 11:20 AM; his motion was seconded by Commissioner Hilderbrand with Commissioners Garner, Collins, and Hilderbrand voting in favor. The next Cherokee County Commission meeting will be held March 26, 2012 at 9:00 AM in the Cherokee County Courthouse in Columbus, Kansas.

Resolved and ordered this day, March 26, 2012


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

(Published in the official county newspaper on the 19th day of March, 2012)

RESOLUTION NO. 3 - 2012

A RESOLUTION ESTABLISHING THE BOUNDARIES OF COUNTY COMMISSIONER DISTRICTS.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS:

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, (hereinafter referred to as "Board") has the authority under K.S.A. § 19-204 to alter county commissioner districts to make the such districts as compact and equal in population as possible, and;

WHEREAS, the Board finds more than three years have passed since the boundaries of the districts for county commissioners have been altered and such boundaries are in need of alteration as such are no longer as compact and equal as possible, and;

WHEREAS, the Board finds that the attached map, upon which the boundaries and numbers of the county commissioner districts are indicated, should be approved as establishing districts that are as compact and equal as possible, and as being formed based upon the last official census.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 19th day of March, 2012, does hereby resolve as follows:

Section 1. Map of Cherokee County, Kansas, County Commissioners Districts. The attached map to this Resolution, upon which the boundaries and numbers of the county commissioner districts are indicated, is approved as establishing such districts that are as compact and equal as possible.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or

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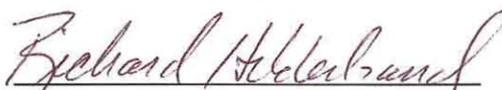
ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 3. Effective Date. This resolution shall take effect and be in full force from and after its passage and publication once in the official county newspaper.

Adopted this 19th day of March, 2012, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



Patrick W. Collins
County Commissioner

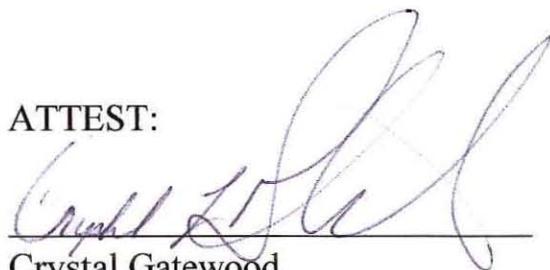


Richard J. Hilderbrand
County Commissioner



Jack G. Garner
County Commissioner

ATTEST:



Crystal Gatewood
County Clerk of Cherokee County,
Kansas
Resolution No. 3 - 2012

Prepared by:
Kevin Cure, Attorney

CHEROKEE COUNTY COMMISSIONER DISTRICTS

-  DISTRICT 1
-  DISTRICT 2
-  DISTRICT 3

Map Legend

 City Buffers	 Baker Springs
 Unincorporated Cities	 Columbus
 Highways	 Gilma
 County Paved Roads	 Rowland
 Roads	 Scammon
 MUWA Dike	 Trees
	 Weir
	 Well Minerals
	 Railroads
	 Rivers & Streams
	 Creeks
	 County Border

PUBLISHERS NOTE

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