

**MINUTES FOR MARCH 19, 2018**  
**BOARD OF CHEROKEE COUNTY COMMISSIONERS**  
**CHEROKEE COUNTY, KANSAS**

**CONVENE**

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, March 19, 2018 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioner Neal Anderson opened the meeting with prayer followed by the Pledge of Allegiance. Commissioners Cory Moates, Pat Collins, Neal Anderson, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt

Greg Jones of Scammon, Kansas appeared before the Board regarding an unpaid invoice for cemetery work done for the Cherokee Township. He has submitted an invoice as requested by the Township Clerk, but has yet to receive payment. The Board referred him to Counselor Wright.

A motion was made by Commissioner Anderson to approve the minutes of the March 12, 2018 BOCC meeting as written. The motion was seconded by Commissioner Moates. The motion carried 3-0.

A motion was made by Commissioner Collins to approve the minutes of the March 12, 2018 BOCC special meeting as written. 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 reported that the utility agreements have been sent out for the 5<sup>th</sup> St. Project in Baxter Springs and responses are due back within 30 days. Commissioner Moates asked them to check on rock needed on the road in Quakervale Cemetery. Leonard stated that he spoke with KDOT last week and they hope to have K-7 Highway open to traffic on August 17<sup>th</sup>, depending on the weather.

Brenda Clugston submitted purchase orders for the annual maintenance on the building generator and an invoice for the purchase of a multifunction oximeter. Both items are covered by grant funds. The Board approved the purchase.

A motion was made by Commissioner Collins for an executive session for the discipline of non-elected personnel with the Board, Leonard Vanatta, and Louis Schreiner for a period of 20 minutes. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 9:27 a.m.

The meeting reconvened at 9:47 a.m.

No action was taken during the executive session.

A motion was made by Commissioner Collins for an executive session for the discipline of non-elected personnel with the Board, Leonard Vanatta, and Louis Schreiner for a period of 20 minutes. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 9:48 a.m.

The meeting reconvened at 10:08 a.m.

No action was taken during the executive session.

Jason Youngblood presented an estimate of value from the Rental Store for the sewer district lawn mower. He offered half the cost of the trailer since it needs a new wood deck. He is proposing \$1,000 for both.

A motion was made by Commissioner Collins to accept the offer of \$1,000 for the mower and the trailer from Jason Youngblood. The motion was seconded by Commissioner Anderson. The motion carried 3-0.

Clerk Edmondson presented the KDOT exchange for federal funds agreement for 2018. The Board approved the agreement. The documents will be sent to KDOT for their approval.

Counselor Wright presented a draft resolution to record the events of the public hearing for the proposed fire districts that was held on March 12, 2018. The Board considered it on a first read and placed the item on the agenda for next week.

Counselor Wright presented the draft resolution for the vacating of a road and alleys as requested by John and Deborah Benedict near Roseland for a second read.

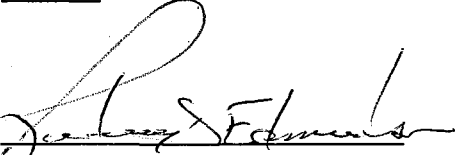
A motion was made by Commissioner Anderson to approve Resolution 09-2018 vacating the road and alleys as requested. The motion was seconded by Commissioner Moates. The motion carried 3-0.

Counselor Wright stated that she has spoken with Jack Garner and he has agreed to auction the unwanted miscellaneous office furniture and other items on May 7<sup>th</sup> at 3:30 p.m. at the courthouse prior to the other scheduled sale of real property. Ralph Houser has provided a list of items to be sold.


Commissioner Moates asked the Board to consider scheduling Gene Mense along with Treasurer Raven Elmore to come in and give an update of funds and the current financial standing of the county. Commissioner Anderson stated that he would like to get an update on the audit being performed by DeAnn Hill. Clerk Edmondson will get with Mr. Mense and schedule a time for him to appear before the Board.

Commissioner Moates made a motion to adjourn until the next regular meeting set for Monday, March 26, 2018 at 9:00 a.m. The motion was seconded by Commissioner Anderson. The motion carried 3-0 at 10:42 a.m.

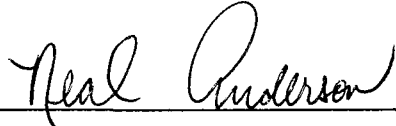
**ATTEST:** Resolved and ordered this 26<sup>th</sup> day of March, 2018



**Cherokee County Clerk**



**Commissioner**



**Commissioner**



**Commissioner**

RESOLUTION NO. 09-2018

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, VACATING UNDEVELOPED, PLATTED STREETS AND ALLEYS LOCATED IN ELKHORN FIRST ADDITION TO ROSELAND, CHEROKEE COUNTY, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF CHEROKEE COUNTY, KANSAS.

**SECTION 1.** That Davison Street, the north-south street, approximately sixty feet (60') in width, bordering the east boundaries of Block 4, lots 1, 2, 3 and 4, and the west boundaries of Block 1, lots 1, 2, 3 and 4, in Elkhorn First Addition to Roseland, Cherokee County, Section 11, Township 32S, Range 23E, is a platted street but never developed for public use.

**SECTION 2.** That the aforementioned Davison Street shall be vacated and revert to the owners of real estate thereto, adjacent on each side, in proportion to the frontage of such real estate except in cases where said Davison Street was taken and appropriated to public use in a different proportion, in which case it shall revert to adjacent lots of real estate in proportion as it was taken from them.

**SECTION 3.** That the mapped north-south Alley, approximately twenty feet (20') in width, bordering the east boundaries of Block 4, lots 6, 7, 8, and 9, and the west boundaries of Block 4, lots 1, 2, 3 and 4, in Elkhorn First Addition to Roseland, Cherokee County, Section 11, Township 32S, Range 23E, is a mapped alley but never developed for public use.

**SECTION 4.** That the aforementioned Alley shall be vacated and revert to the owners of real estate thereto, adjacent on each side, in proportion to the frontage of such real estate except in cases where said Alley was taken and appropriated to public use in a different proportion, in which case it shall revert to adjacent lots of real estate in proportion as it was taken from them.


**SECTION 5.** That the mapped/platted north-south Alley, approximately twenty feet (20') in width, bordering the east boundaries of Block 1, lots 1, 2, 3 and 4, in Elkhorn First Addition to Roseland, Cherokee County, Section 11, Township 32S, Range 23E, is a mapped alley but never developed for public use.

**SECTION 6.** That the aforementioned Alley shall be vacated and revert to the owners of real estate thereto, adjacent on each side, in proportion to the frontage of such real estate except in cases where said Alley was taken and appropriated to public use in a different proportion, in which case it shall revert to adjacent lots of real estate in proportion as it was taken from them.

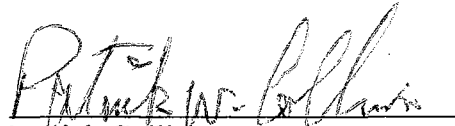
**SECTION 7.** That all resolutions, County policies or parts thereof in conflict herewith are hereby repealed insofar as they conflict herewith.

**PASSED and APPROVED** by the Board of County Commissioners of Cherokee County,

Kansas, this 19<sup>th</sup> day of March, 2018.



Cory Moates, Chairman  
Cherokee County Commissioner

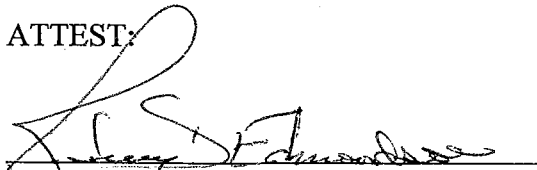


Patrick Collins  
Cherokee County Commissioner



Neal Anderson  
Cherokee County Commissioner

ATTEST:



Rodney D. Edmondson, County Clerk

(Seal)

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF  
CHEROKEE COUNTY, KANSAS, CHEROKEE COUNTY, KANSAS,  
REGARDING THE FIRE DISTRICT PROPOSAL AND PUBLIC HEARING  
HELD MARCH 12, 2018.**

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

**WHEREAS**, the proposal to establish fire districts in thirteen townships within Cherokee County, Kansas, was introduced by the Governing Body, the Cherokee County Board of County Commissioners, by its Resolution No. 05-2018, on February 5, 2018. A public hearing was scheduled for March 12, 2018.

**WHEREAS**, a public hearing was conducted by the Cherokee County Board of County Commissioners on March 12, 2018, with interested residents attending and participating.

**SECTION 1. GENERAL AUTHORITY.** K.S.A. 19-101, *et. seq.*, and K.S.A. 19-212 authorize the Board of County Commissioners of Cherokee County, Kansas, to transact all County business and perform all powers of local legislation deemed appropriate, and to make all contracts and do all other acts in relation to the property and concerns of the County necessary to the exercise of its corporate or administrative powers.

**SECTION 2. PROJECT AND ADMINISTRATION.** The fire departments within Cherokee County require adequate funding in order to provide necessary equipment and resources in support of firefighters who respond to the emergencies occurring within Cherokee County. Funding responsibilities should be appropriately and fairly shared throughout the County utilizing the tax levy process available to the governing bodies of incorporated and unincorporated municipalities within Cherokee County.

**SECTION 3. SCOPE OF THE PROJECT.** It is the intention of the Governing Body that the proposal to establish formal fire districts shall be taken under advisement and a final decision continued for further consideration after review in June or July, 2018. The Governing Body shall review: (1) all township budgets, certified for the 2019 fiscal year, addressing taxes levied in support of responding fire departments; (2) written agreements between townships and the respective incorporated municipalities reflecting the terms and conditions of township funds budgeted as contributions to municipalities' responding fire departments; and (3) mutual aid

agreements among fire departments serving Cherokee County.

**SECTION 4. PUBLICATION.** This Resolution shall be published in the County's official newspaper.

**SECTION 5. CONFLICT.** That all resolutions, County 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Cory Moates, Chairman  
Cherokee County Commissioner

\_\_\_\_\_  
Neal Anderson  
Cherokee County Commissioner

\_\_\_\_\_  
Patrick Collins  
Cherokee County Commissioner

ATTEST:

\_\_\_\_\_  
Rodney D. Edmondson, County Clerk

(Seal)



**REQUEST TO EXCHANGE FEDERAL FUNDS  
under the Federal-Aid Fund Exchange Master Agreement**

Date:

County/City: Cherokee

Federal Funds to Be Exchanged: \$193,968.02

Exchange Rate for 2018: \$0.75 State Funds/\$1.00 Federal Funds

The Secretary of Transportation is hereby requested to make available to the city/county State Funds in exchange for the city's/county's allotment of Federal Funds in the amount stated above. The Exchange will be made under the Terms and Conditions as set forth in the city/county's Federal Fund Exchange Master Agreement previously executed between the city/county and the Secretary. This request shall be attached to and become a part of the city/county's Federal Funds Exchange Agreement.

Contact Person: Rodney Edmondson Title: Cherokee Co. Clerk

Address: PO Box 14 110 W. Maple Columbus KS 66725

Phone: 620-429-2042 Email: rodney.clerk@cherokee-county-ks.gov

  
**Signature\***

3-19-18  
**Date**

Cory Meates  
**Typed or Printed Name**

Chairman, Board of County Commissioners  
**Title**

**\*The representative signing this request must be authorized by law to bind the city/county to an agreement.**



Dwight D. Eisenhower State Office Building  
700 S.W. Harrison Street  
Topeka, KS 66603-3745



Phone: 785-296-3861  
Fax: 785-296-2079  
Hearing Impaired - 711  
kdot#publicinfo@ks.gov  
<http://www.ksdot.org>

Richard Carlson, Secretary  
Michael J. Stringer, P.E., Chief

Sam Brownback, Governor

BLP Memo 18-01

MEMO TO: County Engineers/City Engineers/Road Supervisors/Highway Administrators/Public Works Directors

DATE: 1/11/2018

SUBJECT: Federal Fund Exchange Supplemental Agreement

Please find attached the Supplemental Agreement reflecting the modifications to the Federal Fund Exchange program as stated in BLP Memo 17-07, dated August 3, 2017.

Although KDOT has not yet received our full allotment of federal funds for Federal Fiscal Year 2018, we are sending you the supplemental agreement in anticipation of the distribution being made as soon as they are available. KDOT is hopeful that this will help expedite the process at that time.

**Please sign and return two originals of the completed Supplemental Agreement to the address below. KDOT will execute and return an original to the Local Public Authority (LPA).**

KDOT Bureau of Local Projects  
Attn: Ingrid Horton  
3rd Floor, West Wing, Dwight D. Eisenhower State Office Building  
700 SW Harrison Street  
Topeka, KS 66603-3754

The Federal Fund Exchange program is a voluntary program that allows an LPA to trade all or a portion of its federal fund allocations in a specific federal fiscal year with KDOT in exchange for state transportation dollars. State funds will be paid on a reimbursement basis as the LPA incurs costs for transportation related projects. The FFE Program Guidelines and required documents are found at <http://www.ksdot.org/burlocalproj/default.asp>.

We appreciate your participation in the Federal Fund Exchange program for local public agencies. Please contact Ingrid Horton, Tod Salfank or me at 785-296-3861 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Stringer". The signature is fluid and cursive, written over a white background.

Michael J. Stringer, P.E., Chief  
Bureau of Local Projects

FUND EXCHANGE MASTER  
CHEROKEE COUNTY, KANSAS

**S U P P L E M E N T A L   A G R E E M E N T   N o . 2**

This Agreement, effective as of the date signed by the Secretary or designee, is between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and **CHEROKEE COUNTY, KANSAS** (the “County”), collectively, the “Parties.”

**RECITALS:**

- A. The Secretary and the County entered into Agreement No. 117-16 dated April 18, 2016, for the purpose of participating in the Secretary’s voluntary Federal Fund Exchange Program (the “Original Master Agreement”).
- B. The Parties entered into Supplemental Agreement No. 1, dated May 18, 2016, to remove provisions that do not apply (the “Supplemental No. 1”).
- C. The Parties now mutually desire to supplement the Original Master Agreement to reflect a change in the exchange provisions.

**NOW, THEREFORE**, the Parties agree as follows:

- 1. On page one (1) of the Original Master Agreement, Recital A be replaced in its entirety to read as follows:
  - A. The Secretary has authorized a voluntary Federal Fund Exchange Program under which local units of government may exchange some or all of the Federal Funds allotment by KDOT to the local unit in a specific federal fiscal year for State Funds allocated to the Secretary.
- 2. On page one (1) of the Original Master Agreement, Recital B be replaced in its entirety to read as follows:
  - B. The County desires to exchange all or a portion of the County’s annual allotment of Federal Funds for State Funds at the Exchange Rate.
- 3. On page one (1) of the Original Master Agreement, Article I, paragraph 2, **Banked Funds**, be deleted and the subsequent definition paragraphs renumbered.
- 4. On page two (2) of the Original Master Agreement, Article I, paragraph 4, **Exchange Rate**, be replaced in its entirety to read as follows:
  - 4. **“Exchange Rate”** means the exchange of the County’s Federal Funds allotment for State Funds at the reimbursement rate determined by the Secretary in the Fund Exchange Request.
- 5. On pages two (2) and three (3) of the Original Master Agreement, Article II, paragraph 3, **Exchange of Funds**, be replaced in its entirety to read as follows:
  - 3. **Exchange of Funds**. When the County submits a Fund Exchange Request, to use the Exchanged Funds pursuant to the Federal Fund Exchange Program, the following terms will apply to the exchange:


- (a) The County authorizes the Secretary to retain and use the Exchanged Portion of the County's annual allotment of Federal Funds for the federal fiscal year indicated in the Fund Exchange Request in exchange for State Funds at the Exchange Rate.
- (b) The Secretary shall reimburse the County, with State Funds, for one hundred percent (100%) of costs incurred pursuant to this Agreement, in an amount not to exceed the Exchange Rate multiplied by the Exchanged Funds. All costs incurred in excess of the fund exchange amount will be the sole responsibility of the County.
- (c) The County understands that the Secretary may use the retained Federal Funds exchanged by the County for any federally eligible purpose or project within the State.
- (d) The Secretary will make partial payments to the County for amounts not less than \$1,000 and no more frequently than monthly. Such payments will be made after receipt of proper billing showing costs paid by the County and any reimbursement form required by KDOT.

6. Attachment A of the Original Master Agreement, is null and void, and is replaced by the attached Revised Attachment A.

**THIS SUPPLEMENTAL AGREEMENT** shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.


**IN WITNESS WHEREOF**, the Parties have caused this Supplemental Agreement to be signed by their duly authorized officers.

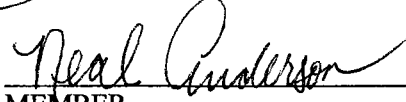
ATTEST:

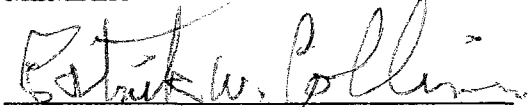
  
 COUNTY CLERK 3/19/03  
(Date)

(SEAL)

CHEROKEE COUNTY, KANSAS

  
 CHAIRPERSON

  
 MEMBER

  
 MEMBER

Kansas Department of Transportation  
Secretary of Transportation

BY: \_\_\_\_\_  
 Catherine M. Patrick, P.E. (date)  
 State Transportation Engineer

