

MINUTES FOR NOVEMBER 18, 2019
BOARD OF CHEROKEE COUNTY COMMISSIONERS
CHEROKEE COUNTY, KANSAS

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, November 18, 2019 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 West Maple, Columbus, Kansas. Commissioner Neal Anderson opened the meeting with prayer followed by the Pledge of Allegiance. Commissioners Cory Moates, Neal Anderson, Myra Carlisle Frazier, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt

A motion was made by Commissioner Frazier to approve the Minutes of the November 4, 2019 BOCC meeting as written. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to approve the payroll for the period ending November 8, 2019. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Anderson to approve the accounts payable for the period ending November 13, 2019 with the subscription to the Joplin Globe to come out of the election budget instead of the commissioner's budget. The motion was seconded by Commissioner Frazier. The motion carried 3-0.

Leonard Vanatta, County Road Supervisor and Louis Schreiner, County Lot Supervisor, appeared before the Board on county road business. Leonard stated that the asphaltting on 5th St. is finished, and they will submit the \$65,000 reimbursement request to KDOT. He stated that the Kansas Emergency Management case worker will be here on December 3rd to begin work on the flood damaged areas of the county. The Board discussed the culvert pipe near NE 32nd & Belleview that is plugged due to beaver activity.

A motion was made by Commissioner Moates to recess as the Board of County Commissioners to canvass the November 5, 2019 City & School City & School General Election. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 9:38 a.m.

The Board of County Commissioners convened at 9:38 a.m. as the Board of Canvassers for the purpose of canvassing the City & School City & School General Election that was held on Tuesday, November 5, 2019. Appearing from the County Clerk & Election Office was County Clerk & Election Officer Rodney Edmondson and Deputy Clerk Paula Cheney. County Counselor Barbara Wright was also present.

Edmondson and Cheney presented reports detailing the vote totals from Election Day, Early Voters, and Advance by Mail voters for the Board to review.

Edmondson and Cheney presented 30 provisional ballot envelopes for consideration to the Board of Canvassers. 23 envelopes were recommended to be accepted, while 7 envelopes were recommended to be rejected. Edmondson and Cheney provided a list of reasons and explanations for the recommendations.

A motion was made by Commissioner Frazier to accept 23 provisional envelopes and to reject 7 envelopes as recommended. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

At 9:44 a.m. the Board convened in the office of the County Clerk & Election Officer to run the accepted provisional ballots through the DS200 ballot tabulation machine for counting. The Special Board consisting of Supervising Judge Marcia Trease, Judge Geneva Grubbs, Gail Houser, and Cheryl Vanatta, opened the sealed provisional ballot envelopes, removed the ballots, and inserted them into the DS200 for tabulation. The same Special Board also tabulated by hand the write-in ballots that were included in the provisional ballots. The results were added to the final totals.

At 10:18 a.m. the Board reconvened in the Commission room to review the final election results as presented by Edmondson and Cheney. A total of 2,062 ballots were cast and counted.

As a result of the election totals, in the race for the West Mineral City Council there is a tie between Kurt Johnson and Janet Ball. Both candidates have received 13 write-in votes for the final position on the council. Both candidates were notified last week of the tie vote following the unofficial totals of election results and were informed that the tie breaker would take place today during the canvassing process. The Board placed the name of each candidate on a business card and placed the cards in a container. Kurt Johnson's card was drawn from the container and declared the winner.

Edmondson and Cheney provided the list of winners that were determined by write-in votes for the remainder of the positions without a candidate on the ballot for the Board to review.

Edmondson provided a copy of the report of the Post-Election Audit of Ballots that was filed with the Kansas Secretary of State's Office on November 8th. Edmondson stated that the hand audit of the randomly selected races for the Weir Mayor and the Columbus City Council Ward 4 matched exactly with the machine count from election day. The audit was conducted on November 8th by a trained bi-partisan board.

Edmondson stated to the Board that the results were a true and accurate account of the ballot count and vote totals in the City & School General Election held on November 5, 2019.

A motion was made by Commissioner Frazier to certify the November 5, 2019 City & School General Election. The motion was seconded by Commissioner Moates. The motion carried 3-0.

A motion was made by Commissioner Moates to adjourn as the canvassing board. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 10:29 a.m.

The Board of County Commissioners meeting reconvened at 10:31 a.m.

Counselor Wright informed the Board she had received a text message from Trail Boss, Inc regarding the recycling trailer. She stated that the axle and other parts are in, and raw materials should be here this week. Commissioner Frazier stated that she would like to have a commitment from him on when the trailer will be finished. Counselor Wright stated that she would contact him and ask for a date certain for completion.

A motion was made by Commissioner Moates for an attorney client executive session for litigation purposes, an environmental violation, and the Baxter Springs NRP Program for approximately 20 minutes with the Board, Counselor Wright, and Clerk Edmondson. The meeting will reconvene in the commission room at 11:02 a.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 10:41 a.m.

County Treasurer Raven Elmore updated the Board on the printing of tax statements. She stated that the rumors were worse than truth really was. There were a couple of glitches, but she stated that they are still ahead of schedule since usually the statements aren't mailed until the week of Thanksgiving, but they are mailing them out this week.

Commissioner Moates stated that regarding the Baxter Springs Neighborhood Revitalization Program and the amended interlocal agreement he recommends waiving the two read rule so the City of Baxter Springs can get the agreement to the Kansas Attorney General for approval.

A motion was made by Commissioner Moates to adopt Resolution 16-2019 adopting the interlocal agreement between Cherokee County and the City of Baxter Springs for the Baxter Springs Neighborhood Revitalization Program. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates to sign the amended interlocal agreement between Cherokee County and the City of Baxter Springs. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Moates for an executive session for a policy issue with the Board, Counselor Wright, and Clerk Edmondson for approximately five minutes. The meeting will reconvene in the commission room at 11:13 a.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 11:07 a.m.

The meeting reconvened at 11:13 a.m.

A motion was made by Commissioner Moates for an executive session for the discipline of non-elected personnel with the Board, Counselor Wright, and Clerk Edmondson for approximately 25 minutes. The meeting will reconvene in the commission room at 11:50 a.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 11:23 a.m.

The meeting reconvened at 11:50 a.m.

Commissioner Moates provided a copy of AG Opinion 2002-30 regarding county and township roads for the Board to review. They tabled the topic until next week to give Counselor Wright time to review the document.

A motion was made by Commissioner Frazier for an executive session for the discipline of non-elected personnel with the Board and Counselor Wright. The meeting will reconvene in the commission room at 12:40 p.m. The meeting was seconded by Commissioner Anderson. The motion carried 3-0 at 11:59 a.m.


The meeting reconvened at 12:40 p.m.


No action will be taken at this time.

The Board set a special meeting for a work session on organizational structure for Wednesday at 8:00 a.m.

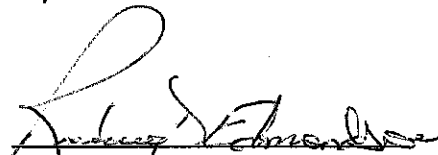
Commissioner Moates made a motion to adjourn until the special meeting set for Wednesday, November 20, 2019 at 8:00 a.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 12:45 p.m.

ATTEST: Resolved and ordered this 25th day of November, 2019


Commissioner


Commissioner


Commissioner


County Clerk

Book: 553 Page: 684

Receipt #: 39358

Total Fees: No Charge

Pages Recorded: 1

Cashier Initials: VICKIE

Date Recorded: 11/19/2019 10:54:22 AM
0055300684

RESOLUTION NO. 16-2019

A resolution by the Board of County Commissioners of Cherokee County, Kansas, adopting the Amended Interlocal Agreement between the Cherokee County, Kansas, and the City of Baxter Springs, Kansas.

WHEREAS, the Neighborhood Revitalization Plan established by the City of Baxter Springs, Kansas, creates incentives for new construction, rehabilitation, and redevelopment of real estate that promote the public health, safety and welfare of local citizens.

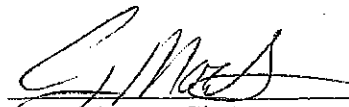
NOW THEREFORE, be it resolved by the Board of County Commissioner of Cherokee County, Kansas, that through its taxing authority, Cherokee County shall participate in the Baxter Springs Revitalization Plan by adopting the Neighborhood Revitalization Program Amended Interlocal Agreement.

NOW THEREFORE, This Resolution shall be effective upon passage subject to the approval of the Attorney General of Kansas.

NOW THEREFORE, all resolutions, Board policies or parts thereof in conflict herewith are hereby repealed insofar as they conflict herewith.

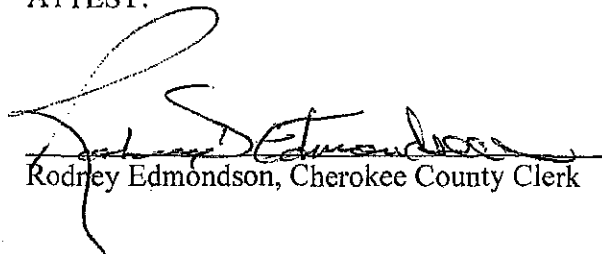
PASSED AND APPROVED by the Board of County Commissioners of Cherokee County, Kansas, this 18th day of November, 2019.

Cherokee County Board of County Commissioners

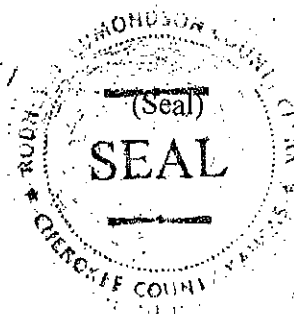


Cory Moates, Chairman

ATTEST:



Rodney Edmondson, Cherokee County Clerk



AMENDED INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT (hereinafter referred to as "Agreement") entered into this 1st day of July 2015 through June 30, 2020, by and between the City of Baxter Springs, a duly organized municipal corporation hereinafter referred to as "City" and Cherokee County Commissioners, hereinafter called "Party of the Second Part".

WHEREAS, K.S.A. 12-2904 allows public agencies to enter into interlocal agreements to jointly perform certain functions including economic development; and

WHEREAS, all Parties are pursuant to K.S.A. 12-2903, public agencies, capable of entering into interlocal agreements; and

WHEREAS, K.S.A. 1994 Supplement 12-17, 114 provides a program for neighborhood revitalization and further allows for the use of interlocal agreements between municipalities to further neighborhood revitalization; and

WHEREAS, it is the desire and intent of the parties hereto to provide the maximum economic development incentive by acting jointly.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN THE PARTIES AGREE AS FOLLOWS:

1. The parties agree to consider and adopt a neighborhood revitalization plan in substantially the same form and content as Exhibit A, attached hereto and incorporated by reference as it fully set forth herein. Failure by any of the parties as listed on Exhibit B attached hereto and incorporated by reference as if fully set forth herein to adopt such a plan shall not constitute a breach or default of this agreement, but shall be cause for any party who has previously signed this agreement to rescind. The parties further agree the neighborhood revitalization plan as adopted will not be amended by any of the parties except as may be necessary to comply with applicable State law or regulation. Both parties agree that in order for a participant to be eligible to receive the tax rebate as allowed in Exhibit A, a participant must be current on all real estate and personal property owed for all property in Cherokee County, not just property located in the City of Baxter Springs. Failure to do so by a participant makes the participant ineligible for the rebate for the remainder of the program. Failure to pay the real estate taxes by the date they become due for a property in the program will remove said property from the program with said property not eligible to be put back in the program if the taxes are subsequently paid after the due date.

2. The parties further agree that the City shall administer the neighborhood revitalization plan as adopted by each party on behalf of the signatory parties. The parties acknowledge and agree that 100 % of the 5% administration fee shall be used and retained by the City of Baxter Springs for neighborhood and downtown revitalization projects, all as described in the neighborhood revitalization plan.

3. This agreement shall expire June 30, 2020. The parties agree to undertake review of the neighborhood revitalization plan commencing on December 1, 2019 to determine continuation of a neighborhood revitalization plan and participate in a new interlocal agreement.

4. This agreement shall be executed in several counterparts, all of which together shall constitute one original agreement.

5. The parties agree that termination of this agreement by any party prior to its expiration date would adversely impact the plan and, consequently, this agreement makes no provision for termination prior to the expiration date.

IN WITNESS WHEREOF, the parties have hereto executed this contract as of the day and the year first above written.

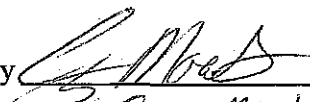
CITY OF BAXTER SPRINGS, KANSAS

By _____
Mayor


ATTEST:

City Clerk

Cherokee County Commissioners

By 
Cory Mouton

ATTEST:


City Clerk Rodney D. Edmondson

**Approved by
Kansas Attorney Generals Office, Topeka, Kansas**

By: _____

Date: _____