

MINUTES FOR JUNE 24, 2013
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

CONVENE

Chairman Richard 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, June 24, 2013 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 West Maple, Columbus, Kansas. Commissioners Pat Collins, Charles Napier, Richard Hilderbrand, and County Clerk Rodney Edmondson were present.

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

Visitors Present: Jerry Messer

A motion was made by Commissioner Collins to approve the Minutes of the June 17, 2013 Cherokee County Board of County Commissioners Meeting as written. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

Leonard Vanatta - County Road Supervisor
Gene Langerot - County Lot Supervisor

They appeared before the Board on routine business. Chairman Hilderbrand asked that they look over the equipment and look for anything that might need replaced, for budget purposes next year.

A motion was made by Commissioner Hilderbrand to accept the resignation of Greta Day as the Baxter Springs representative to the Cherokee County Economic Development Advisory Committee and to appoint Don Snow as her replacement. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

A motion was made by Commissioner Collins to appoint Jason Smith as Cherokee Township Trustee and Dorothy Smith as the Cherokee Township Clerk. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

A motion made by Commissioner Collins to approve Payroll for the month of June, 2013. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

Sean Krokroskia - RWI Benefits

He appeared before the board with a request to provide insurance benefits to the county. RWI is an insurance management company. The board took his proposal under advisement.

Juanita Hodgson - County Treasurer

She appeared to update the Board on the new AS400 that was installed this past weekend. Things are going well with only minor glitches this morning that were easily fixed. The old one is still running for a week or so, just in case there is data that needs to be retrieved.

A motion was made by Commissioner Collins to approve the Accounts Payables for the month of June, 2013. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

Kevin Cure - County Counselor

He appeared before the Board on legal matters of Cherokee County. The Treece Tax Sale Resolution is now ready. He will try to target August 29th at 9:00 AM for the sale.

RH

He will draft a resolution for the request to place stop signs at SE 78th St. and SE 80th St. as they approach Boone Lake Road.

He addressed the KAMO promises to the Columbus School District. \$200,000 was apparently promised by KAMO to the School District. After much discussion with those in attendance, the Board tabled the issue.

A motion was made by Commissioner Collins to recess for lunch. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 11:56 AM.

The meeting reconvened at 1:00 PM.

Myra Frazier - Carlisle Realty

She appeared with Mr. Cure to present a resolution authorizing the sale of county-owned real estate located at 402 E 5th St. in Galena, KS.

A motion was made by Commissioner Hilderbrand to approve Resolution 17-2013 authorizing the sale of county-owned real estate. The motion was seconded by Commissioner Collins. The motion carried 3-0 with all voting yes.

Honorable Kent Lynch, Honorable Bill Lyerla - Courthouse Security

They came before the Board to inquire if the board had taken a look at the new concealed carry law and how it would affect Courthouse Security Measures.

They requested an Executive Session to include themselves, Sheriff Groves, County Attorney Nathan Coleman, and County Counselor Kevin Cure.

A motion was made by Commissioner Collins for an Executive Session for the purpose of Courthouse Security for a period of 20 minutes. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 1:17 PM.

The meeting reconvened at 1:37 PM.

No action taken as a result of the Executive Session.

Chairman Hilderbrand made a motion to form an Ad Hoc committee for the purpose of a Courthouse Security Plan, to include the following members: Commissioner Pat Collins, Sheriff David Groves, County Attorney Nathan Coleman, County Counselor Kevin Cure, Judge Kent Lynch, Judge Bill Lyerla, District Court Clerk Terry Cizerle, County Clerk Rodney Edmondson, County Treasurer Juanita Hodgson, County Register of Deeds Barbara Bilke, County Emergency Preparedness Manager Jason Allison, County Appraiser Nancy Herrenbruck, County Lot Supervisor Gene Langerot, County Engineer Leonard Vanatta, County 911 Mapping & Addressing Supervisor Wayne Elliott, County Health Department Supervisor Betha Elliott, County Noxious Weed Supervisor Cecil Brown, Deanna Randall from Human Resources, Ralph Houser from Courthouse Maintenance, and Martha Flanagan from the County Extension. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes. Sheriff Groves will contact the members for a meeting date and time. It's the Board's intention to file for an extension with the Kansas Attorney General's Office.

A motion was made by Commissioner Collins for an Executive Session with County Appraiser Nancy Herrenbruck, and Kevin Cure for the purpose of Non/Elected personnel for a period of 10 minutes. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 1:40 PM.

The meeting reconvened at 1:52 PM.

RK

A motion was made by Commissioner Collins for an Executive Session with County Appraiser Nancy Herrenbruck for the purpose of Non/Elected personnel for a period of 20 minutes. The motion was seconded by Commissioner Napier. The motion carried 3-0 at 1:54 PM.

The meeting reconvened at 1:14 PM.

No action taken as a result of the Executive Sessions.

A motion was made by Commissioner Collins for an Executive Session with County Counsel Kevin Cure for the purpose of Attorney/Client Privilege for pending litigation for a period of 10 minutes. The motion was seconded by Commissioner Hilderbrand. The motion carried 3-0 with all voting yes at 2:20 PM.

The meeting reconvened at 2:30 PM.

A motion was made by Commissioner Collins for an Executive Session with County Counsel Kevin Cure for the purpose of Attorney/Client Privilege for pending litigation for a period of 5 minutes. The motion was seconded by Commissioner Hilderbrand. The motion carried 3-0 with all voting yes at 2:30 PM.

The meeting reconvened at 2:40 PM.

No action taken as a result of the Executive Sessions.

Mr. Cure presented Resolution 18-2013 concerning valuations for consideration by the Board.

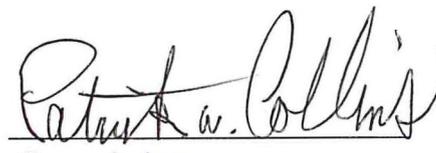
A motion was made by Commissioner Hilderbrand to pass Resolution 18-2013 adjusting a tract of real estate, and repealing Resolution 14-2013. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

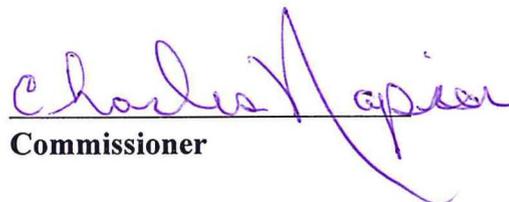
Commissioner Hilderbrand made a motion to adjourn until the next regularly scheduled meeting set for July 1, 2013 at 9:00 AM. The motion was second by Commissioner Napier. The motion carried 3-0 at 2:49 PM.

ATTEST:

Resolved and ordered this day, July 1, 2013


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

June 21, 2013

To whom it may concern:

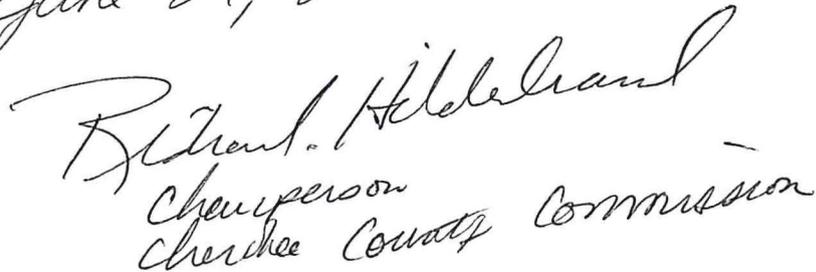
I Jason Smith desire to hold the position of Cherokee Township Trustee. I Dorothy Smith desire to hold the position of Township Clerk until the time that Cory Christiansen is removed as treasurer.

Sincerely,



Jason and Dorothy Smith
9978 NE 50th
Weir KS 66781

Approved by the Board of Cherokee County Commissioners
on this day June 24, 2013


Chairperson
Cherokee County Commission

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Gretta L. Day

May 28, 2013

To the attention of the County Economic Development Committee:

I regret to inform you that I will be resigning from the County Economic Development Committee. I feel that this is an awesome opportunity for someone else to step into my position that may be of better service in this area than I would be.

Thank you so very much for the opportunity to serve on the County Economic Development Committee. Though it has been a short time span that I have served, the very first meeting that I attended was very informative and helpful. I feel this Committee will be a great asset to our County and has some wonderful people with great ideas that will make it a big success.

Thank you all for taking your time and making the efforts to make Cherokee County a great place to live.

Sincerely ,



Gretta Day

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THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND COUNCIL
OF THE CITY OF BAXTER SPRINGS, KANSAS HELD ON MAY 28, 2013.

Gretta Day opened with prayer.

The following council members were present: McAfee, Brown, Pickering, Howey, Day, Snow, Haverfield and Alquist.

Motion by Pickering, seconded by Howey with all council members voting "Yea" to approve the agenda with a correction of adding Don Snow to the committee reports
Motion passed.

Motion by Snow, seconded by Alquist with all council members voting "Yea to approve minutes of May 14th with a notation of a correction on the April 23rd meeting that Gretta Day voted "Abstention" on Mayor Pro-Tem. Motion passed.

Motion by Day, seconded by Howey with all council members voting "Yea" to approve Appropriation Ordinance #3276. Motion passed.

Motion by McAfee, seconded by Pickering with council member Snow and Alquist voting "Abstention" and council members McAfee, Brown, Pickering, Howey, Day, Haverfield voting "Yea" to purchase flags and holders to be placed downtown in honor of the Veteran's Memorial at a cost of \$6,000. Motion passed.

Motion by Pickering, seconded by Howey with all council members voting "Yea" approve upon a first read for Resolution #961 concerning properties at 2027 Chouteau, 523 Park, 1830 Lincoln (Garage Only) and 225 W 13th (Garage and Fence Only). Motion passed.

Motion by Howey, seconded by Alquist with council members McAfee, Pickering, Haverfield voting "Nay" and council members Brown, Howey, Day, Snow and Alquist voting "Yea" to approve Ordinance #877. Motion passed.

Motion by Howey, seconded by Snow with all council members voting "Yea" to approve posting for an Assistant City Clerk/Utility Clerk in house for 3 days and if needed to advertise in the Baxter News with a cut off date of June 10th. Motion passed.

Motion by Brown, seconded by McAfee with council member Haverfield voting "Nay" and council members McAfee, Brown, Pickering, Howey, Day, Snow and Alquist voting "Yea" to approve purchasing 8 suits for lifeguards at the Baxter Pool at a cost of \$42.95 each totaling \$343.60. Motion passed.

Motion by Brown, seconded by Pickering with all council members voting "Yea" to accept the bid of \$6395 from Hard Time Concrete to repair sidewalks and curbing between 8th & 9th of Washington St. Motion passed.

Motion by Brown, seconded by Pickering with all council members voting "Yea" to approve Bob Kirby and Stan Shafer to attend the Stage II Compliance Monitoring Plan by KRWA in Chanute on June 6, 2013 with meals included. Motion passed.

Motion by Pickering, seconded by Howey with all council members voting "Yea" to approve the mayor's changes to the committees. Motion passed.

Motion by Pickering, seconded by Brown with council member Snow voting "Abstention" and council members McAfee, Brown, Pickering, Howey, Day, Haverfield and Alquist voting "Yea" to accept the resignation of Gretta Day serving on the city and county Economic Development Committee and appointing Don Snow to take her place on the county. Motion passed.

Motion by Alquist, seconded by Pickering with all council members voting "Yea" to approve the promotion of J J Dannels to patrolman effective May 25, 2013 at \$14.00 per hour. Motion passed.

Motion by Pickering, seconded by McAfee with all council members voting "Yea" to adjourn. Motion passed.

Randall Trease, Mayor

Attest:

Debbie Weston, City Clerk

RESOLUTION 17-2013

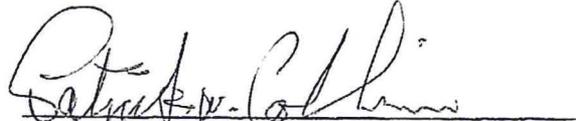
**A RESOLUTION AUTHORIZING THE SALE OF COUNTY-OWNED REAL ESTATE
LOCATED AT 402 E. 5TH STREET, GALENA, KANSAS.**

On June 24, 2013 a quorum of the Cherokee County, Kansas, Board of Commissioners met during regular session and authorized the sale of 402 E. 5th Street, Galena, KS, for the price of \$40,000.00.

The Board also authorized Richard J. Hilderbrand, Cherokee County, KS Board of Commissioners Chairman, to sign all documents necessary to complete the sales transaction.

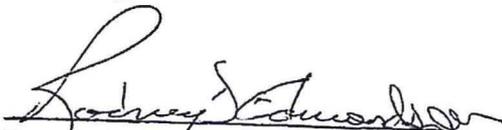
We, the Cherokee County, Kansas, Board of County Commissioners, attest that the above statements are true and accurate and that we have signed this instrument this 24th day of June, 2013


Richard J. Hilderbrand, Commissioner


Pat Collins, Commissioner


Charles Napier, Commissioner

ATTEST:


Rodney Edmondson
County Clerk of Cherokee County,
Kansas
Resolution No. 17 - 2012

Prepared by:
Kevin Cure, Attorney

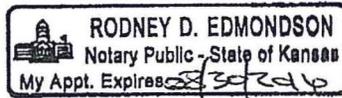
ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF)

BE IT REMEMBERED, that on this 24th day of June, 2013, before me, the undersigned, notary public in and for the County and State aforesaid, came Richard J. Hilderbrand, Pat Collins, and Charles Napier, personally known to me to be the same person (s) who executed the foregoing instrument, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.


Notary Public



(Published in the official county newspaper on the 26th day of June, 2013)

RESOLUTION NO. 18 - 2013

A RESOLUTION ADJUSTING THE VALUATION OF A TRACT OF REAL ESTATE.

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. § 79-1701a to adjust valuations for certain tracts of property for the current and two prior taxable years;

WHEREAS, the Board finds that a certain structure located upon parcel number 124-18-0-30-01-009.00-0, in Cherokee County, Kansas, had been removed before 2010, and another structure double assessed, therefore excess taxes were assessed upon a structure for the tax years 2010, 2011 and 2012; and,

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 24th day of June, 2013, does hereby resolve as follows:

Section 1. The structure, as appraised and assessed for the tax years 2010, 2011 and 2012, located on parcel number 124-18-0-30-01-009.00-0 in Cherokee County, Kansas, was double assessed and the value for the existing structure for 2010, 2011, and 2012, shall be adjusted by the county appraiser's office to reflect the following appraised valuations: 2012- appraised value is \$4050.00; 2011- appraised value is \$7570.00; and, 2010- appraised value is \$7730.00.

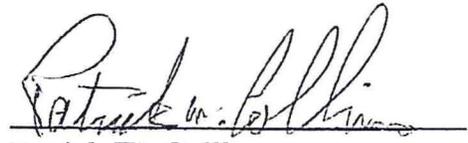
Section 2. **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this resolution, or the application thereof to any circumstances, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision 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

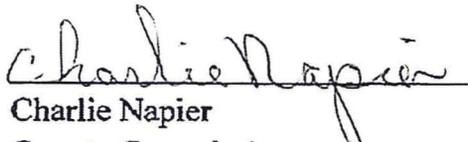
newspaper.

Section 4. Repeal. Resolution 14-2013 is hereby repealed.

Adopted this 24th day of June, 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

Rod Edmondson
County Clerk of Cherokee County,
Kansas
Resolution No. 18 - 2013

Prepared by:
Kevin Cure, Attorney