

**MINUTES FOR JANUARY 20, 2015**  
**BOARD OF CHEROKEE COUNTY COMMISSIONERS**  
**CHEROKEE COUNTY, KANSAS**

**CONVENE**

Commissioner Hilderbrand called the Special 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 AM on Tuesday, January 20, 2015 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioners Richard Hilderbrand, Charles Napier, Pat Collins, and County Clerk Rodney Edmondson were present.

Members of the press present: Larry Hiatt, Jordan Zabel

A motion was made by Commissioner Collins to approve the Payroll for the month of January, 2015. The motion was seconded by Commissioner Napier. The motion carried 3-0.

County Treasurer Juanita Hodgson provided a Distribution Report for the January distributions.

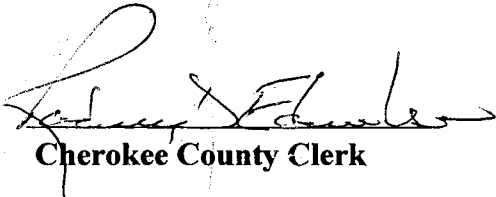
A motion was made by Commissioner Collins to transfer \$25,000 from County General Fund to the Landfill Fund. The motion was seconded by Commissioner Napier. The motion carried 3-0.

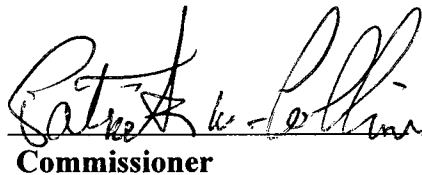
A motion was made by Commissioner Napier to approve the Accounts Payables for the month of January, 2015. The motion was seconded by Commissioner Collins. The motion carried 3-0.

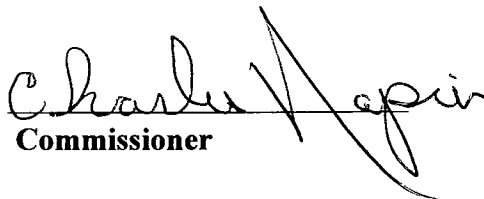
Commissioner Hilderbrand stated that he is heading to Topeka to testify before the House Committee on Local Government in support of HB 2003, the so-called Island Annexation Legislation. A copy of his testimony is attached.


Commissioner Hilderbrand made a motion to adjourn until the next scheduled meeting set for January 26, 2015 at 9:00 AM. The motion was seconded by Commissioner Napier. The motion carried 3-0 with all voting yes at 9:23 AM.

**ATTEST: Resolved and ordered this 26<sup>th</sup> day, January, 2015**

  
**Cherokee County Clerk**

  
**Commissioner**

  
**Commissioner**

  
**Commissioner**

Fund: 099 COUNTY NO FUND WARRANTS

Fund: 100 COUNTY GENERAL FUND

Ad Valorem Tax	01/20/2015	710,457.42
16/20M Trucks Current Tax	01/20/2015	4,908.15
WaterCraft Current Tax	01/20/2015	172.41
Motor Vehicle Tax	01/20/2015	24,287.77
Rec Vehicle Tax	01/20/2015	245.99
** Fund Total **		740,071.74

Fund: 110 ROAD AND BRIDGE

Ad Valorem Tax	01/20/2015	1,037,754.66
16/20M Trucks Current Tax	01/20/2015	8,050.46
WaterCraft Current Tax	01/20/2015	2,517.91
Motor Vehicle Tax	01/20/2015	39,837.19
Rec Vehicle Tax	01/20/2015	403.51
** Fund Total **		1,088,563.73

Fund: 120 EXTENSION COUNCIL

Ad Valorem Tax	01/20/2015	75,884.84
16/20M Trucks Current Tax	01/20/2015	669.28
WaterCraft Current Tax	01/20/2015	202.47
Motor Vehicle Tax	01/20/2015	3,312.11
Rec Vehicle Tax	01/20/2015	33.56
** Fund Total **		80,102.26

Fund: 130 NOXIOUS WEED

Ad Valorem Tax	01/20/2015	4,611.45
16/20M Trucks Current Tax	01/20/2015	140.99
WaterCraft Current Tax	01/20/2015	27.82
Motor Vehicle Tax	01/20/2015	697.69
Rec Vehicle Tax	01/20/2015	7.06
** Fund Total **		5,485.01

## Fund: 140 HEALTH

Ad Valorem Tax	01/20/2015	71,390.13
16/20M Trucks Current Tax	01/20/2015	681.56
WaterCraft Current Tax	01/20/2015	204.45
Motor Vehicle Tax	01/20/2015	3,372.64
Rec Vehicle Tax	01/20/2015	34.17
** Fund Total **		75,682.95

## Fund: 150 FAIR

Ad Valorem Tax	01/20/2015	5,020.05
** Fund Total **		5,020.05

## Fund: 160 DIRECT ELECTION

Ad Valorem Tax	01/20/2015	31,638.13
16/20M Trucks Current Tax	01/20/2015	12.26
WaterCraft Current Tax	01/20/2015	159.61
Motor Vehicle Tax	01/20/2015	60.53
Rec Vehicle Tax	01/20/2015	.61
** Fund Total **		31,871.14

## Fund: 170 COMMUNITY COLLEGE

## Fund: 180 SOIL CONSERVATION

Ad Valorem Tax	01/20/2015	9,222.97
16/20M Trucks Current Tax	01/20/2015	83.01
WaterCraft Current Tax	01/20/2015	25.34
Motor Vehicle Tax	01/20/2015	410.70
Rec Vehicle Tax	01/20/2015	4.16
** Fund Total **		9,746.18

## Fund: 190 SPECIAL BRIDGE BUILDING

Ad Valorem Tax	01/20/2015	58,373.01
16/20M Trucks Current Tax	01/20/2015	529.95
WaterCraft Current Tax	01/20/2015	162.90

Motor Vehicle Tax	01/20/2015	2,622.29
Rec Vehicle Tax	01/20/2015	26.53
** Fund Total **		61,714.68

## Fund: 200 MENTAL HEALTH

Ad Valorem Tax	01/20/2015	41,152.89
16/20M Trucks Current Tax	01/20/2015	372.43
WaterCraft Current Tax	01/20/2015	112.54
Motor Vehicle Tax	01/20/2015	1,842.99
Rec Vehicle Tax	01/20/2015	18.67
** Fund Total **		43,499.52

## Fund: 210 MENTAL RETARDATION

Ad Valorem Tax	01/20/2015	41,211.33
16/20M Trucks Current Tax	01/20/2015	372.96
WaterCraft Current Tax	01/20/2015	112.37
Motor Vehicle Tax	01/20/2015	1,845.62
Rec Vehicle Tax	01/20/2015	18.69
** Fund Total **		43,560.97

## Fund: 220 AMBULANCE

Ad Valorem Tax	01/20/2015	195,432.69
16/20M Trucks Current Tax	01/20/2015	1,897.83
WaterCraft Current Tax	01/20/2015	575.08
Motor Vehicle Tax	01/20/2015	9,391.29
Rec Vehicle Tax	01/20/2015	95.12
** Fund Total **		207,392.01

## Fund: 230 APPRAISER COST'S

Ad Valorem Tax	01/20/2015	111,434.03
16/20M Trucks Current Tax	01/20/2015	1,053.47
WaterCraft Current Tax	01/20/2015	336.93
Motor Vehicle Tax	01/20/2015	5,213.02

Rec Vehicle Tax	01/20/2015	52.81
** Fund Total **		118,090.26

Fund: 240 RE-APPRAISAL

Fund: 250 COUNTY BUILDING

Fund: 260 EMPLOYEE BENEFITS

Ad Valorem Tax	01/20/2015	432,427.18
16/20M Trucks Current Tax	01/20/2015	9,362.02
WaterCraft Current Tax	01/20/2015	3,193.04
Motor Vehicle Tax	01/20/2015	46,327.16
Rec Vehicle Tax	01/20/2015	469.27
** Fund Total **		491,778.67

Fund: 290 SPECIAL (TORT) LIABILITY

Fund: 300 SERVICE FOR ELDERLY

Ad Valorem Tax	01/20/2015	2,743.39
16/20M Trucks Current Tax	01/20/2015	45.61
WaterCraft Current Tax	01/20/2015	11.52
Motor Vehicle Tax	01/20/2015	226.39
Rec Vehicle Tax	01/20/2015	2.26
** Fund Total **		3,029.17

Fund: 330 SEWER DISTRICT#1 OPERATIO

Ad Valorem Tax	01/20/2015	2,017.45
** Fund Total **		2,017.45
** Distribution Total **		3,007,625.79

**Cherokee County, Kansas  
County Courthouse  
110 W. Maple  
Columbus, Kansas 66725**

January 20, 2015

Testimony of Richard Hilderbrand  
Chairman of the Board of County Commissioners  
County of Cherokee, Kansas  
In support of HB 2003, addressing the annexation of non-adjointing land  
Before the House Committee on Local Government

Greetings Chairman Rep. Huebert and members of the Committee.

I am Richard Hilderbrand, Chairman of the Board of County Commissioners of Cherokee County, Kansas. I come before the Committee to speak in support of HB 2003 and its protection of the legislative intent behind statutes safeguarding review and approval of non-adjointing land by boards of county commissioners.

The statutes at issue, K.S.A. 12-250 and 12-250c, address the authority of boards of county commissioners to review the annexation of lands that do not adjoin the city boundary. This so-called island annexation involves the annexation of territory distant from and not adjoining the boundaries of a city.

In 1993, the Kansas Supreme Court described in the case of *City of Topeka v. Shawnee Cnty. Bd. of Cnty. Comm'rs*, [252 Kan. 432, 845 P.2d 663 (1993)] the legislative intent behind these statutes. In that case, the City of Topeka was challenging the decision of the Board of County Commissioners in Shawnee County to deny the annexation of the area around Sherwood Lake southwest of Topeka into the City. County Commissions are allowed by statute, and in fact are required, to consider the advisability of the island annexation and determine whether the impacts of the proposed annexation amount to manifest injury. In making that determination, the law provides specific criteria, found in K.S.A. 12-521, to be reviewed. Further, the Supreme Court found the legislative intent was not to consider only the 14 criteria, but that the board is to consider the impact of the annexation on the entire community involved, including the city and surrounding area.

Approval of an island annexation by a board of county commissioners must be unanimous. Not surprisingly, a city may look for a means to avoid such a review by the county commissioners. One method, the so-called “strip,” “flag-pole” or “snake” annexation, was addressed by the legislature. A city circumvented a review by the county commission by annexing a strip of land, comprised a series of parcels 100-foot-wide for five miles to the parcel of land that was the purpose of the annexation. In response, the legislature passed what became 2010 session law 130, which prohibited to the annexation of a narrow corridor of land to gain access to noncontiguous tracts of land.

HB 2003 addresses a similar situation by which a city may circumvent review of an island annexation by the county commission. This exception exists when a non-adjointing parcel of land is owned by, or held in trust for, a city. The circumvention arises when the land is gifted to the city, or sold for a nominal amount, then leased back to the grantor for development or use. In Cherokee County, this was attempted to create a new landfill.

I stand before the Committee today to ask that the Legislature do what it did in 2010 when confronted with attempts to circumvent its intent—to make clear that any island annexation requires a review for manifest injury and impacts on the affected area without regard to whether the subject land is owned by the city.

My thanks to the Committee and Representative Houser for the opportunity to address this matter.

