

**MINUTES FOR DECEMBER 18, 2017**  
**BOARD OF CHEROKEE COUNTY COMMISSIONERS**  
**CHEROKEE COUNTY, KANSAS**

**CONVENE**

Chairman Pat Collins 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 a.m. on Monday, December 18, 2017 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners Pat Collins, Neal Anderson, Cory Moates, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt and Jordan Zabel

A motion was made by Commissioner Moates to approve the payroll for the period ending December 8, 2017. The motion was seconded by Commissioner Anderson. 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 provided a statement from KDOT for the reimbursement of the dust control application. Commissioner Anderson stated that the concrete drain project in West Mineral should begin on December 26<sup>th</sup>.

A motion was made by Commissioner Anderson for an executive session for the discipline of non-elected personnel with the Board, Leonard Vanatta, and Louis Schreiner for a period of 10 minutes. The motion was seconded by Commissioner Moates. The motion carried 3-0 at 9:26 a.m.

The meeting reconvened at 9:36 a.m.

No action was taken during the executive session.

A motion was made by Commissioner Anderson to approve the accounts payable for the period ending December 18, 2017. The motion was seconded by Commissioner Moates. The motion carried 3-0.

A motion was made by Commissioner Moates to approve Resolution 17-2017 authorizing a real estate tax foreclosure sale by attorney Robert Myers as presented by Counselor Wright. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

A motion was made by Commissioner Anderson to approve the minutes of the December 11, 2017 BOCC meeting as written. The motion was seconded by Commissioner Collins. The motion carried 3-0.

Counselor Wright reported that she has received a signed contract from Kevin Cure for the position of contract attorney with the District Court.

A motion was made by Commissioner Collins to rehire the current attorneys that are on contract for the District Court for 2018. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Jason Allison, Emergency Management Coordinator, informed the Board that he purchased a drone for \$1,800. He stated that the chemical plant donated \$1,000 toward the purchase and he thinks he has another donor that is willing to contribute.

A motion was made by Commissioner Moates to purchase the two vehicles that are on hold from KHP for the Emergency Management Department, with County General funds. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Attorney Melanie Bingham appeared before the Board to interview for the contract attorney position. The Board informed her that they had rehired the current attorney's for 2018.

A motion was made by Commissioner Moates for an executive session for non-elected personnel for contract issues with the Board, Counselor Wright, Melanie Bingham, and Rusty Bingham for a period of 10 minutes. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 10:04 a.m.

The meeting reconvened at 10:14 a.m.

No action was taken during the executive session.

A motion was made by Commissioner Collins for an executive session for non-elected personnel for contract issues with the Board, Counselor Wright, and Melanie Bingham for a period of 10 minutes. The motion was seconded by Commissioner Moates. The motion carried 3-0 at 10:15 a.m.

The meeting reconvened at 10:25 a.m.

No action was taken during the executive session.

Jason Allison, Art Mallory, and Rebecca Brassart appeared before the Board regarding septic fees and building permits for the unincorporated areas of the county. They presented a draft plan that would increase the fees for flood plain permits and septic applications and permits over the current amount charged. The fees with the increase would still be less than what Labette and Crawford Counties charge. They would like the Board to consider a resolution that would prevent mobile homes older than 15 years from being brought into the county. They also asked the Board to consider implementing a \$50 fee for a licensed septic hauler with an annual inspection to be conducted on the equipment. The plan also included a \$150 fee for a sewage system inspection on the sale of a home when requested by a realtor.

The Board asked Counselor Wright to draft a resolution that would increase the current septic and flood plain application and permit fees as discussed. The Board took the remaining items under advisement and asked everyone to work on a plan to be considered later.

A motion was made by Commissioner Collins for an executive session for the discipline of non-elected personnel with the Board for a period of 15 minutes. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 10:48 a.m.

The meeting reconvened at 11:03 a.m.

No action was taken during the executive session.

Janet Miller and Trish Carroll appeared before the Board representing the Economic Development Corporation. They presented a written proposal for a countywide Neighborhood Revitalization Program. They stated that the plan was developed as a result of a meeting in August that pointed out the housing issues in the county. Builders stated that taxes are a major factor that is keeping them from building in Cherokee County. The NRP would allow the county to rebate an incremental portion of the tax differential for new or improvement construction for residential and commercial real property. They are proposing a five year period to start with. Commissioner Anderson, as a member of the committee, has spoken with two school districts and has received positive feedback. Cities and schools would have the option of participating in the program. Presentations would need to be made to all of them and an inter-local agreement signed with those that want to participate. The plan would need to exclude the portion of Baxter Springs that is covered by their NRP plan.

The Board asked Counselor Wright to draft a resolution for a Cherokee County Neighborhood Revitalization Program for the Board to review.

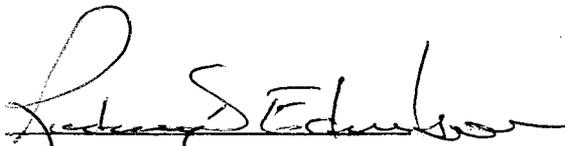
A motion was made by Commissioner Collins for an attorney client executive session for property discussions with the Board, Counselor Wright, and Clerk Edmondson for a period of 10 minutes. The motion was seconded by Commissioner Moates. The motion carried 3-0 at 11:43 a.m.

The meeting reconvened at 11:53 a.m.

Chairman Collins instructed Counselor Wright to move forward with Cherokee County's participation in a class action lawsuit for the opioid crisis with the Prochaska Law Firm. There is no cost to the county for participation.

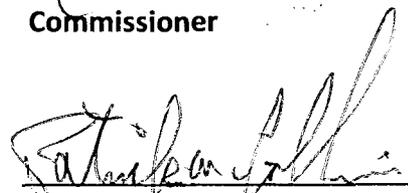
Commissioner Anderson made a motion to adjourn until the special meeting set for Friday, December 29, 2017 at 8:00 a.m. The motion was seconded by Commissioner Moates. The motion carried 3-0 at 11:56 a.m.

**ATTEST: Resolved and ordered this 8<sup>th</sup> day of January, 2018**

  
Cherokee County Clerk

  
Commissioner

  
Commissioner

  
Commissioner

# **KAMO POWER**

December 5, 2017

Commissioner Pat Collins  
Commissioner Neal Anderson  
Commissioner Cory Moates  
P.O. Box 14  
Columbus, Kansas 66725

Re: KAMO Electric Cooperative, Inc., Payment in Lieu of Taxes, Cherokee County, Kansas

Dear Commissioners:

KAMO Electric Cooperative constructed a 345kV transmission line "through" Cherokee County, Kansas. The line was declared commercial and is operations. The State of Kansas allows such transmission facilities a tax exemption for ten years.

KAMO obligated to the Kansas Corporation Commission and to Cherokee County that a payment in lieu of taxes (PILOT) would be made to Cherokee County annually for the exempt period. This letter and attached check in the amount of \$119,175.44 will confirm this year's obligation.

KAMO has worked diligently to apply a calculation to replicate the amount of PILOT obligation which would mirror payment to the Kansas Department of Revenue, Property Valuation Division, should such exemption not exist. (K.S.A. 79-259)

Should you have questions regarding this PILOT on the standing agreement between Cherokee County and KAMO, feel free to contact us.

Sincerely,



J. Chris Cariker  
Executive Vice President and CEO

Enclosure

xc: Glenda Cafer  
Doug Shepherd  
Kansas Corporation Commission – Docket No. 08-KMOE-028-COC

KAMO Electric Cooperative, Inc.  
 Kansas PILOT Program  
 12/1/2017

Miles of Line	Taxing Unit	Millage Rate	Precent via tax	Distribute Assessed value	FIPSSTCO	COUNTY	Cert Date	State ID	Report2013
10.22787852	1089 130	0.098949	\$ 36,021.51	30.33747%	\$ 364,041.13	20021 Cherokee County	12/12/2012	011	No Changes
0.507265834	1519 020	0.102066	\$ 1,842.81	1.50463%	\$ 18,055.13	20021 Cherokee County	12/12/2012	011	No Changes
9.968983253	2477 011	0.097945	\$ 34,753.46	29.56955%	\$ 354,826.26	20021 Cherokee County	12/12/2012	011	No Changes
1.023043443	2478 010	0.105603	\$ 3,845.34	3.03450%	\$ 36,413.21	20021 Cherokee County	12/12/2012	011	No Changes
0.388353977	2479 070	0.098067	\$ 1,355.55	1.15192%	\$ 13,822.69	20021 Cherokee County	12/12/2012	011	No Changes
7.418920666	2902 080	0.100117	\$ 26,437.08	22.00567%	\$ 264,061.82	20021 Cherokee County	12/12/2012	011	No Changes
3.791593715	6025 030	0.099862	\$ 13,476.81	11.24645%	\$ 134,954.29	20021 Cherokee County	12/12/2012	011	No Changes
0.387645339	7211 012	0.104576	\$ 1,442.88	1.14982%	\$ 13,797.47	20021 Cherokee County	12/12/2012	011	No Changes
<b>33.71368475</b>			<b>\$ 119,175.44</b>	<b>100.0000%</b>	<b>\$ 1,199,972.00</b>				

Valuation Amoi \$ 1,199,972.00

Note: The enclosed check covers the computation by taxing unit, for the miles of line KAMO Electric Cooperative, Inc. has in the state of Kansas, according to our GPS coordinates. This is our initial "Payment in Lieu of Taxes" to Cherokee County, KS. Docket No. 2013-864-PVX in the State of Kansas, Court of Tax Appeals. If you need further information, please contact Ann Crispin or Shari Fenstermacher at KAMO Electric Cooperative, Inc.

RESOLUTION NO. 17-2017

**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 and 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 463 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.

3. That the Board of Commissioners of Cherokee County, Kansas, has contracted with Robert Myers, Attorney at Law, to institute an action in the District Court of Cherokee County, Kansas, 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 18 day of December, 2017.

ATTEST:

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



Patrick Collins, Chairman  
Cherokee County Commissioner



Cory Moates  
Cherokee County Commissioner



Neal Anderson  
Cherokee County Commissioner

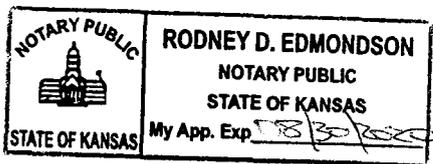
**CERTIFICATION**

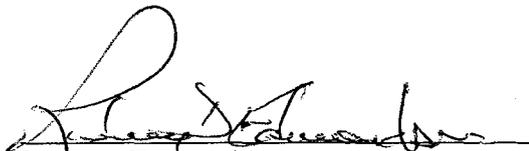
**STATE OF KANSAS, COUNTY OF CHEROKEE:**

I, Rodney Edmondson, County Clerk and Clerk Ex-Officio of the Board of Commissioners of Cherokee County, Kansas, hereby certify that the foregoing Resolution, dated Dec. 8, 2017, is a true and correct copy of the Resolution passed by the Board of Commissioners of Cherokee County, Kansas.

SUBSCRIBED and SWORN to before me this 18<sup>th</sup> day of December, 2017.

My appointment expires:



  
Rodney Edmondson  
Cherokee County Clerk

**Notifying Taxpayers of new permit ordinance:**

We will ask all water districts to work with us in notifying anyone who obtains new water service. Contact will be made with all current electric companies who service in the county and we will ask them to request the said permit before supplying any new service. We can possibly hand a small note out with all vehicle renewals as they are done in the treasurer's office as we begin the new renewals for 2018. We will place a notice in the paper as well.

**We are suggesting the following if you are found to not have obtained a permit:**

Taxpayer will be given 30 days from the date on a written notice to obtain one. Should taxpayer not obtain one by said date then the permit will double in price and we will ask that this be placed as a special on the taxpayer's property tax bill.

**New County ordinance:**

We are asking you to as well make a new ordinance that prevents the placement of any mobile home in the county older than 15 years of age.

**\*\*we currently have copies of the permits used in Labette and Crawford County, we are also aware that the cities of Columbus, Baxter and Galena all require permits as well.**

**Building Applications:**

\$50.00 fee for ALL SITE BUILT CONSTRUCTION

(new homes, additions, modular homes, mobile homes, garages, barns not used for farming)

\$25.00 fee for decks and in ground pools

\$75.00 fee for ALL COMMERCIAL STRUCTURES

(new construction, additions and cell towers)

\$-0- fee for all Agriculture structures (pole barns, barns, tool sheds)

**Flood Plain:**

\$50.00 fee for all flood plain permits (\$10.00) previous amount

**Septic:**

\$20.00 fee for application (\$10.00) previous amount

\$30.00 fee for permit reconstruction (\$20.00) previous amount

\$40.00 fee for permit new construction (\$30.00) previous amount

\$60.00 fee for Contractor License (\$40.00) previous amount

**SITE PLANS MUST ACCOMPANY ALL APPLICATIONS**

## Neighborhood Revitalization Program Overview

The Kansas Neighborhood Revitalization Act's primary intent is to provide communities with a long-term increase and stabilization in their property tax base by encouraging rehabilitation and new construction that might not otherwise occur.

Neighborhood revitalization plans allow property tax rebates for new construction and the rehabilitation of existing structures. The rebate applies only to the additional taxes resulting from the increased appraised value of the property due to the construction/rehabilitation.

Kansas cities and counties have been successfully utilizing neighborhood revitalization plans since the mid-1990's.

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After reviewing neighborhood revitalization plans from numerous cities and counties and considerable discussion, the Economic Development Corporation's Housing Work Group proposes the following for Cherokee County.

### Revitalization Area

All of the area within the corporate limits of Cherokee County, Kansas.

### Eligible Property

1. Residential Property
  - 1.1. Rehabilitation, alterations and/or additions to any existing residential structure
  - 1.2. Construction of a new residential structure, including the conversion of all or part of a non-residential structure into a residential structure
  - 1.3. Improvements to or construction of new accessory structures such as garages, workshops, and storage buildings.
2. Agricultural Property
  - 2.1. New additions to any existing structures used for agricultural purposes
  - 2.2. New construction of any structure used for agricultural purposes
3. Commercial & Industrial Property
  - 3.1. Rehabilitation, alterations and additions to any existing commercial or industrial structure used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purpose
  - 3.2. Construction of new commercial and industrial structures, including the conversion of all or part of a non-commercial structure into a commercial structure, used for retail, office, manufacturing, warehousing, institutional or other commercial or industrial purpose

Criteria for Determination of Eligibility

1. As a result of the construction/rehabilitation project, the property's appraised value must increase by a minimum of 10% or \$10,000, whichever is less.
2. Property owner must be current on all personal and real property taxes for property owned in Cherokee County at the time of application and during their participation in the program.
3. Construction/improvements must begin after the date of designation of the Neighborhood Revitalization Area by the applicable taxing units.
4. Property must conform to all other codes, rules, and regulations in effect at the time the improvements are made and for the length of time of the rebate.
5. Property eligible and approved under this plan for rebates shall waive rights to other Cherokee County property tax incentives.

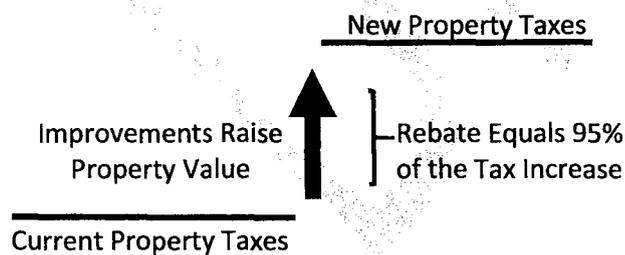
Rebate Period

5 years beginning at the end of the tax year following completion of the construction/rehabilitation project (i.e., construction completed in 2017; rebate begins at the end of 2018)

Rebate Amount

Rebate is based on the incremental increase in appraised value due to the construction/rehabilitation project (i.e., the difference between the appraised value of the property prior to the start of the project and the appraised value as of January 1 following the year of 100% completion).

Property owner will receive a rebate equal to 95% of the incremental increase in taxes. The remaining 5% of the incremental increase will be retained by the County to cover administrative costs of the program.



Fees to Cover Administrative Costs

- \$25 nonrefundable application fee
- Annual administrative fee equal to 5% of the incremental increase in taxes

## Other Details

- Property owner must complete an application prior to the completion of construction to signal their desire to participate in the program.
- The tax rebate will transfer with ownership of the property.
- The Neighborhood Revitalization Plan will be in effect for a 5 year period. At the end of five years, the taxing entities will review the plan and determine its continuation.
- Property owners may apply at any time during the 5 year Neighborhood Revitalization Plan period and, if approved prior to the Plan's end date, will receive the tax rebate for a full 5 years.

**NEW RESIDENTIAL CONSTRUCTION EXAMPLE:**

Pre-Construction Appraised Value (Year 0): \$10,000  
 Post-Construction Appraised Value (Year 1): \$160,000  
 Incremental Increase in Appraised Value: \$150,000  
 Incremental Increase in Assessed Value: \$17,250

	Appraised Value	Assessed Value	Mill Levy	Total Tax Paid	Rebate Percentage	Tax to be Rebated*	Tax Retained by County
Year 0	\$10,000	\$1,150	47.298	\$54.39	-	-	\$54.39
Year 1	\$160,000	\$18,400	51.856	\$954.15	95%	\$849.79	\$104.36
Year 2	\$160,000	\$18,400	51.923	\$955.38	95%	\$850.89	\$104.50
Year 3	\$165,000	\$18,975	51.738	\$981.73	95%	\$847.86	\$133.87
Year 4	\$165,000	\$18,975	52.351	\$993.36	95%	\$857.90	\$135.46
Year 5	\$165,000	\$18,975	51.621	\$979.51	95%	\$845.94	\$133.57
Year 6	\$165,000	\$18,975	52.124	\$989.05	-	-	\$989.05

\* incremental increase in assessed value x mill levy x rebate percentage

**RESIDENTIAL IMPROVEMENT EXAMPLE:**

Pre-Construction Appraised Value (Year 0): \$120,000  
 Post-Construction Appraised Value (Year 1): \$140,000  
 Incremental Increase in Appraised Value: \$20,000  
 Incremental Increase in Assessed Value: \$2,300

	Appraised Value	Assessed Value	Mill Levy	Total Tax Paid	Rebate Percentage	Tax to be Rebated*	Tax Retained by County
Year 0	\$120,000	\$13,800	47.298	\$652.71	-	-	\$652.71
Year 1	\$140,000	\$16,100	51.856	\$834.88	95%	\$113.31	\$721.58
Year 2	\$140,000	\$16,100	51.923	\$835.96	95%	\$113.45	\$722.51
Year 3	\$145,000	\$16,675	51.738	\$862.73	95%	\$113.05	\$749.68
Year 4	\$145,000	\$16,675	52.351	\$872.95	95%	\$114.39	\$758.57
Year 5	\$145,000	\$16,675	51.621	\$860.78	95%	\$112.79	\$747.99
Year 6	\$145,000	\$16,675	52.124	\$869.17	-	-	\$869.17

\* incremental increase in assessed value x mill levy x rebate percentage

**Scenario A:** The property is a vacant lot in the year prior to entering the NRP. The following year in which the property is in the program, a new house is built.

Prior Year's Value	Year 1	Year 2	Year 3	Year 4	Year 5
5,000	150,000	153,000	153,000	153,000	153,000
Increment	145,000	145,000	145,000	145,000	145,000
	95%	95%	95%	95%	95%
Assment	0.115	0.115	0.115	0.115	0.115
Mill Levy	150.000	152.000	155.123	151.055	162.000
Rebate	\$ 2,376.19	\$ 2,407.87	\$ 2,457.34	\$ 2,392.90	\$ 2,566.28

**Scenario B:** The property is a commercial building that has been rehabilitated.

Prior Year's Value	Year 1	Year 2	Year 3	Year 4	Year 5
20,000	250,000	255,000	153,000	153,000	153,000
Increment	230,000	230,000	230,000	230,000	230,000
	95%	95%	95%	95%	95%
Assment	.25	.25	.25	.25	.25
Mill Levy	150.000	152.000	155.123	151.055	162.000
Rebate	\$ 8,193.75	\$ 8,303.00	\$ 8,473.59	\$ 8,251.38	\$ 8,849.25

