

MINUTES FOR JULY 15, 2013
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

CONVENE

Chairman Hilderbrand called the regular session of the Cherokee County Board of Commissioners (The Board), to order and led all in attendance in the Pledge of Allegiance at 9:00 AM on Monday, July 15, 2013 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St, Columbus, Kansas. Commissioners Richard Hilderbrand, Charles Napier, and County Clerk Rodney Edmondson were present. Commissioner Collins was absent.

Commissioner Hilderbrand made a motion for a recess and to close the Courthouse until 1:00 PM for the purpose of attending the funeral service for Ivan Collins, brother of Commissioner Pat Collins. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all in attendance voting yes at 9:05 AM.

The meeting reconvened at 1:00 PM.

Members of the press present: Larry Hiatt, Patrick Richardson, and Machel Smith

Visitors Present: Jerry Messer

Becky Gray, Dick Horton - SEKCAP

They appeared before the Board to update the Board on funding issues and the changes that they are facing for next year. President Obama's current proposed budget would cut their funding by as much as 50%. The State of Kansas is also proposing a change in the funding formula that would hurt SE Kansas. They will be sending a letter to the Board asking for their assistance. They also stated that there are new and unique funding streams available for economic development.

Scott Thompson, Alan Yarnell - CLASS LTD

They appeared before the Board with their funding request of 1 mill for 2014. CLASS LTD serves 76 individuals in Cherokee County. They also employ 57 people in Cherokee County, of which 46 are county residents, with a payroll of over \$1M.

A motion was made by Commissioner Hilderbrand to pass Resolution No. 20-2013, a waiver from reporting in conformity with GAAP for 2012. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all in attendance voting yes.

A motion was made by Commissioner Hilderbrand to pass Resolution No. 21-2013, a waiver from reporting in conformity with GAAP for 2013. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all in attendance voting yes.

RK

A motion was made by Commissioner Napier to approve Mid-Month Accounts Payables. The motion was seconded by Commissioner Hilderbrand. The motion carried 2-0 with all in attendance voting yes.

A motion was made by Commissioner Hilderbrand to pass Resolution No. 22-2013, establishing stop signs on SE 78th and SE 80th streets as they intersect with Boone Lake Road. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all in attendance voting yes.

Kevin Cure - County Counselor

He appeared before the Board on legal matters concerning Cherokee County. He presented a resolution for review concerning unsafe structures in the unincorporated areas of Cherokee County. The Board would make the determination, along with the Code Enforcement Officer for the county, what would be considered unsafe. The Board would need to decide who the Code Enforcement Officer for the county would be.

A motion was made by Commissioner Hilderbrand to pass Resolution No. 23-2013, a resolution providing for repair or demolition of certain structures and assessing the cost thereof. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all in attendance voting yes.

He reported that the Rural Water District near Galena will be switching to the city for water services. Everyone on the line appears to be in agreement. It affects approximately 6 - 8 homes.

The rebate calculations for the jail bond audit as requested by the IRS are complete. He will submit the invoices for payment.

The target date for the Treece Tax Sale will be at least October, due to service and publication requirements.

He is still researching investment options, but has concluded that the purchase of Municipal Bonds is allowable.

Nancy Herrenbruck - County Appraiser

She reported to the Board that she will be interviewing for positions in her office starting next week.

Commissioner Hilderbrand tabled the approval of Minutes from the July 8 Meeting since Commissioner Collins is absent today and Hilderbrand wasn't in attendance on July 8 for the meeting.

The Board gave their approval for County Clerk Edmondson to purchase 4 new desks for his front office, at a cost of \$2,619 from McCarty's Office Machines, Inc. They will be paid for with Clerk funds.

RA

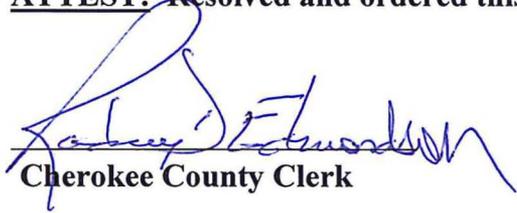
A motion was made by Commissioner Hilderbrand for an Executive Session for the purpose of Non/Elected Personnel for a period of 10 minutes, with Mr. Cure present. The motion was seconded by Commissioner Napier. The motion carried 2-0 with all in attendance voting yes at 2:22 PM.

The meeting reconvened at 2:32 PM.

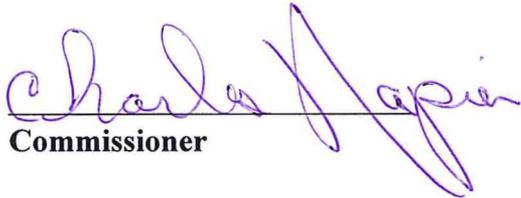
No action taken as a result of the Executive Session.

Commissioner Napier made a motion to adjourn until the next regularly scheduled meeting set for July 22, 2013 at 9:00 AM. The motion was seconded by Commissioner Hilderbrand. The motion carried 2-0 with all in attendance voting yes at 2:33 PM.

ATTEST: Resolved and ordered this day, July 22, 2013


Cherokee County Clerk

Commissioner


Commissioner


Commissioner



ASSISTING INDIVIDUALS WITH DISABILITIES ALONG LIFE'S JOURNEY

1200 Merle Evans Drive • P.O. Box 266 • Columbus, Kansas 66725

*Request
1 mil*

Funding Request to Cherokee County Commission for 2014

CLASS LTD's mission is to partner with people of all abilities in order for them to discover their potential and shape their own future.

Our Vision is to be in the forefront of innovative, progressive services and advocacy, and is committed to partnering with others with similar missions and values.

CLASS LTD is requesting Cherokee County Commission to allocate one-mill for services for children and adults with developmental disabilities living in this county. We are very appreciative of Cherokee County's continued financial support that provides for many needed community disability services.

The financial support CLASS LTD receives from our counties along with staff dedication to the people we serve made it possible for us to continue services for all individuals who lost funding. The services we provide enable our clients to safely and successfully live and work in their communities.

CLASS LTD has provided much needed services for children and adults with developmental disabilities for more than 35 years. The individuals we work with have grown in independence as a result of our services, therefore less dependent on governmental funding. We have prevented unnecessary institutionalization in a number of situations and worked to keep families together. We assist our clients to find and keep jobs and to live successfully in their community. To continue to obtain these positive outcomes requires a partnership with the County Commission as well as with our state funding sources. The need for county funding includes:

- Subsidy for our transportation services
- Funding for persons who have a intellectual disability but do not meet the state's eligibility criteria
 - Job coaching to find and retain employment
 - In-home supports to remain living in their homes
 - Crisis management
- Local match for state and federal grants, i.e., accessible housing, transportation
- Infrastructure such as information technology and other equipment and supplies

CLASS LTD's commitment to Cherokee County Commission:

1. Maintain full licensure by Kansas Department of Aging and Disability Services (KDADS).
2. Maintain the highest level of accreditation by the Commission on Accreditation of Rehabilitation Services (CARF).
3. Serve or arrange to serve Cherokee County citizens with developmental disabilities.
4. Provide services according to individualized lifestyle choices to the extent possible.
5. Obtain an average satisfaction rating from persons receiving services of at least 90%.
6. Provide family members (including siblings) of persons with developmental disabilities the related supports they need and request.
7. Create job opportunities for persons served by CLASS LTD.
8. Expand valued activities to people with developmental disabilities including those who are or becoming elderly that will enhance their quality of life.
9. To promote health and wellness initiatives for staff and persons we serve.
10. Develop and maintain a network of community services for individuals with developmental disabilities by affiliating with, assisting and monitoring all organizations providing such services in Cherokee County.

CLASS LTD Cherokee County Services

CLASS LTD provided services to 78 individuals from July 1, 2012 to May 1, 2013. It is projected that services will be provided to 83 Cherokee County individuals by the end of the next fiscal year.

Waiting List for Cherokee County	27 Children and Adults waiting for services
Currently serving: 25 children 51 adults	= 76 Total

CLASS LTD Services Has Positive Outcomes

Satisfaction ratings for 2012:

- 86% Community Employers with CLASS LTD Employment Services
- 99% Families and Guardians regarding CLASS LTD Services
- 99% Individuals receiving Case Management Services
- 100% Individuals receiving Community Employment Services
- 100% Individuals receiving Organizational Employment Services
- 100% Individuals receiving Residential Services

CLASS LTD Contributes to our Communities

- Contributes over \$4 million annually to the local economy of Cherokee County (with a multiplier of 4)
- Provides information and referral for families with members with disabilities
- Provides community education on disability issues
- Assists with transition of students to post school life, including jobs
- Makes meeting and training space available to community groups

- Encourages staff members to become involved in community and civic organizations and local government
- Offers public transportation
- Can meet the needs of local employers for workers
- Clients participate in a variety of community activities:
 - Volunteer with the nursing home, “Free Store”, Meals on Wheels, Horses of Hope, Special Olympics, Adopted a local family at Thanksgiving/Christmas-time, held various canned food drives for local food bank, Baxter Ambulance Association, Relay for Life, and PACE Club sponsored through Self Advocacy Coalition of Kansas
 - Members of churches, Alter Society, bowling leagues, and the Coin Club
- Staff community involvement
 - Columbus and Baxter Chambers of Commerce
 - Relay for Life
 - PACCC
 - Special Olympics
 - Members of churches, Alter Society, and serve on church boards

CLASS LTD Services Locations in Cherokee County

Administrative Office	1200 Merle Evans Drive
Day Services Center	315 N. East Ave
Triplex	115 S. Illinois
Quadplex	1215 E. Walnut

On behalf of the clients, staff and Board of Directors of CLASS LTD, I want to thank you for your continued interest in and support of persons with developmental disabilities.

Respectfully submitted,

Scott Thompson
President/CEO



ASSISTING INDIVIDUALS WITH DISABILITIES ALONG LIFE'S JOURNEY

1200 Merle Evans Drive • P.O. Box 266 • Columbus, Kansas 66725

AS OF JUNE 30, 2013

COUNTIES OF EMPLOYMENT/RESIDENCE

<u>COUNTY</u>	<u>NUMBER OF STAFF</u>		<u>RESIDENCE</u>
	<u>Employment</u>	<u>Residence</u>	<u>ANNUAL WAGE</u>
Cherokee	57	46	\$1,015,418.30
Crawford	40	47	\$1,112,301.06
Labette	82	78	\$1,344,069.74
Montgomery	51	53	\$974,487.80
Out of Service Area		6	\$213,753.02
TOTAL	230	230	\$4,660,029.92

Resolution 20-2013

WHEREAS the Commissioners of Cherokee County, Kansas, has determined that the financial statements and financial reports for the year ending December 31, 2012 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Commissioners or the members of the general public of the County of Cherokee and

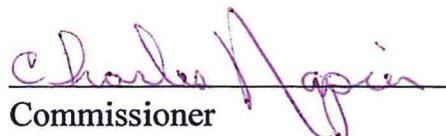
WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ending December 31, 2012.

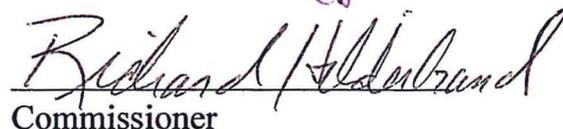
NOW, THEREFORE BE IT RESOLVED, by the Commissioners of Cherokee County, Kansas, in regular meeting duly assembled the 15th day of July, 2013 that the Commissioners requests the Director of Accounts and Reports to waive the requirements of K.S.A. 75-1120a(a) as they apply to the County of Cherokee for the year ending December 31, 2012.

BE IT FURTHER RESOLVED that the Commissioners shall cause the financial statements and financial reports of the County of Cherokee to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Be it resolved
Cherokee County Commission

Chairman


Commissioner


Commissioner


Cherokee County Clerk

Resolution 21-2013

WHEREAS the Commissioners of Cherokee County, Kansas, has determined that the financial statements and financial reports for the year ending December 31, 2013 to be prepared in conformity with the requirements of K.S.A. 75-1120a(a) are not relevant to the requirements of the cash basis and budget laws of this state and are of no significant value to the Commissioners or the members of the general public of the County of Cherokee and

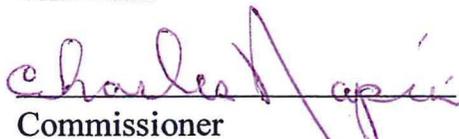
WHEREAS there are no revenue bond ordinances or other ordinances or resolutions of the municipality which require financial statements and financial reports to be prepared in conformity with K.S.A. 75-1120a(a) for the year ending December 31, 2013.

NOW, THEREFORE BE IT RESOLVED, by the Commissioners of Cherokee County, Kansas, in regular meeting duly assembled the 15th day of July, 2013 that the Commissioners requests the Director of Accounts and Reports to waive the requirements of K.S.A. 75-1120a(a) as they apply to the County of Cherokee for the year ending December 31, 2013.

BE IT FURTHER RESOLVED that the Commissioners shall cause the financial statements and financial reports of the County of Cherokee to be prepared on the basis of cash receipts and disbursements as adjusted to show compliance with the cash basis and budget laws of this State.

Be it resolved
Cherokee County Commission

Chairman


Commissioner


Commissioner


Cherokee County Clerk

(Published in the official county newspaper on the 17th day of July, 2013)

RESOLUTION NO. ²²20 - 2013

A RESOLUTION ESTABLISHING STOP SIGNS AT CERTAIN LOCATIONS.

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. § 19-101a to regulate travel through roads located within the unincorporated areas within Cherokee County, Kansas, and;

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 15th day of July, 2013, does hereby resolve as follows:

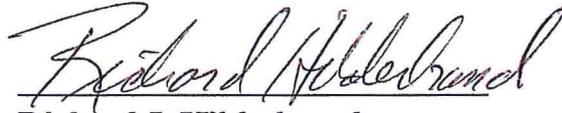
Section 1. Stop Signs Established. At the intersection of 78th Street and Boone Lake Road in Cherokee County, Kansas, a sign shall be placed and established stopping southbound traffic. At the intersection of 80th Street and Boone Lake Road in Cherokee County, Kansas, a sign shall be placed and established stopping southbound traffic.

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 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 15th day of July, 2013, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.

Patrick W. Collins
County Commissioner


Richard J. Hilderbrand
County Commissioner


Charlie Napier
County Commissioner

ATTEST:


Rodney Edmondson
County Clerk of Cherokee County,
Kansas
Resolution No. 20 - 2013

Prepared by:
Kevin Cure, Attorney

(Published in the official county newspaper
on the 17th day of ~~June~~^{July}, 2013)

RESOLUTION NO. 23-2013

A RESOLUTION PROVIDING FOR REPAIR OR DEMOLITION OF CERTAIN
STRUCTURES; ASSESSING COSTS THEREOF.

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

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas,
upon due consideration of the matter finds that enacting the legislation herein would
provide for the determination of unsafe structures, provide a method for the repair or
demolition thereof, set forth a hearing procedure, provide for the assessment of the costs
thereof, thereby protecting the citizens of Cherokee County, Kansas from unsafe
structures.

WHEREAS, The governing body has found that there exist within the
unincorporated areas of the Cherokee County, Kansas, structures which are unfit for
human use or habitation because of dilapidation, defects increasing the hazards of
fire or accidents, structural defects or other conditions which render such structures
unsafe, unsanitary or otherwise inimical to the general welfare of the county, or
conditions which provide a general blight upon the neighborhood or surrounding
properties. It is hereby deemed necessary by the governing body to require or cause
the repair, closing or demolition or removal of such structures as provided in this
ordinance. (K.S.A. 12-1751)

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas,
meeting in regular session this 15th day of ~~June~~^{July}, 2013, does hereby resolve as follows:

Section 1. Definitions.

For the purpose of this ordinance, the following words and terms shall have the
following meanings:

- (a) Enforcing officer means the code enforcement officer or his or her authorized
representative.
- (b) Structure shall include any building, wall, superstructure or other structure
which requires location on the ground, or is attached to something having a location
on the ground.

(K.S.A. 12-1750)

Section 2. Enforcing officer; duties.

The enforcing officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes of this ordinance, including the following:

- (a) Inspect any structure which appears to be unsafe, dangerous or unfit for human habitation;
- (b) Have authority to enter upon premises at reasonable hours for the purpose of making such inspections. Entry shall be made so as to cause the least possible inconvenience to any person in possession of the structure. If entry is denied, the enforcing officer may seek an order for this purpose from a court of competent jurisdiction;
- (c) Report all structures which he or she believes to be dangerous, unsafe or unfit for human habitation to the governing body;
- (d) Receive petitions as provided in this ordinance.

Section 3. Procedure; petition.

Whenever a petition is filed with the enforcing officer by at least five residents charging that any structure is dangerous, unsafe or unfit for human habitation, or whenever it appears to the enforcing officer on his or her own motion that any structure is dangerous, unsafe or unfit for human habitation, he or she shall, if his or her preliminary investigation discloses a basis for such charges, report such findings to the governing body.

Section 4. Same; notice.

The governing body upon receiving a report as provided in Section 4-604 shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of records and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished. (K.S.A. 12-1752)

Section 5. Same; publication.

- (a) The resolution shall be published once each week for two consecutive weeks on the same day of each week. At least 30 days shall elapse between the last publication and the date set for the hearing.
- (b) A copy of the resolution shall be mailed by certified mail within seven (7) days after its first publication to each owner, agent, lienholder and occupant at the last known place of residence and shall be marked "deliver to addressee only."
(K.S.A. 12-1752)

Section 6. Same; hearing, order.

If, after notice and hearing, the governing body determines that the structure under consideration is dangerous, unsafe or unfit for human use or habitation, it shall state in writing its findings of fact in support of such determination and shall cause the resolution to be published once in the official county newspaper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing. The resolution shall fix a reasonable time within which the repair or removal of such structure shall be commenced and a statement that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the governing body will cause the structure to be razed and removed.

Section 7. Duty of owner.

Whenever any structure within the county shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same.

Section 8. Same; failure to comply.

- (a) If, within the time specified in the order, the owner fails to comply with the order to repair, alter, improve or vacate the structure, the enforcing officer may cause the structure to be repaired, altered, improved, or to be vacated and closed.
- (b) If, within the time specified in the order, the owner fails to comply with the order to remove or demolish the structure, the enforcing officer may cause the structure to be removed and demolished.

Section 9. Same; make site safe.

Upon removal of any structure, the owner shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition. If the owner fails to take such action, the enforcing officer may proceed to make the site safe.

Section 10. Assessment of costs.

- (a) The cost to the county of any repairs, alterations, improvements, vacating, removal or demolition by the enforcing officer, including making the site safe, shall be reported to the county clerk.
- (b) The county shall give notice to the owner of the structure by restricted mail of the cost of removing the structure and making the premises safe and secure. The notice shall also state that payment of the cost is due and payable within 30 days following receipt of the notice.

(c) If the costs remain unpaid after 30 days following receipt of notice, the county clerk may sell any salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing the structure and making the site safe. Any proceeds in excess of that required to recover the costs shall be paid to the owner of the premises upon which the structure was located.

(d) If the proceeds of the sale of salvage or from the proceeds of any insurance policy in which the county has created a lien pursuant to K.S.A. 40-3901, et seq., and amendments thereto, are insufficient to recover the above stated costs, or if there is no salvage, the balance shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as special assessments against the lot or parcel of land on which the structure was located and the county clerk, at the time of certifying other county taxes, shall certify the unpaid portion of the costs to the county clerk and who shall extend the same on the tax rolls of the county against such lot or parcel of land and it shall be collected by the county treasurer and paid to the county as other county taxes are collected and paid. The county may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and applicable interest has been paid in full.

(e) If there is no salvage material, or if the moneys received from the sale of salvage or from the proceeds of any insurance policy in which the county has created a lien pursuant to K.S.A. 40-3901, et seq., and amendments thereto, are insufficient to pay the costs of the work and the costs of providing notice, such costs or any portion thereof in excess of that received from the sale of salvage or any insurance proceeds may be financed, until the costs are paid, out of the general fund or by the issuance of no-fund warrants.

(K.S.A. 12-1755)

Section 11. Immediate hazard.

When in the opinion of the governing body any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the enforcing officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. Such action may be taken without prior notice to or hearing of the owners, agents, lienholders and occupants. The cost of any action under this section shall be assessed against the property as provided in Section 4-611. (K.S.A. 12-1756)

Section 12. Appeals from order.

Any person affected by an order issued by the governing body under this ordinance may, within 30 days following service of the order, petition the district court of the county in which the structure is located for an injunction restraining the enforcing

officer from carrying out the provisions of the order pending final disposition of the case.

Section 13. Scope of ordinance.

Nothing in this ordinance shall be construed to abrogate or impair the powers of the courts or of any department of the county to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this ordinance shall be in addition to and supplemental to the powers conferred by the constitution, any other law or ordinance. Nothing in this ordinance shall be construed to impair or limit in any way the power of the county to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise or to exercise those powers granted specifically by K.S.A. 12-1750:1756.

Section 14. 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 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this resolution.

Section 15. Repeal. The provisions of any previously enacted resolution which are inconsistent herewith are hereby repealed.

Section 16. 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.

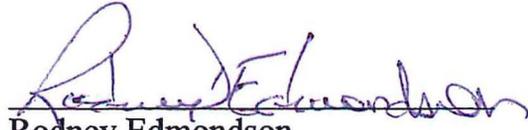
Adopted this 15th day of ^{July} June, 2015, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.

Patrick W. Collins
County Commissioner


Richard J. Hilderbrand
County Commissioner


Charlie Napier, Chairman
County Commissioner

ATTEST:

A handwritten signature in blue ink, appearing to read "Rodney Edmondson", written over a horizontal line.

Rodney Edmondson

County Clerk of Cherokee County.

Kansas

Resolution No. 23 - 2013

Prepared by:

Kevin Cure. County Counselor