

**MINUTES FOR APRIL 16, 2012****COLUMBUS, KANSAS, CHEROKEE COUNTY****OFFICE OF THE COUNTY CLERK**

The Cherokee County Commissioners met April 16, 2012. Commissioners Collins, Garner, and Hilderbrand were present. The Pledge of Allegiance was said by all. Commissioner Collins made a motion to approve the amended commission minutes for April 9, 2012; his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor. Signing off on the approved minutes were Commissioners Garner, Hilderbrand and Collins, and Clerk Gatewood. The commission signed off on a new hire for the Cherokee County Treasurer's Office and new signature cards for checks.

**EXECUTIVE SESSIONS CALLED BY COMMISSION**

**Commissioner Hilderbrand made a conference call to Attorney David Cooper and Teresa Watson, and then requested an Executive Session. Commissioner Hilderbrand made a motion for Executive Session for twenty minutes via-telephone for Attorney/Client Privilege regarding pending litigation for the Penn Gaming Suit filed by the county, individuals to be included in the executive session are Commissioners Garner, Hilderbrand and Collins, the County Counselor, Teresa Watson, and Attorney David Cooper representing the county; his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor. They went in at 11:02 AM and returned at 11:22 AM.**

**Commissioner Hilderbrand made a motion to extend the Attorney/Client Privilege for Executive Session for Pending Litigation for Penn Gaming for an additional twenty minutes via-telephone with Attorney David Cooper, Teresa Watson, the County Counselor, Commissioners Hilderbrand, Garner and Collins; his motion was seconded by Commissioner Garner with Commissioners Hilderbrand, Garner, and Collins voting in favor. They went in at 11:25 AM and returned at 11:45 AM.**

**MOTIONS MADE BY COMMISSION**

Commissioner Hilderbrand made a motion to amend the agenda at 11:00 AM to include an Executive Session with David Cooper and Teresa Watson via telephone, and County Counselor Kevin Cure for Attorney/Client Privilege for Pending Litigation; his motion was seconded by Commissioner Collins with Commissioners Hilderbrand, Collins, and Garner voting in favor.

Commissioner Garner made a motion to amend the agenda and move Mac Young from 10:30 AM to 10:10 AM; his motion was seconded by Commissioner Hilderbrand with Commissioners Garner, Hilderbrand, and Collins voting in favor.

Commissioner Garner made a motion to sign off on the comprehensive plan for Community Corrections as presented by Mac Young; his motion was seconded by Commissioner Collins with Commissioners Garner, Collins, and Hilderbrand voting in favor. The commission signed off and Mr. Young will get the remaining signatures and return a copy of the document to Clerk Gatewood.

After hearing from Allen Mauk with Downstream Casino and County Counselor Kevin Cure, Commissioner Collins made a motion to withdraw the protest application filed previously by the Cherokee County Commission for not allowing the Downstream Casino parking lot and a wetland area located in Kansas to be put into a trust as tribal land, the commission will have the County Counselor draw up a letter resending the opposition for the Quapaw Tribe to place the properties in a trust, which exempts it from the Cherokee County tax rolls as well as sales tax, but the tribe is still subject to Kansas and Oklahoma Liquor and Cereal Malt Beverage laws; his motion was seconded by Commissioner Garner with Commissioners Garner, Hilderbrand, and Collins voting in favor.

### **COUNTY BUSINESS**

Tim Welch of 1194 SE 18<sup>th</sup> Street came before the commission to discuss a right away about 200 feet from his property where infrastructure is not available until the right away is completed by a business being built there. The commission asked Leonard Vanatta to check if the right away is a utility easement on the road in question and even if the property is located in Cherokee County.

Leonard Vanatta of Road and Bridge reported a few trees were downed by the storms over the weekend and they are being taken care of. He also reported no damage was done to the Weaver Bridge project. He reminded the commission of the April 19, 2012 meeting for KDOT being held in Chanute. He will meet the commissioners at 7:00 AM to travel to the meeting in Chanute with them.

Representative Doug Gatewood came before the commission to give a legislative update. Representative Gatewood said the state of Kansas budget is in disarray. The current revenue consensus is up over \$252 million dollars, an increase over the next two years for revenue. The state Transportation Funds are to be shifted. Governor Brownback's budget proposals would eliminate mental health grants and reduce disabled Class LTD Funds, etc., and other services from state funding. The commission disagreed with these cuts and Representative Gatewood disagreed with these cuts also. Representative Gatewood explained that the one cent sales tax is to sunset after three years and now the same group, Americans for Prosperity, and the State Chamber of Commerce which opposed the sales tax wants to make it permanent so the one cent sales tax can help the state eliminate corporate income tax. Representative Gatewood asked the commission if they support Governor Brownback's tax proposals. The commission felt in the future it would add to the funding requirements for local government which would require them to raise property taxes. The commission asked Representative Gatewood to continue to fight against the proposals including the elimination of the CMI tax. They thanked him for coming in for the update before he goes back to Topeka this week and thanked him for his service to Cherokee County as their First District State Representative.

Jason Allison came and updated the commission on the storm sirens. He reported the sirens were all up and working as of last Friday. The sirens are set up to be set off from the Cherokee County Law Enforcement Center with Jason's Office as the back-up set off. Two of the sirens are metered through Heartland and one metered through Westar, so Jason ask the commission which county fund to pay the bills out of and the commission said they would get back with him later. The city of Weir is discussing putting their siren system on the county's system as a backup plan and the City of Weir is also planning to pay for the electricity to run their system.

Patrick Tuttle of the Mother Road Marathon Committee gave a plaque to the commission for their participation and work in making last year's marathon a success. He updated the commission on the 2012 marathon and it is the committee's hope to offer a cash prize in future marathons to draw in runners from other countries to participate.

Allen Mauk, a representative from the Quapaw Tribe, came before the commission to ask if the commission will take any actions to allow the land they have requested from the county to be put into trust with the tribe. The County Counselor said the application will be granted with the following conditions which the tribe agreed to; fund the grant writing efforts for a water and wastewater facility in the area, the tribe pays for any incarcerations at the county jail as needed, and the tribe will help with the upkeep cost of county roads leading to the casino. The tribe also agreed to help with future economic development in the area as well as work with the county to work with the state on the new 400 road coming in. Mr. Mauk agreed and the tribe will go ahead and file the document with the commissioner's approval. It is duly noted the area school has withdrawn their opposition to the land being put into trust by the Quapaw after the tribe had agreed to pay for a new wireless internet network for the school district.

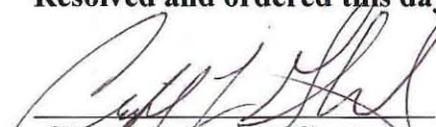
Jan Bolin of Class LTD came before the commission to explain Governor Brownback's proposal to turn the three billion Medicaid program over to private owned companies and the Class LTD waiver services would be hurt, and Class LTD is trying to fight the proposal. Class LTD and others that currently do the waiver services are trying to explain the processes involved with their clients to the governor's staff but they do not understand the complexity of the Class LTD work involving the clients. Several companies have already submitted Medicaid bid proposals to the state of Kansas for these services and Mrs. Bolin noted that some of the proposals have come from companies that have already been indicted for Medicare Fraud. She submitted a resolution to the commission asking them to not support the elimination of waiver services and she noted that 22 counties in Kansas have already signed onto the same resolution she is presenting to the Cherokee County Commission. The commission is having the County Counselor review the resolution and they will get back with her later.

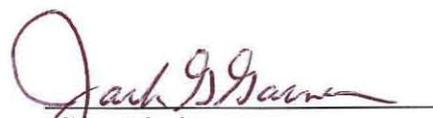
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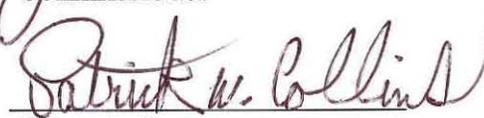
**ADJOURNMENT**

Commissioner Collins made a motion to adjourn at 12:10 PM; his motion was seconded by Commissioner Garner with Commissioners Garner, Collins, and Hilderbrand voting in favor. The next Cherokee County Commission meeting will be held April 23, 2012 at 9:00 AM in the Cherokee County Courthouse in Columbus, Kansas.

**Resolved and ordered this day, April 23, 2012**

  
Cherokee County Clerk

  
Commissioner

  
Commissioner

  
Commissioner