

**MINUTES FOR FEBRUARY 4, 2013**  
**BOARD OF CHEROKEE COUNTY COMMISSIONERS**  
**CHEROKEE COUNTY, KANSAS**

**CONVENE**

Chairman Richard Hilderbrand called the regular session of the Cherokee County Board of Commissioners to order and led all in attendance in the Pledge of Allegiance at 9:00 A.M. on Monday, February 4th, 2013 in the Commission Room, #109 of the Cherokee County Courthouse. 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: Gerald Messer

**Leonard Vanatta - County Engineer**

Crews still are working on the bridge on Deer Creek. The old bridge is gone. There is nothing new to report this week. Commissioner Napier wants to go with him and view roads in District 2 soon.

A motion was made by Commissioner Collins to appoint Commissioner Napier as the commission's representative to the SEK Regional Planning Commission Board and second by Commissioner Hilderbrand. The motion carried 3-0 with all voting yes. The County Clerk will write a letter to SEKRPC about the appointment.

A motion was made by Commissioner Hilderbrand to sign the prepared letter to the F.A.A. supporting the landowners near the Oswego airport. They are opposed to the expansion of the airport. It was second by Commissioner Napier. The motion carried 3-0 with all voting yes.

Commissioner Hilderbrand informed the Board that Lode Bartholomew has declined to accept the Board's appointment as the Noxious Weed Supervisor. That position is still open and will be visited again on February 25, 2013 by the Board for appointment.

A motion was made by Commissioner Napier to approve the Minutes of the January 28, 2013 Commissioner's Meeting, and second by Commissioner Collins. Motion carried 3-0 with all voting yes.

**Juanita Hodgson - County Treasurer**

Presented financial/banking forms for signatures from the Commissioners and the County Clerk.

**Chris Oakes - Stronghold Data (Computers)**

Commissioner Hilderbrand has been looking at the possibility of blocking websites that aren't county business related, such as Facebook, E-Bay, etc. Chris advised that you will need to pick categories that you wish to block. Some websites are covered by more than one category. He will need a list of sites that you would want to block. It's possible to block everything, and then open up those that are needed. It can be done by time of the day also. The firewall is already in place and is filtering certain sites already by default, such as adult sites. Most things are open at the moment. He can train someone to have access so he wouldn't need to be called for an exception to the blocks. Chris will do whatever is needed, just let him know.

RH

## **Department Heads -**

Commissioner Hilderbrand informed them of the idea of increased firewall security and blocking unwanted websites. He wants to adopt a Computer Use Policy for county employees. Betha stated that the Health Department has one and she will bring in a copy of their policy. They got it with their HIPPA policy. Commissioner Hilderbrand asked the Department Heads to submit lists of websites that are being used currently. It was brought to the attention that the Health Department and the Sheriff's Department use Facebook as a means to notify residents of certain happenings in the county.

### **Barbara Bilke - Register of Deeds**

Her office processed more mortgages in January than in the month before. CIC will be here for two days copying records from books to disc from the 1800's records. Those books would no longer be accessed by the public due to their fragile condition.

### **Betha Elliott - Health Department**

Flu vaccine requests have slowed down. They are mainly doing usual daily activities now. They have two broken windshields in need of repair. She submitted a voucher in the amount \$380 from Bill's Glass for two windshield replacements at a cost of \$190 each. She also submitted a voucher from Stronghold Data for \$838 for AVG Anti-Virus Business renewal for three years.

### **David Groves - County Sheriff**

It has been a busy month. He submitted a breakdown of reports and types of crime they investigated. He has seen a significant increase in concealed carry handgun permits. He estimates 2-3 times the usual amount. They are testing a new E-dispatch program that pages Fire/EMS by cell phone notification as well as the pager system. The pagers don't get coverage in some parts of the county and cell phones do. There would be no additional duties on dispatchers, as it ties in to dispatch and the paging system that we currently have. In regards to the recent burglaries he can't discuss much, but investigations are progressing well. Property was recovered on Friday and suspects have been identified and the investigation continues. Commissioner Collins stated his appreciation to the Sheriff's Office for their involvement in the funeral of former Sheriff Darrell Goff last week.

### **Deana Randall - Human Resources**

Cutoff dates for the month of February will be Wednesday, February 6, and Wednesday, February 20, 2013 at noon.

### **Jason Allison - Emergency Preparedness**

He is currently working on the March 7, 2013 Weather Spotter class in Galena. Commissioner Collins had heard that money for Spotter Classes is being pinched. Jason stated that so far things were not affected here.

### **Juanita Hodgson - County Treasurer**

She had nothing new to report.



### **Nancy Herrenbruck - County Appraiser**

The 2013 values are being set and they are about 2/3 done. Agricultural land did go up for the 2<sup>nd</sup> year in a row. The county will gain value from that as it's figured on an 8 year valuation. Baxter Springs and the east side of the county are still left to do. The State is trying to exempt more commercial property. Current Bills would exempt "fixtures", the items that are brought in and attached to the building. She suggested that the commissioners call State Legislators and ask them to really think about this before sending it through. Every time they do this, it puts more of a burden on the residential homeowners and farmers. Commissioner Collins asked her to provide them the legislative bill numbers.

### **Nathan Coleman - County Attorney**

He is pleased with the transition so far. The Court calendar is in order and he has a good handle on cases. His office is working well with the Sheriff's Office. He has two different types of software and they aren't communicating with each other as needed. Efficiencies can be improved if that is worked out.

### **Ralph Houser - Courthouse Maintenance**

He has nothing new to report.

### **Rodney Edmondson - County Clerk**

New clerks orientation is this week in Topeka. We are still waiting on date/time for election audit with the Secretary of State. A personal matter with the Assistant Secretary of State's family has prevented him from coming down, but we hope to have it done in a couple of weeks. Everything else is going well in the office.

### **Wayne Elliott - 911 Mapping & Addressing**

Six new addresses were issued last month. They have sold \$123 in maps so far this year. That is \$100 for the county and \$23 to cities. Due to the recent school shootings the Sheriff's Department asked him for aerial maps for the areas near schools. Sheriff Groves stated that they can input information into the dispatch system, and it would pull up the GPS coordinates to aid outside agencies responding if a crisis occurred.

### **Debbie Fox - Neosho Township**

She has a few concerns regarding the Township. They have original deeds for Fly Creek and Fairview cemeteries. She wants to know how many years they are to keep records, and what the proper destruction method should be. Commissioner Collins would like to see the records turned over to Genealogy instead of being destroyed when it's time. They have records as far back as 1939 also.

Fire District - last year there was a meeting, and the Township Board and residents were not on board with a new Fire District in Neosho Township. They heard about the new district being proposed in Hallowell and are concerned about their Township being included. The Commissioners stated that there is a group that is in the planning stage for a Fire District in Lola Township. It wouldn't affect Neosho Township unless they ask for it. Commissioner Collins stated that the Township Board should have a say-so in what Fire Department they have. She would like to know what the duties of each Township Board member is. The Commissioners referred her to the County Clerk for guidance.

Cemeteries - In the past the Trustee would measure the grave site, hire a digger, and then open and close the grave to ensure things are done properly. He also carried insurance to cover himself if he made an error. They would like guidance in this area also. Vernon Hill was the Sexton/Caretaker when he was Trustee. The current Trustee, Shannon Justice, isn't doing it that way. Commissioner Collins suggested that maybe the board can appoint a Sexton for the cemeteries, if allowed. Sandy Friend in Shawnee Township would be a good person to contact for guidance. As of 2012 we were told that we needed insurance on the cemeteries. Not sure if that is true. She will continue to work with the Clerk's Office to establish guidelines.

**Kevin Cure - County Counselor**

He presented a written summary concerning the Oswego Airport. The type of annexation that has been done by the City of Oswego didn't require the role of Cherokee County Commissioners be involved. He stated that the law is real clear, because it was city property. If they acquire it, they can annex it, as city property. County boundaries don't apply. Commissioner Hilderbrand asked about eminent domain. Cure stated that would be between the property owners. This assumes that Oswego owns the airport. Jerry Messer voiced concerns about how property could be taken or acquired, if the property owners didn't want their land taken. Cure expects that there is nothing the county can do. The bar is set low if a city wants to take something by eminent domain. The meeting today with Oswego Officials and Cherokee County Commissioners was canceled late Friday by Oswego Officials. It will be rescheduled as soon as possible.

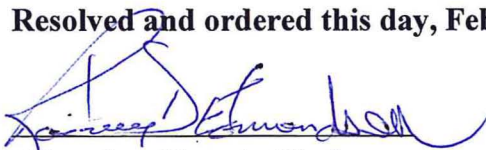
Kevin presented Resolution 2-2013 regarding the Fire District in Lola Township. This would be Fire District #1. It would set a public hearing date after three publications, if the commissioners sign this resolution. The District must be formed by July 1st, or wait until next year due to taxation issues.

A motion by Commissioner Napier to pass Resolution 2-2013 setting a public hearing dated of March 4<sup>th</sup>, 2013 for final determination creating a Fire District for all of Lola Township, and was second Commissioner Collins. The motion passed 3-0 with all voting yes. A map of the Fire District is included with the Resolution.

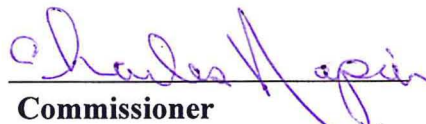
Commissioner Hilderbrand made a motion to adjourn at 12:00 PM until the next regularly scheduled meeting set for February 11<sup>th</sup>, 2013, and was second by Commissioner Napier. The motion carried 3-0, with all voting yes.

**ATTEST:**

**Resolved and ordered this day, February 11, 2013**

  
**Cherokee County Clerk**

  
**Commissioner**

  
**Commissioner**

  
**Commissioner**



(Published in the official county newspaper on the \_\_\_\_ day  
February, 2013)

RESOLUTION NO. 2 - 2013

A RESOLUTION SETTING A HEARING IN ORDER THAT A FINAL DETERMINATION MAY BE MADE ON THE CREATION OF A FIRE DISTRICT THAT SHALL BE COMPRISED OF ALL OF LOLA TOWNSHIP IN CHEROKEE COUNTY, KANSAS.

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. § 19-3601 to organize one or more fire districts, and;

WHEREAS, it is advisable in the public interest that a district be organized in the entire Lola Township located in Cherokee County for the protection of lives and property from the hazards of fire that should be designated as “Fire District No. 1, County of Cherokee, Kansas”; and,

WHEREAS, pursuant to K.S.A. §19-3602, a hearing to consider the adoption of a final resolution making a final determination of the proposal to organize such district shall be held before the Board of County Commissioners of Cherokee County, Kansas, on the 4th day of March, 2013, at 10:00 a.m.

WHEREAS, the Board of County Commissioners of Cherokee County, Kansas, meeting in regular session, this 4<sup>th</sup> day of February, 2013, does hereby resolve as follows:

**Section 1. Lola Township Fire District Advisability.** It is advisable in the public interest that a district be organized in the entire Lola Township located in Cherokee County for the protection of lives and property from the hazards of fire that should be designated as “Fire District No. 1, County of Cherokee, Kansas”. The attached map depicting the proposed fire district is attached hereto and incorporated by reference as though fully set forth herein.

**Section 2. Hearing.** Pursuant to K.S.A. §19-3602 a hearing to consider the adoption of a final resolution making a final determination of the proposal to organize such district shall be held before the Board of County Commissioners of Cherokee County, Kansas, on the 4th day of March, 2013, at 11:00 a.m. Any taxpayer or elector residing in the county, and any city therein, shall be entitled to appear in person or in its corporate capacity, or by counsel, and be heard on the advisability of organizing such district.

**Section 3. 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 4. Publication.** This resolution shall be published once a week for three consecutive weeks in the official county newspaper.

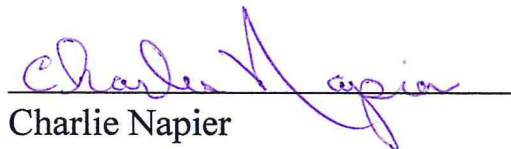
Adopted this 4th day of February, 2013, by the BOARD OF COMMISSIONERS OF CHEROKEE COUNTY, KANSAS.



Patrick W. Collins  
County Commissioner

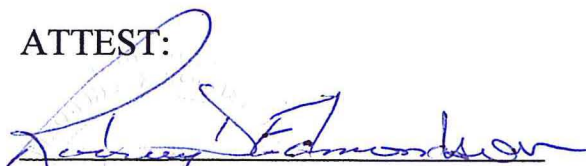


Richard J. Hilderbrand  
County Commissioner



Charlie Napier  
County Commissioner

ATTEST:



Rodney Edmondson  
County Clerk

Resolution No. 2 - 2013

Prepared by:  
Kevin Cure, Attorney



