

MINUTES FOR JANUARY 28TH, 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 AM on Monday, January 28nd, 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

Chuck Sharp - Columbus Chief of Police

Inquired of the commissioners if the county would assist in hauling off a condemned building in Columbus if the city has it torn down. The county would only truck the debris to a site for disposal. Commissioner Hilderbrand said that the County had done a similar job for the City of Baxter Springs, and that Baxter Springs had paid for everything, the County just hauled it off. Sharp will report back to the City of Columbus, then get back with the Commissioners.

Leonard Vanatta - Road & Bridge Supervisor

Prairie road in front of Tennessee Prairie Church, the patch wasn't good. It's being looked at again by the contractor for repair. Building materials from the condemned building in Columbus would have to be hauled to B-3 for disposal, if the County were to haul it away.

Currently working on a bridge over Deer Creek, located at NW 120th Street. They are drilling for the pillars now to pour the concrete into. Leonard reminded the commissioners that the State did away with the 5 year bridge replacement plan. He has to submit bridge work each year until they accept it. The bridge on Deer Creek is the last metal span bridge in the county to replace.

Leonard requested an Executive Session for a period of ten minutes for the purpose of Non/Elected Personnel.

Commissioner Collins made a motion to enter into an Executive Session for a period of ten minutes for the purpose of Non/Elected Personnel with the commissioners and Leonard Vanatta, seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 9:24AM.

Meeting resumed at 9:29 AM.

No action taken as a result of the Executive Session.

Commissioner Collins made a motion to approve minutes of the January 22nd, 2013 Commissioners Meeting as written, seconded by Commissioner Napier. The motion carried 3-0 with all voting yes.

KA

Cecil Brown - County Noxious Weed Supervisor (retired)

Cecil submitted his job application for the position of Noxious Weed Supervisor. He also submitted the Noxious Weed year-end report for signatures from commissioners for the final report for year 2012, due by 2/15/13. Cecil reported that his retirement date according to KPERS was 01/01/13. The County currently doesn't have a Noxious Weed Supervisor.

Gerald Messer asked if Cecil would be considered a new hire, if he is hired as Noxious Weed Supervisor. He is inquiring for the purpose of what pay scale he would be on.

Commissioner Collins stated that Cecil retired on 12/25/12, and we currently do not have a Noxious Weed Supervisor. Collins presented a copy of Kansas law regarding the position and duties of the Noxious Weed Supervisor. Commissioner Hilderbrand stated that the Department of Agriculture does not pay any portion of the salary, even though they could if they chose to according to the law.

Hilderbrand wants the Commission to go in another direction instead of hiring someone that has already retired from the County. He didn't know Cecil had retired until 1/14/13 while making appointments.

Commissioner Collins asked County Clerk Edmondson to pull KSA 2-1316a regarding the need for Noxious Weed Supervisor to be bonded. The Clerk could not find a file regarding Noxious Weed Supervisor's bond other than what was in the KCAMP file. Cecil signed that form that was filed on 1/14/13 but if he retired on 12/25/12, he shouldn't have signed the form.

A motion was made by Commissioner Hilderbrand to nominate Lode Bartholomew as Noxious Weed Supervisor. He currently works for the Road and Bridge Department. Seconded by Commissioner Napier. Discussion: Commissioner Collins is concerned that we currently don't have anyone qualified as Noxious Weed Supervisor. Lode has valuable qualities that would be hard to replace for asphalt patching. Lode would need to become licensed as a Weed Supervisor. Commissioner Collins stated that if we hire Cecil he would already be certified and would work for \$5,000 less per year that he made last year, and could train someone else for a few months. Commissioner Hilderbrand stated that the County wouldn't save any money if he has to train someone for six months. After discussion, motion carried 2-1 with Commissioners Hilderbrand and Napier voting yes, Commissioner Collins voted no.

Doug Mogle, Mike King - Cherokee County Ambulance

Reported that the ambulance project is almost completed. They are waiting on the grant money. Half of the purchase price out of their county subsidy, and half from the grant are needed to complete the purchase. Ambulances are on the road, doing well. They are working out radio issues with the 800 frequency system. They are requesting permission to have an early check issued by the County to pay for the ambulances, as soon as the money from the grant is received by the County. The County Treasurer advised the County Clerk earlier that payment from the grant to Cherokee County is pending and should be received tomorrow (1/29/13).

Commissioner Hilderbrand made a motion to cut an early check on 2/1/13 to pay for the ambulances if the grant money is received. Seconded by Commissioner Napier, the motion carried 3-0 with all voting yes.

County Clerk Edmondson updated the commission regarding the phone conversation this morning with Oswego City Clerk Cheri Peine and Cherokee County Deputy Clerk Paula Cheney regarding the City of Oswego's annexation of the Oswego airport. His staff is working on pulling minutes and documents regarding the Oswego airport from our files. The city of Oswego offered to come to today's meeting at 1:00 PM if needed.

County Clerk Edmondson obtained a signature from Chairman Hilderbrand for the KPERS Designation of Agent form. This updates the form to make Edmondson the Primary Designated Agent and Deana Randall as Secondary Signer. This is only a formality due to Edmondson becoming County Clerk, no procedural changes are being made.

Commissioner Hilderbrand made a motion to amend today's agenda time from 10:45 AM. to 10:35 AM. for the Lola Township Fire District, since all parties expected are present.

Michael Dunkelberger, Jake Justice - Lola Township Fire District proposal

Presented a request for commissioners' approval to proceed with beginning a Township Fire District in Lola Township. They have done a lot of planning and need the commissioners' approval to be recognized as a Fire District in Lola Township. Cherokee County Emergency Preparedness Director Jason Allison has been working with them, assisting in their planning. He appears with them today. They are also working on a similar plan for Neosho Township, but want to get Lola Township completed first. The ground has been secured next to Angelo's in Hallowell for their location. The Board of Commissioners gives their blessing and wants Mr. Cure to review the process.

Commissioner Hilderbrand called a 15 minute recess at 10:43 AM.

The meeting resumed at 10:58 AM.

Kevin Cure - County Counselor

David Cooper, Teresa Watson - Attorneys from firm of Fisher, Patterson, etc.

Commissioner Hilderbrand made a motion for Executive Session with commissioners and three attorneys for a period of 30 minutes, for the purpose of Attorney/Client Privilege. Seconded by Commissioner Napier. The motion carrier 3-0 with all voting yes at 11:22 AM.

Meeting resumed at 12:00 PM.

No action taken as a result of the Executive Session.

Kevin Cure reported that the next Tax Sale is still in progress. He is waiting on just a few more titles from Gene Barrett.

Updated the Commissioners on a potential ¼ cent Sales Tax for the purposes of the Ambulance District that was mentioned last year. A motion from the commissioners would be need to get it on the ballot. The First publication would be at least 21 days before the election. March 5, 2013 would be the deadline to publish in the newspaper to get it on the April City/School Election ballots. Commissioner Hilderbrand asked that the commissioners table the idea for now. All agreed.

RA

Cure asked for an Executive Session to update the commissioners on Pending Litigation. Commissioner Collins made a motion to enter into Executive Sessions with the Commissioners and Kevin Cure for the purpose of Attorney/Client Privilege for a period of five minutes. Seconded by Commissioner Napier. The motion carrier 3-0 with all voting yes at 12:10 PM.

Meeting resumed at 12:18 PM.

No action taken as a result of the Executive Session.

Commissioner Hilderbrand made a motion to break for lunch. Seconded by Commissioner Napier. The motion carrier 3-0 with all voting yes at 12:19 PM.

Meeting reconvened at 1:00 PM

Rob Robison, Chris Westervelt, and Bret Middleswart - Oswego Airport Expansion.

Met with Commissioners about their concerns of the City of Oswego's plan to expand the Oswego Airport.

Middleswart stated that his property is the first one affected by their plan to expand. Four tenths of a mile of electric lines has been buried. The City of Oswego acquired property adjacent to the highway for road changes, that have already been completed. Their latest plan is to put in a 6,000 gal free standing fuel tank with card reader, at a cost of \$100,000 not including the fuel cost. No cost studies or economic impact studies have been done. The City of Oswego now wants to take 10 acres of his property. If they get his 10 acres, he is afraid that will lead to more land being taken from others. 150 acres in all would be lost by the proposed expansion.

Robison reminded the Commissioners that he was here in 1993, 2005, and 2009, and the commission supported the landowner's position. He is concerned over the security of a fuel depot at the site. Theft of fuel is possible as well as vandalism. He requests that this commission draft a letter reaffirming the board's position that no more expansion is necessary.

Five landowners are involved in this expansion. No taxes would be generated by the expansion. Oswego wants another hanger to be built. Property owners state that there are only 3 relic planes in the hanger now. In the past, when the Cherokee County commissioners said no, the expansion hasn't happened. They ask that this commission reaffirm the past commissioners position and say no to the expansion.

Westervelt stated that he has spoken with a Wal-Mart employee, and they will not consider a supercenter in Oswego as a result of an airport expansion, as rumor has indicated.

The City of Oswego is claiming to have annexed more property at the airport, according to rumors.

Commissioner Napier stated that this is in my district and considers the ground to belong to the landowners.

RA


A motion was made by Commissioner Napier to draft a letter that they oppose any expansion to the airport, and supports the landowner's position. Seconded by Commissioners Collins. The motion carried 3-0 with all voting yes. Mr. Robison provided a list of official's names and addresses to the Clerk, to mail a copy of the letter when signed. County Clerk Edmondson will draft the letter for the Commissioners' approval and signatures.

Commissioner Hilderbrand asked Clerk Edmondson to set a meeting with City/Airport Officials from Oswego to come to a commissioners meeting. (Tentative date set for Feb 4th, 2013 at 11:00 AM with Oswego City Clerk)

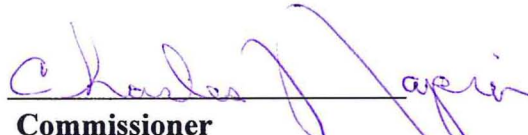
Commissioner Hilderbrand made a motion to adjourn until the next regularly scheduled meeting set for February 4th, 2013. Seconded by Commissioner Napier, the motion carried 3-0 with all voting yes at 2:05 PM.


ATTEST:

Resolved and ordered this day, February 4, 2013


Cherokee County Clerk


Commissioner


Commissioner


Commissioner