

**MINUTES FOR OCTOBER 28, 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 and led all in attendance in the Pledge of Allegiance at 9:00 AM on Monday, October 28, 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.

Members of the press present: Larry Hiatt, Patrick Richardson, Phillip Wade

**Rodney Edmondson - County Clerk**

He presented a request from Rubin Postaer & Associates for a release to photograph the Marsh Rainbow Arch Bridge by American Honda Motor Co. Inc. as part of their upcoming Route 66 advertising campaign.

A motion was made by Commissioner Hilderbrand to approve the request to allow Honda Motor Company to photograph Rainbow Bridge. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

He presented a proposal from Stronghold Data to replace seven Windows XP computers with new Dell Windows 7 workstations, and one Laptop. End of life for Windows XP is April 2014. The Board took the proposal under advisement pending Stronghold's review of our Microsoft Office licenses.

A motion was made by Commissioner Hilderbrand to approve the Minutes of the October 21, 2013 BOCC Meeting as written. The motion was seconded by Commissioner Collins. The motion carried 3-0 with all voting yes.

**Leonard Vanatta - Road Supervisor**

**Gene Langerot - County Lot Supervisor**

They appeared before the Board on routine county business.

The concrete recycling has been completed, with 11,030 tons of rock being produced.

**Becky Purdue - American Title Co.**

She appeared before the Board concerning a client that doesn't have legal access to his property. The location is on Bear Drive northwest of Galena. They are requesting the county accept the private road and to maintain it. It's currently being used by owners of five houses to access their property. The Board will have Leonard review the road and report back to them.

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

RH

A motion was made by Commissioner Hilderbrand to amend the agenda from 10:30 AM to 10:15 AM for John Parsons. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

### **John Parsons - Mid-America Pipe**

He appeared before the Board concerning 22nd Street that is used to access their property. The ½ mile asphalt road is in need of repair and it's been that way for a long time. They are in the process of building a new pipe mill plant. Some of the pieces will weigh as much as 100,000 pounds. He reported that as soon as the pipe mill is finished, they will begin building a coating mill next to it. They currently have 155 employees. The Board agreed to look at the road and determine what improvements can be made.

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

### **Ed Easson - Empire District Electric Company**

He appeared before the Board concerning the road and bridge near SE 70th and Varck Roads and the County's request for Empire to repair or replace any property that is damaged as a result of the hauling of material.

He informed the Board that Empire is in the process of closing out the ash pond near the Riverton Plant, with contract work now in progress. The weight limit on the bridge near Lowell was recently reduced from 35 tons to 15 tons for single axle vehicles. After reviewing the most recent bridge report, it was determined that the bridge structure is rated for 35 tons. It was recently lowered due to hairline cracks in the asphalt on the deck surface only. The Board will have Mr. Cure prepare paperwork to correct the situation.

### **Kevin Cure - County Counselor**

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

He presented Resolution 30-2013 for the Board to consider. It's a resolution authorizing a Real Estate Tax Foreclosure Sale that changed four tracts of property that had previously been sold at previous Delinquent Tax Sales and remains unredeemed.

A motion was made by Commissioner Hilderbrand to pass Resolution 30-2013 authorizing a Real Estate Tax Foreclosure Sale. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

Mr. Cure presented Resolution 31-2013 that establishes new weight limits on a certain bridge, the bridge on SE 70th south of Varck Road to satisfy the issue with Empire.

A motion was made by Commissioner Hilderbrand to pass Resolution 31-2013 establishing new weight limits on a certain bridge. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

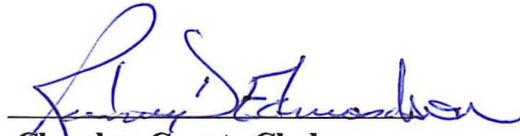
A motion was made by Commissioner Collins to enter an Executive Session with the Board and Mr. Cure for the purpose of Non/Elected personnel for a period of ten minutes. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 12:06 PM.

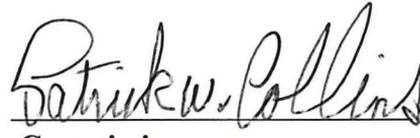
The meeting reconvened at 12:16 PM.

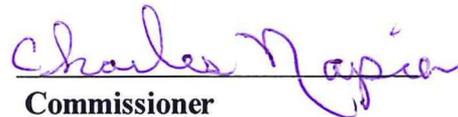
No action taken as a result of the Executive Session.

Commissioner Hilderbrand made a motion to adjourn until the next regularly scheduled meeting set for November 4, 2013 at 9:00 AM. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all in attendance voting yes at 12:17 PM.

**ATTEST: Resolved and ordered this day, November 4, 2013**

  
Cherokee County Clerk

  
Commissioner

  
Commissioner

  
Commissioner

RESOLUTION NO. 30-2013

**AUTHORIZING REAL ESTATE TAX FORECLOSURE SALE**

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

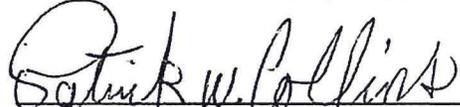
1. That K.S.A. 79-2801, provides that in all cases in which real estate has been or shall be sold and bid in by the County at any delinquent tax sale and shall remain unredeemed on the first day of September, of the second year after such sale, or any extension thereof as provided by subsection (b) of K.S.A. 79-2401a, the Board of County Commissioners shall order the County Counselor to institute an action in the District Court, in the name of the Board of County Commissioners, against the owners or supposed owners of such real estate and all persons having or claiming to have any interest therein or thereto, by filing a petition with the Clerk of said Court.

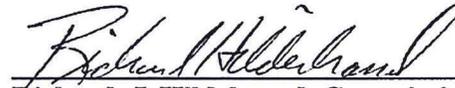
2. That the Board of Commissioners of Cherokee County, Kansas, have been advised by the Cherokee County Treasurer that there are approximately 4 tracts of real estate which have been sold and bid in by Cherokee County at previous delinquent tax sales, and which remained unredeemed on the first day of September of the second year after such sale, and are currently unredeemed. The tracts are described and attached hereto and this Resolution amends Resolution 27- 2013 with respect to the legal description of the corresponding tracts herein which are denoted by the same tract numbers in both of said resolutions.

3. That the Cherokee County Counselor be and is hereby ordered to institute an action in the District Court of Cherokee County, in the name of the Board of Commissioners of Cherokee County, Kansas, against the owners or supposed owners of such real estate, and all persons having or claiming to have any interest therein or thereto, by filing a petition with the Clerk of said Court to enforce the lien for unpaid taxes of Cherokee County, Kansas.

**ADOPTED** this 28th day of October, 2013.

**BOARD OF COMMISSIONERS OF  
CHEROKEE COUNTY, KANSAS**

  
\_\_\_\_\_  
**Patrick W. Collins, Commissioner**

  
\_\_\_\_\_  
**Richard J. Hildebrand, Commissioner**

  
\_\_\_\_\_  
**Charlie Napier, Commissioner**

**ATTEST:**

  
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**Rodney Edmondson, Cherokee County Clerk**

Exhibit A

TRACT 179	Jack D. Redman and Jesse R. Redman	083- 06-0- 40-16- 005.00- 0-01	S. Overlook Dr., Galena, KS 66739	LOT 5 IN BLOCK 10 OF ANNEX OF PATTERSON'S 2ND ADDITION TO THE CITY OF WEST MINERAL, CHEROKEE COUNTY, KANSAS	No other interests.	2005,2007- 2012	\$ 178.59
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TRACT 212	The Corporation Company, Inc., Registered Agent for Central Natural Resources, Inc.	086- 24-0- 00-01- 019.00- 0-01	000 West 10th Street, Columbus, Kansas 66725	BEGINNING 323.2 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 32, RANGE 23 EAST OF THE 6TH PRINCIPAL MERIDIAN, CHEROKEE COUNTY, KANSAS, THEN SOUTH 10	No other interests.	1989-2012	\$ 527.07
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				FEET, EAST 311.1 FEET, SOUTH 291.6 FEET, EAST 10 FEET, NORTH 303.4 FEET, WEST TO PLACE OF BEGINNING, LESS RIGHT- OF-WAY			
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TRACT 217	Unknown Owners	136- 13-0- 30-36- 018.00- 0-01	000 South Minnesota Avenue, Columbus, Kansas 66725	BEGINNING 158 FEET SOUTH & 167.5 FEET EAST OF THE NORTHWEST CORNER LOT IN BLOCK 4, SECOND ADDITION TO THE CITY OF COLUMBUS, KANSAS, EAST 17.5 FEET, SOUTH 25 FEET, WEST 17.5 FEET, NORTH TO PLACE OF BEGINNING	No other interests.	1989-2012	\$ 459.53
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TRACT 218	Unknown Owners	136- 14-0- 40-01- 030.01- 0-01	000 West Pine Street, Columbus, Kansas 66725	COMMENCING 647.4 FEET EAST AND 659.3 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THEN WEST 270 FEET, NORTH 174 FEET, WEST 53 FEET, NORTH 105 FEET TO PLACE OF BEGINNING THEN NORTH 10 FEET, WEST 72 FEET, SOUTH 10 FEET, EAST 72 FEET TO PLACE OF BEGINNING, ALL LOCATED IN S14, T33, R23	No other interests.	1989-2012	\$ 692.65
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(Published in the official county newspaper on the 30th day of October, 2013)

**RESOLUTION NO. 31 - 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;

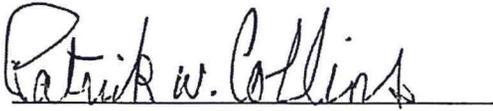
WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 28th day of October, 2013, does hereby resolve as follows:

**Section 1. Bridge Weight Limit Established.** Upon the bridge located approximately 1/8<sup>th</sup> of a mile south of Varck and SE 70<sup>th</sup> in Cherokee County, Kansas, the vehicle weight limit shall be 35 tons, rather than 15 tons, through December 31, 2013, 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 70<sup>th</sup>, 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.

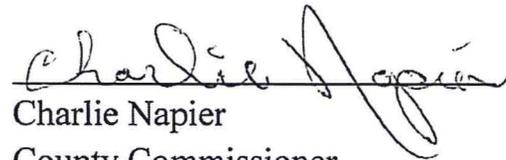
Adopted this 28th day of October, 2013, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



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. 31 - 2013

Prepared by:  
Kevin Cure, Attorney

## Rodney Edmondson

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**From:** Maxwell, Jessica <jamaxwell@rpa.com>  
**Sent:** Tuesday, October 22, 2013 7:54 PM  
**To:** Rodney Edmondson  
**Cc:** Mazon, Lizette  
**Subject:** Honda Route 66 Property Release - Marsh Rainbow Bridge  
**Attachments:** D3493241-7913-4C89-8604-EA174124247A[16].png; Business Name Release\_Route66[1].doc; Property Release\_Route66[1].doc

Hi Rod!

Great chatting with you today! As we discussed on the phone, our client Honda would like to photograph the Marsh Rainbow Arch Bridge as part of their upcoming Route 66 advertising campaign. These ads will be featured online only for a period of no longer than 2 years. I have attached the property release and business name release to this email. Could you please fill them out, sign and return to me at your earliest convenience?

I have cc'd Lizette Mazon on this email as she will be the residing art buyer on this shoot. As I mentioned this afternoon, we will shooting this towards the early part of next week and Lizette will contact you should she have any further questions.

Thank you for your cooperation and please don't hesitate to call if you need further clarification on anything.

Thanks!  
Jessica

JESSICA MAXWELL  
Jr. Art Buyer  
RPA ADVERTISING  
2525 colorado ave. santa monica ca 90404 T 310-633-6231 [jamaxwell@rpa.com](mailto:jamaxwell@rpa.com)<<mailto:jamaxwell@rpa.com>>

[New RPA logo]

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## PROPERTY RELEASE FORM

DATE: 10/22/2013 BUSINESS NAME: Cherokee County, Kansas

BUSINESS ADDRESS: 110 W. Maple, Columbus, KS 66725

CLIENT: American Honda Motor Co., Inc. Shot Description: \_\_\_\_\_

JOB TITLE: Route 66 Campaign JOB NO. IHKGENG49200

PHOTOGRAPHER: Jason Ringgold, Sr. Art Director, RPA

PRODUCER: Lizette Mazon, Art Buyer, RPA

You, Cherokee County, BOCC, agree to allow your Property in photographic material for Rubin Postaer & Associates (hereinafter "we" or "us"), on behalf of its client.

Location(s)/Address: Marsh Arch Bridge, Old Route 66

Usage: Unlimited Online/Interactive/Web Advertising & Social Media, for American Honda Motor Co. Inc.

Use Period: 2 years

Terms: World Wide Web

Your signature together with ours shall constitute this a binding agreement between us:

I certify that I am 18 years of age or older and have every legal right to enter into this agreement.

ACCEPTED AND AGREED TO: Rubin Postaer & Associates, on behalf of:

Signature: Richard Alderbrand

Print Name: Richard Alderbrand

Date: 10-28-2013

A copy of this will on file at the following Agency:

**Rubin Postaer & Associates**  
**2525 Colorado Avenue**  
**Santa Monica, CA 90404**

Please make a copy for your file.

## BUSINESS NAME RELEASE FORM

DATE: 10/22/2013 BUSINESS NAME: Cherokee County, Kansas

BUSINESS ADDRESS: 110 W. Maple, Columbus, KS 66725

CLIENT: American Honda Motor Co., Inc. Shot Description: \_\_\_\_\_

JOB TITLE: Route 66 Campaign JOB NO. IHKGENG49200

PHOTOGRAPHER: Jason Ringgold, Sr. Art Director, RPA

PRODUCER: Lizette Mazon, Art Buyer, RPA

You, Cherokee County, BOCC, agree to allow your Property in photographic material for Rubin Postaer & Associates (hereinafter "we" or "us"), on behalf of its client.

Location(s)/Address: Marsh Arch Bridge, Old Route 66

Usage: Unlimited Online/Interactive/Web Advertising & Social Media, for American Honda Motor Co. Inc.

Use Period: 2 years

Terms: World Wide Web

Your signature together with ours shall constitute this a binding agreement between us:

I certify that I am 18 years of age or older and have every legal right to enter into this agreement.

ACCEPTED AND AGREED TO: RPA, on behalf of

Signature: Richard Alderbrand

Print Name: Richard Alderbrand

Date: 10-28-2013

Copies of this release will be made for Photographer, and Art Buyer at RPA