

**MINUTES FOR APRIL 23, 2018**  
**BOARD OF CHEROKEE COUNTY COMMISSIONERS**  
**CHEROKEE COUNTY, KANSAS**

**CONVENE**

Vice-Chairman Neal Anderson called the regular session of the Cherokee County Board of Commissioners (The Board), to order at 9:00 a.m. on Monday, April 23, 2018 in the Commission Room, #109 of the Cherokee County Courthouse located at 110 W Maple St., Columbus, Kansas. Commissioner Anderson opened the meeting with prayer followed by the Pledge of Allegiance. Commissioners Pat Collins, Neal Anderson, County Counselor Barbara Wright, and County Clerk Rodney Edmondson were present. Chairman Cory Moates was absent.

A motion was made by Commissioner Collins to approve the minutes of the April 16, 2018 meeting as written. The motion was seconded by Commissioner Anderson. The motion carried 2-0.

A motion was made by Commissioner Collins to approve the payroll for the period ending April 13, 2018. The motion was seconded by Commissioner Anderson. The motion carried 2-0.

A motion was made by Commissioner Collins to approve the accounts payable for the period ending April 19, 2018. The motion was seconded by Commissioner Anderson. The motion carried 2-0.

Leonard Vanatta, County Road Supervisor, appeared before the Board regarding county road business. Leonard recommended that Beasley Rd. be machine patched or overlaid due to the rough condition of the road leading up the bridge. Mike Cantrell from Fabick Cat appeared with warranty documents for the Board to sign for the skid loader that was delivered last week. Leonard presented the agreement with Kansas Gas Service for the 5<sup>th</sup> St. Project in Baxter Springs for the Board to review. The Board signed the agreement.

Counselor Wright presented a draft resolution to update the Rural Opportunity Zone agreement for a second read.

A motion was made by Commissioner Anderson to approve Resolution 12-2018 to update the Rural Opportunity Zone agreement with the Kansas Department of Commerce. The motion was seconded by Commissioner Collins. The motion carried 2-0.

Counselor Wright presented a draft resolution for a first read. The resolution is in response to a request from Miami County to support their resolution for the continuation of the services of the Osawatomie State Hospital. They are in danger of losing the hospital to Johnson County or being sold outright and are requesting other counties to support their attempt to keep the hospital in Miami County. The Board placed the item on the agenda for a second read next week.

A motion was made by Commissioner Anderson to recess for 15 minutes. The motion was seconded by Commissioner Collins. The motion carried 2-0 at 9:45 a.m.

The meeting reconvened at 10:00 a.m.

Commissioner Neal Anderson opened the public hearing for the USDA Grant Application for Ambulance Districts No. 1 and No. 2 at 10:07 a.m. for public comments or questions. The grant application is for the power cot and power load systems.

A motion was made by Commissioner Anderson to move forward with the ambulance grants. The motion was seconded by Commissioner Collins. The motion carried 2-0.

A motion was made by Commissioner Anderson to approve Resolution 13-2018 regarding the application for the ambulance grant. The motion was seconded by Commissioner Collins. The motion carried 2-0.

Counselor Wright presented documents pertaining to the application that will need Chairman Moates' signature. The Clerk will obtain the signatures and forward them to the ambulance service.

Commissioner Anderson closed the public hearing at 10:15 a.m.

Mac Young, 11<sup>th</sup> Judicial District Administrator, appeared before the Board. He presented the Fiscal Year 2019 Comprehensive Plan for Community Corrections. The plan includes \$504,275.62 in Department of Corrections funding for 2019. The Board approved and signed the plan. The Board also reviewed the Fiscal Year 2019 Behavioral Health Grant Proposal for a total of \$132,324.88 in Department of Corrections funding for 2019. The Board signed the proposal as presented.

Jim Burton appeared before the Board representing the Cherokee County Solid Waste Advisory Committee. He presented a 5-Year Update Worksheet for the Board to consider and to make any changes needed. A public hearing will need to be set after that. Jim stated that years ago the Committee voted that members that miss three consecutive meetings will be removed from the committee. He presented four names that have either asked to be removed or have missed too many meetings. The Board placed the worksheet on the May 7<sup>th</sup> agenda for consideration.

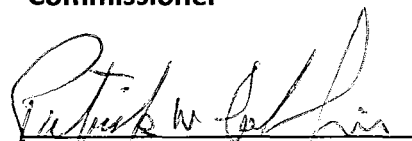
Commissioner Anderson made a motion to adjourn until the next regular meeting set for Monday, April 30, 2018 at 9:00 a.m. The motion was seconded by Commissioner Collins. The motion carried 2-0 at 10:47 a.m.

**ATTEST: Resolved and ordered this 30<sup>th</sup> day of April, 2018**

  
Cherokee County Clerk

  
Commissioner

  
Commissioner

  
Commissioner

Resolution No. 12-2018

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, AUTHORIZING PARTICIPATION IN RURAL OPPORTUNITY ZONE STUDENT LOAN REPAYMENT PROGRAM**

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CHEROKEE COUNTY, KANSAS, THAT THE FOLLOWING RESOLUTION BE ADOPTED:

WHEREAS, K.S.A. 19-101 *et. seq.*, and K.S.A. 19-212 authorize the Board of County Commissioners 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.

WHEREAS, Cherokee County has been designated a county within the Kansas Rural Opportunity Zone pursuant to K.S.A. 2015 Supp. 74-50,222.

WHEREAS, the Board of County Commissioners has expressed its intent to participate in the Rural Opportunity Zone (ROZ) student loan repayment program, according to K.S.A. 2015 Supp. 74-50,223, effective February, 2015, by Resolution Number 4-2015.

**Section 1.** Pursuant to K.S.A. 2016 Supp. 74-50,223, the Board of County Commissioners expressed its intent to participate in the Rural Opportunity Zone (ROZ) student loan repayment program.

**Section 2.** Cherokee County has been designated a Rural Opportunity Zone pursuant to K.S.A. 2015 Supp. 74-50,222.

**Section 3.** The Cherokee County Commissioners hereby obligated Cherokee County to participate in the ROZ student loan repayment program as provided by K.S.A. 2016 Supp. 74-50,223 for a period of five years, effective February, 2015, which shall be irrevocable.

**Section 4.** Cherokee County agrees to pay in equal shares with the State of Kansas the outstanding student loan balance of any resident individual for five years, if the resident individual meets the terms of qualification provided by the State of Kansas in K.S.A. 2016 Supp. 74-50,223, and the appropriate rules and regulations. The number of qualified resident individuals receiving such payments will be subject to the availability of funds.


**Section 5.** Cherokee County intends to enter into partnerships with Employers for the direct sponsorship of Rural Opportunity Zone Applicants. Sponsored Applicants must meet all qualifications of the ROZ program. All sponsorships will be subject to ROZ student loan repayment rules and regulations.

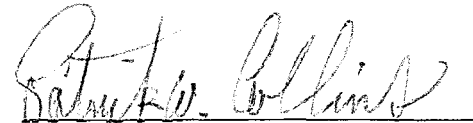
**Section 6.** The maximum student loan balance for each qualified resident individual to be repaid jointly by Cherokee County and the State of Kansas shall be \$15,000 over a term of five years.


**Section 7.** Cherokee County shall allocate \$ 6000.00 a year for the purpose of matching payments from the State of Kansas to qualified resident individuals. Cherokee County shall revise its ROZ budget on an annual basis and shall inform the State of Kansas of any changes to the annual allocation. Cherokee County shall submit the obligation in full to the Department of Commerce before the first day of August each year.

BE IT FURTHER RESOLVED that this Resolution shall be published once in the official County newspaper and shall be in effect from and after its date of publication.


Adopted this 23<sup>rd</sup> day of April, 2018, by the Board of County Commissioners of Cherokee County, Kansas.

  
\_\_\_\_\_  
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. 13-2018

USDA Rural Development  
KS 1942 Guide 13  
(Rev. 12/2014)

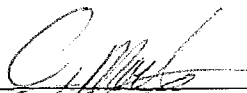
**RESOLUTION OF GOVERNING BODY ADOPTING AND PROVIDING FOR  
STANDARDS FOR PROCUREMENT, BIDDING AND CONTRACT AWARDS**

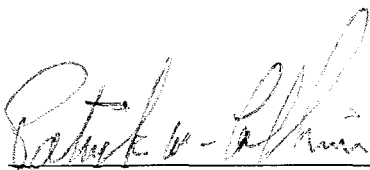
WHEREAS, Cherokee County, of Cherokee County, Kansas has applied for a loan to be made or insured by the United States of America acting through the Rural Housing Service (hereinafter called the Government) for the purchase of ambulance power cot and lift equipment to be owned and operated by Cherokee County, and the Government's regulations require that the Commission adopt standards: (a) relating to the conduct of its officers, employees, legal services contractor and agents in contracting and in expending loan funds, and (b) establishing procurement and contacting procedures;


NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners of Cherokee County, Kansas, has adopted the standards of conduct and procurement procedures set forth in those regulations of USDA Rural Development appearing in Title 7, Code of Federal Regulations, Section 1942.18 (J) Thru (K), provided however that in those instances where funds derived from loans made or insured by, or grants made by, the Government are not involved, prior consent or approval of the Government as provided in such regulations shall not be required.

This resolution adopted by the Board of County Commissioners of Cherokee County, Kansas,

this 23 day of April, 2018.


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

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

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

**CERTIFICATE**

I, Rodney Edmondson, County Clerk of Cherokee County, Kansas, hereby certifies that the foregoing resolution was adopted by the Board of County Commissioners, serving as the Governing Body of Cherokee County, Kansas, on the date stated above at a meeting duly held upon the 23 day of April, 2018, with notice or upon waiver of notice, signed by all members of said Board of County Commissioners of Cherokee County, Kansas.

  
Rodney Edmondson, Cherokee County Clerk

(Seal)

## U.S. DEPARTMENT OF AGRICULTURE

**CERTIFICATION REGARDING  
DRUG-FREE WORKPLACE REQUIREMENTS (GRANTS)  
ALTERNATIVE I - FOR GRANTEEES OTHER THAN INDIVIDUALS**

This certification is required by the regulations implementing Sections 5151-5160, of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701 et seq.), 7 CFR Part 3017, Subpart F, Section 3017.600, Purpose. The January 31, 1989, regulations were amended and published as Part II of the MAY 25, 1990, Federal Register (pages 21681-21691). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the grant.

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

Alternative I

- A. The grantee certifies that it will or will continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - (b) Establishing an ongoing drug-free awareness program to inform employees about --
    - (1) The dangers of drug abuse in the workplace;
    - (2) The grantee's policy of maintaining a drug-free workplace;
    - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a):
  - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
    - (1) Abide by the terms of the statement; and
    - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - (e) Notify the agency in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
    - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
    - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
  - (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, State, zip code)

Cherokee County departments' administration is conducted at the Cherokee County Courthouse, 110 West Maple St, Columbus, KS

Departments perform various public services throughout the County

Check  if there are workplaces on file that are not identified here.

Cherokee County

Power Cot and Load System

Organization Name

Award Number or Project Name

Cory Moates, Chairman, Board of County Commissioners of Cherokee County, Kansas

Name and Title of Authorized Representative

  
Signature

4-23-18  
Date

### Instructions for Certification

1. By signing and submitting this form, the grantee is providing the certification set out on pages 1 and 2.
2. The certification set out on pages 1 and 2 is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If know, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

``Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15);

``Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

``Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

``Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all ``direct charge" employees; (ii) all ``indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if sued to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).



# U.S. DEPARTMENT OF AGRICULTURE

## Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 7 CFR Part 3017, Section 3017.510, Participants' responsibilities. The regulations were published as Part IV of the January 30, 1989, Federal Register (pages 4722-4733). Copies of the regulations may be obtained by contacting the Department of Agriculture agency offering the proposed covered transaction.

### (BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

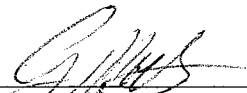
Organization Name

Cherokee County, Kansas

PR/Award Number or Project Name

Power Cot and Power Lift System

Name(s) and Title(s) of Authorized Representative(s)

  
Cory Moates, Chairman, Board of County Commissioners

Barbara A. Wright, County Counselor

Signature(s)

Date: 4-23-18

## Instructions for Certification

1. By signing and submitting this form, the prospective primary participant is providing the certification set out on the reverse side in accordance with these instructions.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out on this form. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this form that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this form that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

UNITED STATES DEPARTMENT OF AGRICULTURE  
RURAL DEVELOPMENT

**LEGAL SERVICES AGREEMENT**

This agreement made this 23 day of April, 2018, between

The Board of County Commissioners of Cherokee County, Kansas, and Barbara A. Wright,  
(Name of Organization, Organizing Committee or Sponsors)

hereinafter referred to as "County", and Barbara A. Wright, Attorney at Law, of Columbus, Cherokee County, Kansas, hereinafter referred to as "Attorney":

WHEREAS, Cherokee County, Kansas is an incorporated County within the State of Kansas.  
(Public Body, Municipal Corporation or other organization)

In Cherokee County, Kansas, under provisions of K.S.A. 18-111, et. seq. and K.S.A. 19-101, et. seq. under which Cherokee County has been organized.

WHEREAS, the Attorney agrees to perform all legal services necessary to perform customary legal services necessary to the organization, financing, construction, and initial operation of a system.

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A-LEGAL SERVICES

That the Attorney will perform such services as are necessary to accomplish the above-recited objectives including, but not limited to, the following:

1. Preparation and filing of petition for incorporation and supervision and assistance in the taking of such other actions as may be necessary or incidental to cause the Owners to become duly organized and incorporated and to become duly organized and incorporated and to be authorized to undertake the proposed system. NA
2. Furnish advice and assistance to the governing body of the duly incorporated association in connection with (a) the notice for and conduct of meetings; (b) the preparation of minutes of meetings; (c) the preparation and enactment of such resolutions as may be necessary in connection with the authorization, financing, construction and initial operation of the system; (d) the preparation of such affidavits, publication notices, ballots, reports, certifications, and other instruments and advice as may be needed in the conduct of such bond elections as may be necessary; (e) the preparation and completion of such bonds or other obligations as may be necessary to finance the system; (f) the completion and execution of documents for obtaining a loan made or insured or a grant made by the United States of America, acting through U.S.

Department of Agriculture, Rural Development; (g) entering into construction contracts; (h) preparation and adoption of By-Laws, Rules, and Regulations, and rate schedules; (i) such other corporate action as may be necessary in connection with the financing, construction, and initial operation of the system.

3. Review of construction contracts, bid-letting procedure, and surety and contractual bonds in connection therewith.
4. Preparation, negotiation, or review of contract with a city or other source of water supply when necessary.
5. Preparation, where necessary, and review of deeds, easements and other rights-of-way documents, and other instruments for sites for source of water supply, pumping stations, treatment plants, and other facilities necessary to the system and to provide continuous rights-of-way therefore; rendering title opinions with reference thereto; and providing for the recordation thereof.
6. Obtain necessary permits and certificates from county and municipal bodies, from State regulatory agencies, and from other public and private sources with respect to the approval of the system, the construction and operation thereof, pipeline crossings, and the like.
7. Cooperate with the engineer employed by the Owners in connection with the preparation of tract sheets, easements, and other necessary title documents, construction contracts, water supply contracts, health permits, crossing permits, and other instruments.
8. When applicable, secure assistance of an cooperate with recognized bond counsel in the preparation of the documents necessary for the financing aspects of the system. Where bond counsel is retained, the Attorney will not be responsible for the preparation and approval of those documents pertaining to the issuance of the obligations.

#### SECTION B-COMPENSATION

1. Owners will pay the Attorney for professional services rendered in accordance with the existing employment contract between Cherokee County and the Attorney.
  - a. Employment contract.
  - b. Said contract fees to be payable bi-weekly or according to County payroll schedules.
2. The following services are not covered by the compensation for professional services set forth in Section B of this Agreement: Abstracting and record search for Easements, Recording fees and Bond Counsel fees and expenses.


SECTION C-OTHER PROVISIONS

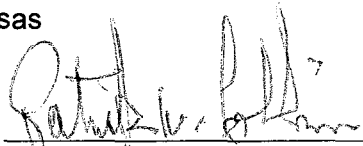
That the Board of County Commissioners of Cherokee County, Kansas, shall by appropriate resolution adopt and ratify this Agreement, that the County shall be the individual owner as a party to this agreement, and that the elected individuals shall thereupon be relieved of all personal liability existing or arising from this Agreement.


USDA RURAL DEVELOPMENT APPROVAL: This contract is subject to the approval of the State Director of USDA Rural Development.

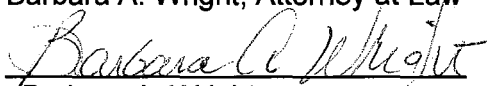
Agreement by Official Governing Body


Board of County Commissioners of Cherokee County, Kansas

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

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

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

Barbara A. Wright, Attorney at Law  
  
\_\_\_\_\_  
Barbara A. Wright

Attest:  
  
\_\_\_\_\_  
Rodney Edmondson, Cherokee County Clerk

(Seal)

The foregoing contract is approved without liability for any payments thereunder on behalf of USDA Rural Development this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
, Loan Specialist  
USDA Rural Development

AN AGREEMENT relative to performing certain work and /or the occupancy of the County's highway right-of-way by the facilities of a Utility.

*THIS AGREEMENT*, made and entered into by and between Kansas Gas Service, hereinafter referred to as the Company, and Cherokee County, hereinafter referred to as the County.

*WHEREAS*: The County has authorized the preparation of construction plans for the improvement of a portion of a County Road described as follows:

5<sup>th</sup> Street Widening beginning at Central Avenue and continuing east 0.35 miles

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*WHEREAS*: The Secretary of Transportation of the State of Kansas requires that the County and the Company enter into an agreement for any utility adjustments and/or relocations which conflict with the work of this project.

*NOW, THEREFORE, BE IT AGREED*:

1. That the Company will maintain, adjust or construct its facilities which conflict with the construction activities as shown by the plans for the above numbered project in conformance with the following provisions and/or as shown by the plan and description attached hereto and made a part of this agreement.

One partial set of plans including the Title Sheet, Plan and Profile Sheets and Cross Section Sheets are submitted herewith.

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2. That the cost of the alterations, if any, shall be paid for as follows:

By the Company for alteration of facilities located within the existing right-of-way. By the County for alteration of facilities located outside the existing right-of-way.

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3. That the construction or alterations of the Company's facilities, if any, shall be completed within 6030 days after the County furnishes to the Company the information indicated in Items 7 and 8 of this agreement and notifies the Company in writing that the right of way has been acquired (if applicable), and any necessary alterations may proceed. Should a force majeure take place resulting in an interruption of work, this requirement shall be waived and the Company shall complete the work in a reasonably acceptable manner and time.
4. That the Company will repair any damage done to the highway right of way by the Company or it's Contractor.
5. That the Company will perform the above described work in a manner which will not endanger the vehicular traffic on the highway.

6. That in the event future highway improvements necessitate the removal or adjustment of said facilities now located on highway/street right of way and/or such facilities relocated on newly acquired right of way for the construction of this project, if applicable, the Company will, upon request of the County, make such adjustments as required to accommodate any future highway improvement at no cost to the County.
7. That the County will furnish the Company copies of the plans for the project.
8. That the County will provide alignment points as requested by the Company for the use of the Company in locating its facilities.

*IN WITNESS WHEREOF* the parties hereto have duly executed this agreement in triplicate on this 23 day of April, 2018.

BOARD OF COUNTY COMMISSIONERS:

Recommended for Approval:

Leonard Vanatta  
County Highway Administrator

ATTEST:

Richard S. Edwards  
County Clerk

WITNESSED:

Deborah A. Wright

Original to County  
Copy to Company  
Copy to Schwab Eaton

Neal Anderson  
Chairman

Commissioner  
Patrick W. Collins  
Commissioner

KANSAS GAS SERVICE:

Address 1021 E. 26<sup>th</sup> N., Wichita, KS  
By Sam Potholst 01741 6721  
Title Director