

MINUTES FOR OCTOBER 22, 2018
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

CONVENE

Chairman Cory Moates called the regular session of the Cherokee County Board of Commissioners (The Board), to order at 9:00 a.m. on Monday, October 22, 2018 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioner Neal Anderson opened the meeting with prayer followed by the Pledge of Allegiance. Commissioners Cory Moates, Pat Collins, Neal Anderson, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt and Jordan Zabel

Dale Helwig, County Extension Agent, appeared before the Board to extend an invitation to their annual meeting and board member election being held on November 8th. He informed the Board that they had received a grant to do a garden project in the Baxter Springs schools for grades four through six.

A motion was made by Commissioner Collins to approve the minutes of the October 12, 2018 BOCC meeting as written. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Betha Elliott, Health Director, appeared before the Board to submit an estimate from Travis Kitch for the concrete work at the Health Department.

A motion was made by Commissioner Collins to approve the concrete work to include two A.D.A. ramps. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Leonard Vanatta, County Road Supervisor, appeared before the Board on county road business. Leonard stated that he had inspected Dewberry Ln. for consideration of dedicating it as a county road. He stated that it was narrow due to grass growing on the edges, but it is in good shape. Counselor Wright stated that she can prepare a resolution to be considered next week dedicating it as a county road. The Board signed a contract with Mission Construction Co. for a bridge replacement 4/10 of a mile North of Faulkner on SW 100th St. over Center Creek. The estimated cost is \$298,289 with the County match of \$66,000. The Board discussed a bridge that is in disrepair located 3/4 of a mile south of U166 on SW 20th St. The bridge was built in approximately 1912. Commissioner Moates stated that the EPA has agreed to remove the bridge at no cost. Leonard stated that he would take a look at it. The Board discussed with Leonard the freeze on spending at the County Lot, unless prior approval by the Board is obtained, for the remainder of the year. Commissioner Moates stated that 5th St. in Baxter Springs should be open to traffic this Friday after asphaltting is complete.

A motion was made by Commissioner Anderson to approve the payroll for the period ending October 12, 2018. The motion was seconded by Commissioner Moates. The motion carried 3-0.

A motion was made by Commissioner Collins to approve the accounts payable for the period ending October 18, 2018. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Sandra Friend and Tommie Bottorff, representing the Shawnee Township Board, appeared before the Board with questions regarding the proposed Fire District for the Shawnee Township. They are concerned about the 2.5 mill levy increase in taxes. That increase would have doubled the Township budget, so the Township Board voted not to increase taxes for fire protection. They are asking the Board not to increase the full 2.5 mills.

The Board considered the CDBG application for the sidewalk project in Crestline. Mary Jones and Carol Phelps appeared in support of the sidewalk and addressed the opposition to it.

Commissioner Moates made a motion to do away with the grant application and to explore other options. The motion was seconded by Commissioner Anderson. The motion carried 2-1 with Commissioner Collins voting no.

Clerk Edmondson presented a renewal questionnaire and list of property from KCAMP for property insurance for county owned property for 2019.

A motion was made by Commissioner Collins to approve the KCAMP Coverage Questionnaire for 2019 as presented by Clerk Edmondson. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Counselor Wright presented a draft resolution for consideration by the Board for the condemnation of a property located at 8931 SE 72nd Ter., owned by Mary Mae Sitton.

A motion was made by Commissioner Moates to adopt Resolution 24-2018 for condemnation of a property located at 8931 SE 72nd Ter. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Counselor Wright reported to the Board that the Klenda Austerman, LLC Law Firm has the petition for the next tax sale ready to file. She stated that she will be coordinating with the Clerk of the Court and the County Treasurer to get the petition filed.

Jason Allison, County Emergency Management Coordinator, presented a contract for two new storm sirens. The grant requires a 25% match of \$14,000 in county funds. One siren will be located in Lawton and one on SE 60th & Lostine Rd.

A motion was made by Commissioner Collins to sign the agreement for the two new storm sirens. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

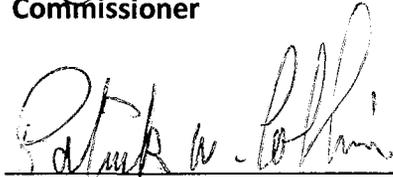
Commissioner Moates made a motion to adjourn until the next regular meeting set for Monday, October 29, 2018 at 9:00 a.m. The motion was seconded by Commissioner Collins. The motion carried 3-0 at 10:46 a.m.

ATTEST: Resolved and ordered this 29th day of October, 2018


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

RESOLUTION NO. 24-2018

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF A HEARING BEFORE THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, AT WHICH THE OWNERS, HIS OR HER AGENT, LIENHOLDERS OF RECORD, OCCUPANTS AND OTHER PARTIES IN INTEREST OF STRUCTURES LOCATED WITHIN SAID COUNTY AND DESCRIBED HEREIN, MAY APPEAR AND SHOW CAUSE WHY SUCH STRUCTURE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE.

WHEREAS, the Enforcing Officer of Cherokee County, Kansas, did on the 12th day of October, 2018, file with the Governing Body, the Board of County Commissioners of Cherokee County, Kansas, a statement in writing that the structures described as a one-and-one-half story, residential dwelling and out buildings are dilapidated, unsafe and dangerous and, with the surrounding brush, debris and abandoned vehicles, create a blight upon the neighborhood.

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

That a hearing will be held on the 3rd day of December, 2018, before the Board of County Commissioners of Cherokee County, Kansas, at 10:00 o'clock a.m., at Cherokee County Courthouse, 1st floor Commission Room, 110 West Maple, Columbus, Kansas 66725, at which the owner, his or her agent, any lienholders of record, any occupant and any other parties in interest, as that term is defined by law, of the structures located at:

**8931 SE 72nd TERR., BAXTER SPRINGS, CHEROKEE COUNTY, KANSAS,
S29, T34, R25, BEG 512.5N SW COR SE4 SW4 TH E 205 S165 W205 N165 TO
POB LESS R/W**

may appear and show cause why such structure(s) should not be condemned as unsafe or dangerous and ordered repaired or demolished and the debris removed.

BE IT FURTHER RESOLVED, that the County Clerk shall cause this resolution to

be published and shall give notice of the aforesaid hearing in the manner provided by law.

PASSED AND APPROVED this 22nd day of October, 2018, by the Board of County Commissioners of Cherokee County, Kansas.

APPROVED:



Cory Moates, Chair
Cherokee County Commissioner

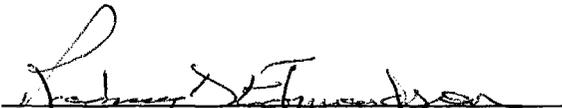


Neal Anderson
Cherokee County Commissioner



Pat Collins
Cherokee County Commissioner

ATTEST:



Rodney Edmondson
Cherokee County Clerk
Executed: October, 22, 2018,
by the Board of County Commissioners

We are here to see if we can get something done about the sidewalks in Crestline. When the snow was bladed last winter it threw a lot of pea gravel onto the sidewalks and in one section it is covered with this. Also, the grass is growing out onto the walks and in the seams of the walks. The walks need to be edged badly. It is so bad that only one person can see to walk at a time. Also where the water should be running out from the walk to the highway there is so much grass piled there that the water stays on the walk making quite large areas of water. This may seem petty to you but it looks awful plus basically it is better to walk in the street than the walk.

I know it is probably the railroad that should take care of this but you have to be extremely careful when walking past the rail area or you will turn your ankle or fall as the asphalt is all broken all around the rails and back to the walks.

The walk goes from Paula Woods south to the Baptist Church.

Some of the property is vacant and the other has older people unable to take on this task.

The West side has a very short walkway which is completely covered.

Since we also pay taxes in Cherokee County we would appreciate something being done about this. In reality there are a few businesses that also pay sales tax.

Thank you for your attention to this matter.

October 22, 2018

To the Commissioners and people present, I understand that the money may not be available but let us get some things straight.

First of all the railroad rails are still there at the sidewalk and I have brought a picture to show this. As far as vacant houses, there are only four on the East side. There are eight houses total that are empty not 15. One belongs to Rogers, one to Johnna Dodson who is deceased and one of them belongs to Sandy Friend who was at the meeting. The walk in front of hers is almost all covered with chat and grass. Richard Thompson who is from Joplin has a total of five. Some of these are houses that were brought in from the Miami flood and some not fit to live in and are tax write offs for him. One of the empty places has a mobile home behind it so there is not a vacant spot there which is on the East.

Also, it would be good to have a storm shelter as stated but the Township Chair had been asked about that before and it went nowhere, but now she is questioning that??

As far as Gene Bottorff saying we are doing fine without it, I am sure he is as he doesn't live in Crestline.

To let you know there are five businesses and two churches on the East side where the sidewalk is located. The businesses pay state and county taxes. Also, the post office is on the East side and people come from all over town to go there and they use the sidewalk. The Craw-Kan Telephone building is also on the East side.

As far as handicapped people using the sidewalk, there are two that we know of.

Everyone that filled out the survey was for the sidewalk.

The majority of the people that live in Crestline are working people and not able to be here but wanted Carol and I to handle this for them.

Now, let us get back to what we originally had asked and that was for the walks to get cleaned up. I have brought a copy of the original request.

If this goes nowhere else, at least we would like the sidewalks cleaned up. I was informed that the county has the equipment to handle the situation.

Pursuant to K.S.A. 79-1437e
a real estate validation
questionnaire is not required
due to Exception No.
(complete if applicable).

GENERAL WARRANTY DEED

On this 12th day of October, 2018, Jack H. Nunn and Susan E. Swannack-Nunn, husband and wife, Grantors, CONVEY AND WARRANT to Board of Commissioners of Cherokee County, Kansas, herein Grantee, pursuant to Resolution Number 11-2014 of the Board of Commissioners of Cherokee County, Kansas, for \$1.00 and other good consideration, all of the following-described real estate in Cherokee County, Kansas, to wit:

AN 80.0 FOOT WIDE ROAD RIGHT-OF-WAY LYING IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 25 EAST, CHEROKEE COUNTY, KANSAS, SAID ROAD RIGHT-OF-WAY BEING 40.0 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; COMMENCING AT A FOUND IRON PIN AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER; THENCE ON AN ASSUMED BEARING OF S03°12'37"E ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER 25.00 FEET; THENCE S87°29'30"W, 57.81 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY OF BLACKJACK ROAD; THENCE S22°38'09"W, 111.64 FEET; THENCE S04°26'50"W, 147.29 FEET; THENCE S00°33'50"W, 297.84 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 65.00 FEET AND AN ARC LENGTH OF 97.93 FEET; THENCE S86°53'14"W, 228.08 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 350.00 FEET AND AN ARC LENGTH OF 153.08 FEET; THENCE S61°49'40"W, 279.30 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET AND AN ARC LENGTH OF 102.65 FEET; THENCE S22°37'09"W, 79.63 FEET; THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 550.00 FEET AND AN ARC LENGTH OF 215.84 FEET; THENCE S45°06'14"W, 256.25 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 85.23 FEET AND AN ARC LENGTH OF 72.57 FEET, SAID POINT BEING 40.00 FEET EAST OF THE SOUTHWEST CORNER AND ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHEAST QUARTER.

THE SIDE LINES OF SAID 80 FOOT ROAD RIGHT-OF-WAY TO BE EXTENDED OR SHORTED TO TERMINATE AT SAID SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH RIGHT-OF-WAY LINE OF BLACKJACK ROAD.

SUBJECT TO no exceptions.

FATCO
1502575

**AUTHORITY TO AWARD CONTRACT
COMMITMENT OF COUNTY FUNDS**

10/18/2018

2 Copies to County

Project Number: 011 C-4882-01

STP-C488(201)

WHEREAS bids were received at Topeka, Kansas on 10/17/2018 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and the low bid or bids on work covered by this project were:

CONTRACTOR	TYPE OF WORK	AMOUNT
MISSION CONSTRUCTION CO INC ST. PAUL, KS	Cherokee County: 0.4 miles North of Faulkner on SW 100th Street over Center Creek	\$298,289

WHEREAS bids are considered satisfactory and have been recommended by the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY, for consideration and acceptance of the work on this project as covered by such bid or bids.

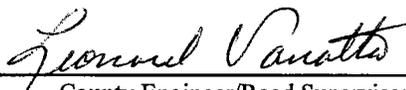
A combination of bid items and construction engineering less \$363,599 Federal funds will require County matching funds in the amount of \$66,000.

BE IT FURTHER RESOLVED that County funds in the amount of \$66,000 which are required for the matching of Federal Funds are hereby pledged by the County to be remitted to the Chief of Fiscal Services of the Department of Transportation of the State of Kansas on or before 12/06/2018 for use by the SECRETARY in making payments for construction work and engineering on the above designated project with final cost being determined upon completion and audit of the project.

The County certifies that no known or foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with all applicable codes, standards and/or regulations required for completion.

Adopted this 22 day of Oct, 2018, at Columbus, Kansas.

Recommended for Approval:

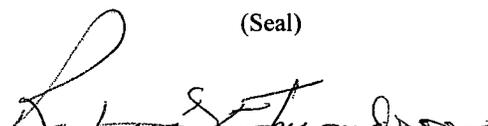


County Engineer/Road Supervisor


_____, Chairman

Attest:


_____, Member

(Seal)


County Clerk


_____, Member

132121

Bid sheet # cell 417-438-9004

NAME Cheokee County Health Department	SHIP TO Lusky Thompson
ADDRESS #home 620-429-3087 #cell 620-674-2146	ADDRESS 703 S Washington
CITY, STATE, ZIP	CITY, STATE, ZIP Weir, KS 66781

ORDER NUMBER	DEPARTMENT	SALESPERSON	WHEN SHIP	TERMS	HOW SHIP	DATE
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QUANTITY	DESCRIPTION	PRICE	AMOUNT
	We are installing new concrete and fixing the enterways in to the building in both door, so both of them will have handicap ramps coming in the building. The concrete is a strong design 4000 PSI s/s mix with 1/2 inch rebar and 5' to 6' thick, the ramps are the same design with a light broom finish. We got to tareout 1020 sq ft of old concrete and asphalt and plumbing coming for the building downspouts the design on the is to replace all the pipes with new and run them in a new concrete curb that runs all the way down and dump out on the east side of the approach and a clean out area just in case something get in the plumbing. The curb is 8 inch x 8" with fiber mesh in the concrete for a car or truck to hit it and be OK. There are holes in the wall of the concrete in the building going to the basement, that we are going to find and fix those. Tare out 2 big planters one on the eastside the other westside, we will add dirt in this area after tareout.		
	Turnkey Job 9-28-18		\$10,610.00
	To save money the planter on the westside can stay and the pipe design curb only goes 1/2 way and will dump out were the car + truck part and just one hand-cap ramp on the front door like it is know but concrete the old one is asphalt. (This is to save money)		\$9,850.00
BUYER:			