

MINUTES FOR AUGUST 4, 2014
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, August 4, 2014 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners Richard Hilderbrand, Pat Collins, Charles Napier, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt, Machel Smith, and Thom Hanrahan

A motion was made by Commissioner Collins to enter an Executive Session with the Board and Register of Deeds Barbara Bilke for a period of 10 minutes for the purpose of Non/Elected Personnel. The motion was seconded by Commissioner Napier. The motion carried 3-0 at 9:04 AM.

The meeting reconvened at 9:14 AM.

No action was taken as a result of the Executive Session.

Marvin Barnaby, Murray Balk - KDHE, Mined Land Reclamation

They appeared before the Board seeking approval to do ditch and culvert work on county property. They are needing to replace existing culverts with concrete pipe and to do ditch grading. The location is 1 mile south of Scammon Corner on NW Coal Field Road, approximately ½ mile west of Kansas State Highway 7. The work would help alleviate the flooding in that area. The work will take approximately 40 days to complete depending on weather and would begin sometime next year. Leonard agreed with the work to be done and retained a copy of the maps.

A Consent for Right of Entry was approved by the Board and signed by Leonard Vanatta.

A motion was made by Commissioner Collins to enter an Executive Session with the Board and Road Supervisor Leonard Vanatta for a period of 10 minutes for the purpose of Non/Elected Personnel. The motion was seconded by Commissioner Hilderbrand. The motion carried 3-0 at 9:36 AM.

The meeting reconvened at 9:46 AM.

No action was taken as a result of the Executive Session.

A motion was made by Commissioner Hilderbrand to approve the Minutes of the July 28, 2014 BOCC Meeting as written. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

Betha Elliott - Health Department

She provided information from Tim Vanatta for concrete work around the Health Department. The estimated cost is \$2,650, and it could be less.

LT

Department Heads - Monthly Reports

They met with the Board for their routine monthly meeting with the following department heads present: Barbara Bilke, Register of Deeds; Betha Elliott, Health Department; David Groves, Sheriff; Deana Randall, Human Resources; Jason Allison, Emergency Preparedness; Juanita Hodgson, Treasurer; Kim Lauffer, Appraiser; Kristin Seal, Noxious Weeds; Nathan Coleman, County Attorney; Ralph Houser, Maintenance; Rodney Edmondson, Clerk; Wayne Elliott, 911 Addressing & Mapping.

Betha Elliott - She reported that there has been an outbreak of measles in Sedgwick County and all counties are made to be aware.

David Groves - He reported that they are working a homicide in Hallowell that occurred early this morning. The suspect fled but was apprehended by officers minutes later.

Juanita Hodgson - She reported that she is running a delinquent real estate list this morning.

Nathan Coleman - He reported that he is currently working the homicide case alongside the Sheriff and is making it a high priority case.

Rodney Edmondson - He reported that his office is preparing for the Primary Election tomorrow.

Wayne Elliott - He reported the issuance of three new addresses for new houses last month.

David Groves - County Sheriff

He appeared before the Board with an amended 2015 Budget Request. He reported that auditors have recommended that contractual reimbursements be handled differently, so he has amended page one of his Budget Request for next year to reflect the change. Treasurer Juanita Hodgson appeared to answer any questions concerning the recommendations.

Ralph Houser - Maintenance

He appeared before the Board with a request for pay increase for Korin Thomas. She's been with the county a year and did not receive her 6 month increase. The Board signed the request.

The Board took a 10 minutes recess at 10:40 AM.

The meeting reconvened at 10:50 AM.

Juanita Hodgson - County Treasurer

She provided a report of 2013 real estate taxes that are now delinquent. The total dollar amount in unpaid taxes is \$1,232,981.71, which is 13% of the total county valuation not being paid.

The Board informed her that Kevin Cure had reviewed the issue of unpaid taxes from 1994 on a parcel of land that was purchased in a tax sale in 1995, and recommended that the county should pay the taxes due since it was no fault of the property owner.

A motion was made by Commissioner Hilderbrand to pay the unpaid taxes from 1994 on property referred to as Tract #93 that was purchased by John Gabrielson in a tax sale in 1995. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

RH

Nathan Coleman - Cherokee County Counselor

He appeared before the Board regarding legal matters concerning Cherokee County.

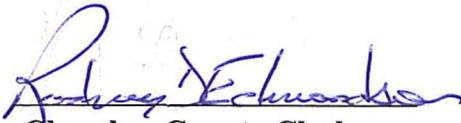
A motion was made by Commissioner Hilderbrand to enter an Executive Session with Board and Mr. Coleman for the purpose of Attorney/Client Privilege for a period of 15 minutes. The motion was seconded by Commissioner Collins. The motion carried 3-0 at 11:55 AM.

The meeting reconvened at 12:10 PM.

No action was taken as a result of the Executive Session.

Commissioner Hilderbrand made a motion to adjourn until the next regularly scheduled meeting set for August 11, 2014 at 9:00 AM. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 12:11 PM.

ATTEST: Resolved and ordered this day, August 11, 2014


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

KEVIN CURE LAW OFFICE, LLC

Kevin Cure, Attorney
603 S. Main, Galena, Kansas 66739
Phone: (620) 783-5070
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curelawoffice@embarqmail.com

DATE: July 29, 2014 PAGES (including this letter.): 1

TO: Board of County Commissioners of
Cherokee County, Kansas (via fax)

RE: Case No. 13 CV 126 -Tax Sale 3

BY FAX: 620-429-1042

CC: Rodney D. Edmondson (via fax at 620-429-1042)

Dear Commissioners:

I'm am advising taxes owed on Tract #93, owned by John Gabrielson, be paid by the County and removed from the sale. I was told on Monday, July 28, 2014, John Gabrielson came to the courthouse and spoke to Juanita at the Treasurer's office, then to you, the Commissioners, about this matter. The parcel in question was owned by the County before Mr. Gabrielson acquired it in 1995. The property was combined to another tract owned by Mr. Gabrielson. It was his understanding the property was free and clear. The taxes owed are from 1994 and were overlooked. It appears the debt belongs to the County and should be paid to clear the back taxes.

If you have any further questions or concerns, please contact me.

Sincerely,



Kevin Cure

Yr: 1994 Stmt: 670 R/E 20624020080080000000

CHEROKEE COUNTY
COUNTY CLERKS OFFICE

COLUMBUS, KS 6672 5- 000

00000 EUCLID ST
PICKETTS

66739

T/U: 220 City/Twp: Sub Div: USD: 000
Levy: Sec: Twp: Rng: Lot: Blk:

Land:	Impr:						
Typ	Rec Num	Date	Tax	Int/Fee	Gen Tax:		
					Specials:		
					Total Tax:	8.54	
					ADV Paid:		
					Rec To-Dt:		
					Balance:	8.54	
					Int To-Dt:	16.22	
					Fees:	16.00	
					Total Due:	40.76	

*=Posted to Distribution File

Press any key to continue _

Tract #93

PROJECT: SW Scammon - KS-0490

NAME: Cherokee Co. Road Dept.

CONSENT FOR RIGHT OF ENTRY

Pursuant to the Mined Land Conservation and Reclamation Act, K.S.A. 49-401 et seq., the Kansas Department of Health and Environment (KDHE) proposes to undertake reclamation work necessitated by abandoned coal mining activity to protect the public health, safety and general welfare from the adverse effects of past coal mining.

To achieve this objective, it will be necessary for officers, agents, employees and contractors of KDHE to enter upon property owned by Cherokee Co., KS* acquired by virtue of a deed dated _____ and recorded in Deed Book ____, page__ in the _____ County records (and more particularly described as:)

***Cherokee Co., NW Coal Field Road, approx. ½ mile west of Ks. State Hwy. 7**

NOW, THEREFORE, in consideration of the benefits which will inure to the Owner and to the general public, the Owner does hereby grant to KDHE, its employees, agents, contractors and subcontractors a right of entry into, over and upon the above-described property, including all necessary convenient rights of ingress, egress and regress, with all materials and equipment to conduct the proposed reclamation activities, and to do any and all things necessary and convenient to effectively carry on said activities, in a good and workmanlike manner, including but not limited to the temporary storage of equipment and materials and the construction of temporary roadways on the property. Said right of entry is granted for the time required to complete the reclamation activities subject to the Owners continued ownership and use of the property.

It is understood and agreed that KDHE has determined that no lien will be placed against the subject property for the reclamation work in accordance with K.S.A. 49-428 (b).

It is understood the work performed in the project area shall be done by contractors for KDHE and KDHE is without authority to assume the risk of injury to persons or damage to persons or property resulting from the action of the contractors.

Execution of this Consent for Right of Entry does not obligate KDHE to perform any part of the contemplated or proposed reclamation work.

By executing this Consent for Right of Entry neither the Owner nor KDHE waives any rights conferred by operation of the Mined Land Conservation and Reclamation Act, K.S.A. 49-401 et seq., and other regulations promulgated thereto.

Report Totals

1983 Stmt

	<u>Value</u>	<u>Pen Val</u>	<u>Total Val</u>	<u>Tax</u>	<u>K-64 Tax</u>	<u>Rec Typ</u>	<u>Tax</u>	<u>Int</u>	<u>Fees</u>
R/E	9781258		9781258	1266037.01		Current	92151.07	680.22	
Other 1 Spc				39584.62		Protest	296.72	7.36	
Other 2 Spc				14428.47		Refund Cur	179.40-	2.10-	
Other 3 Spc				5200.00		- Total -	92268.39	685.48	
- Total -	9781258		9781258	1325250.10					
							Balance:	1,232,981.71	
