

MINUTES FOR DECEMBER 30, 2013
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

CONVENE

Commissioner Hilderbrand called the regular session of the Cherokee County Board of Commissioners (The Board), to order at 9:00 AM on Monday, December 30, 2013 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners Richard Hilderbrand, Charles Napier, Pat Collins, and County Clerk Rodney Edmondson were present. Hayden Seal led all in attendance in the Pledge of Allegiance.

Members of the press present: Larry Hiatt, Tony Coble, Machel Smith

Larry Overman appeared to follow up on his complaint from last week. The Board informed him that personnel matters can't be discussed in an open meeting. They assured him that his complaint hasn't gone unattended.

A motion was made by Commissioner Collins to approve the minutes of the December 23, 2013 BOCC Meeting as written. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

Leonard Vanatta - County Road Supervisor

He appeared before the Board on county road business. He reported that the debris cleanup from the ice storm is nearly finished.

A motion was made by Commissioner Napier to enter an Executive Session with the Board and Leonard for the purpose of Non/Elected Personnel for a period of 10 minutes. The motion was seconded by Commissioner Collins. The motion carried 3-0 with all voting yes at 9:20 AM.

The meeting reconvened at 9:30 AM.

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

A motion was made by Commissioner Collins to enter an Executive Session with the Board and County Clerk Edmondson for the purpose of Courthouse Security for a period of five minutes. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 10:00 AM.

The meeting reconvened at 10:05 AM.

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

Gene Mense & Matt Mense - Mense, Churchwell, & Mense, CPA

They appeared before the Board for the Public Hearing to amend the 2013 County General and the Road & Bridge budgets.

Chairman Hilderbrand opened the Public Hearing to amend the 2013 County General and the Road & Bridge budgets at 10:30 AM, to hear public comments concerning the amended budgets.

The purpose of the amendments was due to monies being transferred to pay off leases in both the General and Road & Bridge Budgets, and to create an Equipment Reserve Fund, from the proceeds of the litigation settlement with Penn Gaming.

A motion was made by Commissioner Hilderbrand to approve the Budget Amendments. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

The Public Hearing was closed at 10:40 AM.

A motion was made by Commissioner Hilderbrand to pass Resolution 36-2013; Creating the County Equipment Reserve Fund. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

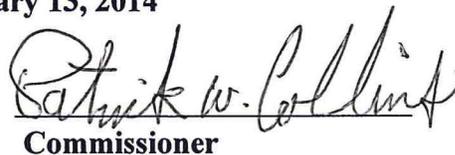
A motion was made by Commissioner Hilderbrand to pass Resolution 37-2013; Establishing New Weight Limits of 35 tons on a certain bridge near Lowell. The motion was seconded by Commissioner Collins. The motion carried 3-0 with all voting yes.

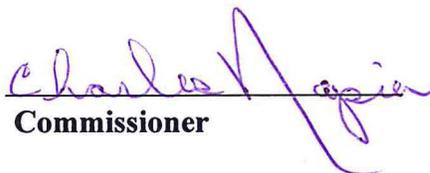
Chairman Hilderbrand informed everyone in attendance that as of January 1, 2014, citizens with a valid Concealed Carry Handgun Permit will be allowed in the non-judicial areas of the Courthouse, and other county owned buildings.

Commissioner Hilderbrand made a motion to adjourn until the next regularly scheduled meeting set for January 6, 2014 at 9:00 AM. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all in attendance voting yes at 11:38 AM.

ATTEST: Resolved and ordered this day, January 13, 2014


Cherokee County Clerk


Commissioner


Commissioner


Commissioner

(Published in the official county newspaper on the 1st day of January, 2014)

RESOLUTION NO. 36 - 2013

A RESOLUTION CREATING THE COUNTY EQUIPMENT RESERVE FUND.

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

WHEREAS, the County in the form of its duly elected governing body has the authority under K.S.A. § 19-101 to determine its local affairs and government, and;

WHEREAS, the County in the form of its duly elected governing body has the authority under K.S.A. § 19-119 to exercise control over the County's financial matters, and;

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 30th day of December, 2013, does hereby resolve as follows:

Section 1. County Equipment Reserve Fund Created. There is hereby created a fund to be designated as the "County Equipment Reserve Fund" to finance the acquisition of equipment. Moneys may be budgeted and transferred to such fund from any source which may be lawfully utilized for such purposes, including equipment use charges on the various departments and agencies of the county to finance new and replacement equipment. "Equipment" shall include machinery, vehicles and any other equipment or personal property including, but not limited to, computer hardware and software, which the county is authorized to purchase for municipal purposes.

Section 2. Moneys Credited to Such Fund. Moneys credited to such fund from annually budgeted transfers shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto. In making the budget of Cherokee County, Kansas, the amounts credited to, and the amount on

hand in, such equipment reserve fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of the county. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

Section 3. **Retransfers from the Fund.** If the Board of County Commissioners determines that money which has been credited to such fund or any part thereof is not needed for the purposes for which so budgeted or transferred, the board may transfer, by adoption of a resolution, such amount not needed to the fund from which it came and such retransfer and expenditure thereof shall be subject to the budget requirement provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto.

Section 4. **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 5. **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.

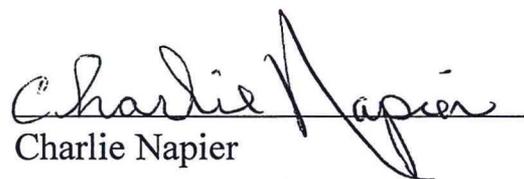
Adopted this 30th day of December, 2013, by the Board of Commissioners of Cherokee County, Kansas.



Patrick W. Collins
County Commissioner



Richard J. Hilderbrand
County Commissioner



Charlie Napier
County Commissioner

ATTEST:

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

Rodney Edmondson

County Clerk of Cherokee County,

Kansas

Resolution No. 36 - 2013

Prepared by: Kevin Cure, Attorney

(Published in the official county newspaper on the 1st day of January, 2014)

RESOLUTION NO. 37 - 2013

A RESOLUTION ESTABLISHING NEW WEIGHT LIMITS ON A CERTAIN BRIDGE.

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 30th day of December, 2013, does hereby resolve as follows:

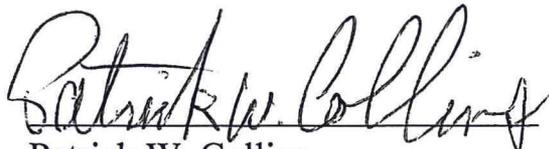
Section 1. Bridge Weight Limit Established. Upon the bridge located approximately 1/8th of a mile south of Varck and SE 70th in Cherokee County, Kansas, the vehicle weight limit shall be 35 tons, rather than 15 tons, through April 30, 2014, for Empire District Electric Company vehicles and its contractors for work performed to cap off a fly ash pond near the Empire District plant in Riverton. Provided, the increased weight limit shall not apply unless said company shall execute an agreement that it shall be responsible for reasonable remuneration to Cherokee County in the event of damage to the bridge or SE 70th, in Cherokee County, Kansas, caused by the activities of the overweight vehicles permitted to utilize the bridge that is described herein.

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.

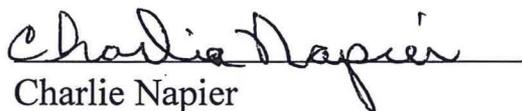
Adopted this 30th day of December, 2013, by the BOARD OF
COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



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. 37 - 2013

Prepared by:
Kevin Cure, Attorney